



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FOURTH SESSION

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, SEPTEMBER 29, 2020 AT 2.30 P.M.

1. The Senate assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer said by the Deputy Speaker.
3. **MESSAGE - APPROVAL BY THE NATIONAL ASSEMBLY OF THE THIRD BASIS FOR REVENUE SHARING AMONG THE COUNTY GOVERNMENTS (THIRD GENERATION FORMULA)**

“Hon. Senators,

I wish to report to the Senate that, pursuant to Standing Order 41 (3), I have received the following Message from the Speaker of the National Assembly regarding the approval of the Third Basis for Revenue Sharing among the County Governments (Third Generation Formula). Pursuant to the said Standing Order, I now report the Message-

‘PURSUANT to the provisions of Standing Order 41(1) of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly

–

WHEREAS the Third Basis for allocating among the counties the share of national revenue that is annually allocated to the county level of government, for the Financial Years 2020/2021 to 2024/2025 was determined and approved by the Senate on Thursday, September 17, 2020 pursuant to the provisions of Article 217(1) and (3) of the Constitution and referred to the National Assembly for consideration;

AND WHEREAS the National Assembly on Thursday, September 24, 2020 considered and approved the Third Basis for Revenue Sharing among the County Governments in the form as determined and approved by the Senate without amendments;

NOW THEREFORE, in accordance with the provisions of Article 217(1) and (4) of the Constitution and Standing Order 41(1) of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate’.

Hon. Senators,

In the circumstances, the Third Basis for Revenue Sharing among the County Governments (Third Generation Formula) stands approved and, pursuant to Article 217 (7) of the Constitution, shall be applicable until a subsequent basis for revenue sharing is approved.

I thank you.”

4. **PAPERS**

The following Papers were laid on the Table of the Senate –

- i) The Ninth Progress Report of the Ad-hoc Committee on the COVID-19 Situation in Kenya

(Chairperson, Ad-hoc Committee on the COVID-19 Situation in Kenya)

- ii) The National Government Budget Implementation Review Report for the FY 2019/2020

(The Deputy Senate Majority Leader)

- iii) Letter of Acceptance, Tender No; MOH/001/2014 -2015, supply, installation, testing, maintenance, and replacement of medical equipment and associated training for county and sub county referral health facilities through a Managed Equipment Services (MES) arrangement.

- iv) Minutes of Board of Directors, BELLCO S.R.L. Mirandola (MO) via Camurana n.1, held on 25th May, 2015, Milan, Italy.

(Sen. Ledama Olekina, MP)

5. **NOTICE OF MOTION**– (Chairperson, Ad-hoc Committee on the COVID-19 Situation in Kenya)

THAT, the Senate adopts the Ninth Progress Report of the Ad-hoc Committee on the COVID-19 Situation in Kenya, laid on the table of the Senate on Tuesday, 29th September, 2020.

6. **NOTICE OF MOTION**– (Chairperson, Ad-hoc Committee on the COVID-19 Situation in Kenya)

THAT, AWARE that at its sitting held on Tuesday, 31st March, 2020, the Senate, by Resolution, established an Ad Hoc Committee on the COVID-19 Situation, with the mandate to oversight actions and measures taken by the national and county governments in addressing the spread and effects of the COVID-19 pandemic in Kenya;

APPRECIATING that the mandate of the Select Committee is due to lapse on Wednesday, 30th September, 2020;

ACKNOWLEDGING that the Committee has undertaken a tremendous amount of work in the execution of its mandate and has regularly tabled in the Senate progress reports on its work;

AWARE that the Committee directed the Auditor-General to undertake a special audit on the utilization of funds allocated to and appropriated by the forty-seven (47) County Governments in responding to the COVID-19 pandemic and that the report thereon, once received, will require to be considered by the Committee;

NOTING that the COVID-19 situation in the country continues to evolve;

NOW THEREFORE, the Senate resolves to renew the mandate of the Ad Hoc Committee on the COVID-19 Situation in Kenya by a further period not exceeding thirty (30) days of this resolution, to enable the Committee continue to monitor and oversight the evolving COVID-19 situation in the country and to table its final report in the Senate.

7. **STATEMENTS PURSUANT TO STANDING ORDER 48 (1)**

- (i) The Senator for Marsabit County (Sen. (Eng.) Godana Hargura, MP) sought a Statement from the Standing Committee on Roads and Transportation regarding the utilization of the Road Maintenance Levy Fund by county governments.
- (ii) The Senator for Lamu County (Sen. Anuar Loitiptip, MP) sought a Statement from the Standing Committee on Health regarding nonpayment of Health Service Allowance to ambulance drivers and support staff working in hospitals and health facilities in Kilifi, Lamu, Tana River, Mombasa, Kwale and Taita Taveta counties.

8. **MOTION - PROVISION OF CEMETERY, FUNERAL PARLOURS AND CREMATORIA IN ALL COUNTIES**

Order read;

Motion made and Question proposed;

THAT, AWARE THAT under Article 61 of the Constitution of Kenya, land in Kenya is classified into three categories, public, Community and private land;

FURTHER AWARE THAT, public land is vested in both the County and National Governments and is managed on their behalf by the National Land Commission, and that Article 62 (2) clarifies the distribution of public land between the two levels of government.;

COGNIZANT THAT, the Fourth Schedule of the Constitution delegates cemeteries, funeral parlours and crematoria as a function of County Governments;

CONCERNED THAT, cemeteries in the Country are filling up, and counties are finding it increasingly difficult to identify land to allocate as “public” for use as a cemetery with the knowledge that any cemetery or burial-place that is crowded and therefore dangerous to health is defined as constituting a nuisance in the Public Health Act;

NOW THEREFORE, the Senate calls upon the county governments to ensure that funds are allocated in the County Annual Development Plans for FY 2020/2021, towards the planning and development of cemetery, funeral parlours and crematory facilities.

(Sen. (Dr.) Alice Milgo, MP – 12/03/2020)

Debate interrupted on Tuesday; 12th March, 2020 resumed on a Division;

The Senate proceeded to a Division;

The Deputy Speaker directed that a roll call voting be taken pursuant to Standing Order 83(1) and in line with the further Guidelines issued by the Speaker for Senate Plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the Division bell be rung for three minutes;

After the expiry of three minutes, the Deputy Speaker directed that the doors be locked and the bars be drawn;

The names of the Tellers were as follows-

1. Sen. Farhiya Haji, MP – AYES
2. Sen. Beatrice Kwamboka, MP - NOES

The Deputy Speaker put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows-

AYES – 38

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Adan, Dullo Fatuma
2. Sen. Ali, Abdullahi Ibrahim
3. Sen. Boy, Issa Juma
4. Sen. Cherarkey, Samson Kiprotich
5. Sen. Cheruiyot, Aaron Kipkirui
6. Sen. Iman, Falhada Dekow – voted on behalf of Garissa County Delegation
7. Sen. Hargura, Godana
8. Sen. Kabaka, Boniface Mutinda
9. Sen. Kajwang’ Moses Otieno
10. Sen. Chebeni, Mercy – voted on behalf of Uasin Gishu County Delegation
11. Sen. Kang’ata, Irungu
12. Sen. Kibiru, Charles Reubenson
13. Sen. Kihika, Susan Wakarura
14. Sen. Kimani, Wamatangi Paul
15. Sen. Kindiki, Kithure

16. Sen. Langat, Christopher Andrew
17. Sen. Lelegwe, Ltumbesi
18. Sen. Linturi, Franklin Mithika
19. Sen. Loiptip, Anuar
20. Sen. Madzayo, Stewart Mwachiru
21. Sen. Mahamud, Mohamed Maalim
22. Sen. Mbiti, Michael Maling'a
23. Sen. Mogeni, Erick Okong'o
24. Sen. Mpaayei, Phillip Salau
25. Sen. Murkomen, Onesimus Kipchumba
26. Sen. Mutula, Kilonzo Junior
27. Sen. Mwangi, Paul Githiomi
28. Sen. Mwaruma, Johnes Mwashushe
29. Sen. Mwinyihaji, Mohamed Faki
30. Sen. Nderitu, John Kinyua
31. Sen. Ndwiga, Peter Njeru
32. Sen. Olekina, Ledama
33. Sen. Orengo, James
34. Sen. Outa, Frederick Otieno
35. Sen. Poghisi, Samuel Losuron
36. Sen. Sakaja, Johnson Arthur
37. Sen. Wako, Sitswila Amos
38. Sen. Wambua, Enoch Kiio

Question agreed to.

RESOLVED ACCORDINGLY

THAT, AWARE THAT under Article 61 of the Constitution of Kenya, land in Kenya is classified into three categories, public, Community and private land;

FURTHER AWARE THAT, public land is vested in both the County and National Governments and is managed on their behalf by the National Land Commission, and that Article 62 (2) clarifies the distribution of public land between the two levels of government.;

COGNIZANT THAT, the Fourth Schedule of the Constitution delegates cemeteries, funeral parlours and crematoria as a function of County Governments;

CONCERNED THAT, cemeteries in the Country are filling up, and counties are finding it increasingly difficult to identify land to allocate as "public" for use as a cemetery with the knowledge that any cemetery or burial-place that is crowded and therefore dangerous to health is defined as constituting a nuisance in the Public Health Act;

NOW THEREFORE, the Senate calls upon the county governments to ensure that funds are allocated in the County Annual Development Plans for FY 2020/2021, towards the planning and development of cemetery, funeral parlours and crematory facilities.

9. **THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO. 7 OF 2020)**

Order read;

Motion made and Question proposed;

THAT, the County Allocation of Revenue Bill (Senate Bills No. 7 of 2020) be now read a Third time.

(Chairperson, Standing Committee on Finance and Budget – 17.09.2020)

Debate interrupted on Thursday, 17th September, 2020 resumed on a Division;

The Senate proceeded to a Division;

The Deputy Speaker directed that a roll call voting be taken pursuant to Standing Order 83(1) and in line with the further Guidelines issued by the Speaker for Senate Plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the Division bell be rung for three minutes;

After the expiry of three minutes, the Deputy Speaker directed that the doors be locked and the bars be drawn;

The names of the Tellers were as follows-

1. Sen. Farhiya Haji, MP – AYES
2. Sen. Beatrice Kwamboka, MP - NOES

The Deputy Speaker put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows-

AYES – 38

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Adan, Dullo Fatuma
2. Sen. Ali, Abdullahi Ibrahim
3. Sen. Boy, Issa Juma
4. Sen. Cherarkey, Samson Kiprotich
5. Sen. Cheruiyot, Aaron Kipkirui
6. Sen. Iman, Falhada Dekow – voted on behalf of Garissa County Delegation
7. Sen. Hargura, Godana
8. Sen. Kabaka, Boniface Mutinda
9. Sen. Kajwang' Moses Otieno
10. Sen. Kamar, Margaret Jepkoech
11. Sen. Kang'ata, Irungu
12. Sen. Kibiru, Charles Reubenson
13. Sen. Prengei, Victor – voted on behalf of Nakuru County Delegation
14. Sen. Kimani, Wamatangi Paul
15. Sen. Kindiki, Kithure
16. Sen. Langat, Christopher Andrew

17. Sen. Lelegwe, Ltumbesi
18. Sen. Linturi, Franklin Mithika
19. Sen. Loiptip, Anuar
20. Sen. Madzayo, Stewart Mwachiru
21. Sen. Mahamud, Mohamed Maalim
22. Sen. Mbiti, Michael Maling'a
23. Sen. Mogeni, Erick Okong'o
24. Sen. Seneta, Mary Yiane – voted on behalf of Kajiado County Delegation
25. Sen. Murkomen, Onesimus Kipchumba
26. Sen. Mutula, Kilonzo Junior
27. Sen. Mwangi, Paul Githiomi
28. Sen. Mwaruma, Johnes Mwashushe
29. Sen. Mwinyihaji, Mohamed Faki
30. Sen. Nderitu, John Kinyua
31. Sen. Ndwiga, Peter Njeru
32. Sen. Olekina, Ledama
33. Sen. Orengo, James
34. Sen. Outa, Frederick Otieno
35. Sen. Poghisi, Samuel Losuron
36. Sen. Sakaja, Johnson Arthur
37. Sen. Wako, Sitswila Amos
38. Sen. Wambua, Enoch Kiio

Question agreed to.

Bill Read a Third Time and passed.

10. **THE PROMPT PAYMENT BILL (SENATE BILLS NO. 3 OF 2020)**

Order read;

Motion made and Question proposed;

THAT, the Prompt Payment Bill (Senate Bills No. 3 of 2020) be now read a Second time.

(Sen. (CPA) Farhiya Haji, MP and Sen. Sakaja Johnson, MP – 02/06/2020)

Debate interrupted on Tuesday, 23rd September, 2020 resumed on a Division;

The Senate proceeded to a Division;

The Deputy Speaker directed that a roll call voting be taken pursuant to Standing Order 83(1) and in line with the further Guidelines issued by the Speaker for Senate Plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the Division bell be rung for three minutes;

After the expiry of three minutes, the Deputy Speaker directed that the doors be locked and the bars be drawn;

The names of the Tellers were as follows-

1. Sen. Farhiya Haji, MP – AYES

2. Sen. Beatrice Kwamboka, MP - NOES

The Deputy Speaker put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows-

AYES – 38

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Adan, Dullo Fatuma
2. Sen. Ali, Abdullahi Ibrahim
3. Sen. Boy, Issa Juma
4. Sen. Cherarkey, Samson Kiprotich
5. Sen. Cheruiyot, Aaron Kipkirui
6. Sen. Iman, Falhada Dekow – voted on behalf of Garissa County Delegation
7. Sen. Hargura, Godana
8. Sen. Kabaka, Boniface Mutinda
9. Sen. Kajwang' Moses Otieno
10. Sen. Chebeni, Mercy – voted on behalf of Uasin Gishu County Delegation
11. Sen. Kang'ata, Irungu
12. Sen. Kibiru, Charles Reubenson
13. Sen. Kihika, Susan Wakarura
14. Sen. Kimani, Wamatangi Paul
15. Sen. Kindiki, Kithure
16. Sen. Langat, Christopher Andrew
17. Sen. Lelegwe, Ltumbesi
18. Sen. Linturi, Franklin Mithika
19. Sen. Loitiptip, Anuar
20. Sen. Madzayo, Stewart Mwachiru
21. Sen. Mahamud, Mohamed Maalim
22. Sen. Mbito, Michael Maling'a
23. Sen. Mogeni, Erick Okong'o
24. Sen. Mpaayei, Phillip Salau
25. Sen. Murkomen, Onesimus Kipchumba
26. Sen. Mutula, Kilonzo Junior
27. Sen. Mwangi, Paul Githiomi
28. Sen. Mwaruma, Johnes Mwashushe
29. Sen. Mwinyihaji, Mohamed Faki
30. Sen. Nderitu, John Kinyua
31. Sen. Ndwiga, Peter Njeru
32. Sen. Olekina, Ledama
33. Sen. Orengo, James
34. Sen. Outa, Frederick Otieno
35. Sen. Poghisio, Samuel Losuron
36. Sen. Sakaja, Johnson Arthur
37. Sen. Wako, Sitswila Amos
38. Sen. Wambua, Enoch Kiio

Question agreed to.

Bill read a Second time and Committed to the Committee of the Whole tomorrow.

11. **MOTION – ADOPTION OF THE REPORT OF THE COMMITTEE OF POWERS AND PRIVILEGES ON THE INQUIRY INTO THE CONDUCT OF TWO SENATORS**

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Committee of Powers and Privileges on the Inquiry into the Conduct of Sen. Beatrice Kwamboka, MP, and Sen. Mary Seneta, MP, During the Election of the Chairperson and Vice-chairperson of the Standing Committee on Health, laid on the Table of the Senate on Tuesday, 8th September, 2020.

(Sen (Arch.) Sylvia Kasanga, MP – Member, Committee of Powers and Privileges)

Debate arising;

There being no other Senator wishing to contribute;

Before the Question was put, and pursuant to Standing Order No. 79, the Deputy Speaker informed the House that the Motion did not affect counties.

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, the Senate adopts the Report of the Committee of Powers and Privileges on the Inquiry into the Conduct of Sen. Beatrice Kwamboka, MP, and Sen. Mary Seneta, MP, During the Election of the Chairperson and Vice-chairperson of the Standing Committee on Health, laid on the Table of the Senate on Tuesday, 8th September, 2020.

12. **DISCIPLINARY PROCEEDINGS AGAINST TWO SENATORS**

Pursuant to the provisions of the Third Schedule to the Parliamentary Powers and Privileges Act, 2017, and resolution of the House adopting the Report of the Committee of Powers and Privileges on the Inquiry into the Conduct of Sen. Beatrice Kwamboka, MP, and Sen. Mary Seneta, MP, during the Election of the Chairperson and Vice-chairperson of the Standing Committee on Health, laid on the Table of the Senate on Tuesday, 8th September, 2020, the House proceeded as follows –

a) Communication from the Chair

The Deputy Speaker conveyed the following Communication from the Chair-
“Honourable Senators,

The Committee of Powers and Privileges undertook an inquiry pursuant to its mandate under Section 15(4) of the Parliamentary Powers and Privileges Act, 2017.

The Committee was of the opinion that, pursuant to Section 16(e) of the Parliamentary Powers and Privileges Act, 2017, the two Senators engaged in conduct that reflected adversely on the dignity and integrity of Parliament and of the Senate in particular, contrary to the best interests of Parliament and its Members.

Accordingly, the Committee of Powers and Privileges recommended that, pursuant to Section 17(3)(b) and (c) of the Parliamentary Powers and Privileges Act, 2017, Sen. Beatrice Kwamboka, MP and Sen. Mary Seneta, MP, be reprimanded for breach of privilege and be ordered to apologize to the House from the Bar.

Honourable Senators, this recommendation has been adopted by the Senate a few minutes ago and consequent to that decision, Sen. Beatrice Kwamboka, MP and Sen. Mary Seneta, MP are now considered strangers until they have been reprimanded and have tendered a suitable apology to the Senate, in accordance with Section 17(3)(b) and (c) of the Parliamentary Powers and Privileges Act, 2017. Paragraph 4 of the Third Schedule to the Parliamentary Powers and Privileges Act, 2017 vests in the Speaker the authority to administer disciplinary action recommended by the Committee of Powers and Privileges and adopted by the House. The said paragraph provides that –

“Where the House adopts any recommendation of the Report for disciplinary action, with or without amendment, the Speaker shall forthwith take action accordingly.”

Honourable Senators, I, therefore, order the Serjeant-at-Arms to escort the two strangers, Ms. Beatrice Kwamboka and Ms. Mary Seneta, (if they are in the Chamber) and ensure that they withdraw from the Chamber and take seats at a suitable place designated for strangers at the Bar. Thereafter, I will call each one of them to the Bar for disciplinary action as resolved by the Senate.

I thank you.”

b) The Deputy Speaker summoned Ms. Beatrice Kwamboka to the Bar of the House and reprimanded her in the following manner:

“By the authority of the Senate and the powers conferred on the Speaker, and following the adoption of the Report of the Committee of Powers and Privileges, I wish to state as follows –

THAT, on Wednesday, 1st July, 2020 during the elections for the position of Chairperson and Vice-Chairperson of the Standing Committee on Health in the precincts of Parliament, you, Ms. Makori Beatrice Kwamboka, engaged in a scuffle with a fellow Senator in violation of Section 16(e) of the Parliamentary Powers and Privileges Act, 2017;

THAT, your conduct on the said date reflected adversely on the dignity of the Senate and its Members;

THIS HOUSE, expresses its displeasure on your conduct which brought disrepute to the Senate and its Membership. You are hereby reprimanded and warned to refrain from engaging in such behavior, whether in public or private life. I now require you to tender an apology to the Senate forthwith.”

c) Ms. Beatrice Kwamboka tendered apology in the following manner:

“Madam Speaker,

I, **Beatrice Kwamboka**, hereby tender my unreserved apology to this House for having acted in a manner which, pursuant to Section 16(e) of the Parliamentary Powers and Privileges Act, 2017, constituted a breach of privilege and reflected adversely on the dignity and integrity of Parliament and its Members and was contrary to the best interests of Parliament and its Members.

I undertake that I shall abide by the responsibilities of leadership as set out in the Constitution, the Leadership and Integrity Act, 2012 and the Parliamentary Powers and Privileges Act, 2017.

I, therefore, beseech to be admitted to the Chamber.”

And the assembled House having pardoned the Member;

Thereupon, the Deputy Speaker, ordered that the Member be admitted into the Chamber.

d) The Deputy Speaker summoned Ms. Mary Seneta to the Bar of the House and reprimanded her in the following manner:

“By the authority of the Senate and the powers conferred on the Speaker, and following the adoption of the Report of the Committee of Powers and Privileges, I wish to state as follows –

THAT, on Wednesday, 1st July, 2020 during the elections for the position of Chairperson and Vice-Chairperson of the Standing Committee on Health in the precincts of Parliament, you, Ms. Mary Yiane Seneta, engaged in a scuffle with a fellow Senator in violation of Section 16(e) of the Parliamentary Powers and Privileges Act, 2017;

THAT, your conduct on the said date reflected adversely on the dignity of the Senate and its Members;

THIS HOUSE, expresses its displeasure on your conduct which brought disrepute to the Senate and its Membership. You are hereby reprimanded and warned to refrain from engaging in such behavior, whether in public or private life. I now require you to tender an apology to the Senate forthwith.”

e) Ms. Mary Seneta tendered apology in the following manner:

“Madam Speaker,

I, **Mary Seneta**, hereby tender my unreserved apology to this House for having acted in a manner which, pursuant to Section 16(e) of the Parliamentary Powers and Privileges Act, 2017, constituted a breach of privilege and reflected adversely on the dignity and integrity of Parliament and its Members and was contrary to the best interests of Parliament and its Members.

I undertake that I shall abide by the responsibilities of leadership as set out in the Constitution, the Leadership and Integrity Act, 2012 and the Parliamentary Powers and Privileges Act, 2017.

I, therefore, beseech to be admitted to the Chamber.”

And the assembled House having pardoned the Member;

Thereupon, the Deputy Speaker, ordered that the Member be admitted into the Chamber.

13. **MOTION – EXTENSION OF TIME PURSUANT TO STANDING ORDER 31 (3) (a)**

Motion made and Question proposed;

THAT, pursuant to Standing Order 31 (3)(a), the Senate resolves to extend its sitting time until the conclusion of business listed in Order No. 12 in today’s Order Paper.

(Sen. Kipchumba Murkomen, MP)

And there being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order No. 79 (1), the Speaker informed the House that the Motion did not affect counties.

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, pursuant to Standing Order 31 (3)(a), the Senate resolves to extend its sitting time until the conclusion of business listed in Order No. 12 in today’s Order Paper.

14. **MOTION – ADOPTION OF THE REPORT OF THE AD-HOC COMMITTEE ON MANAGED EQUIPMENT SERVICES**

Motion made and Question Proposed;

THAT, the Senate adopts the Report of the Ad-Hoc Committee on Managed Equipment Services on inquiry into the Managed Equipment Services Project by the Ministry of Health, laid on the Table of the Senate on Tuesday, 8th September, 2020.

(Chairperson, Ad-hoc Committee on Managed Equipment Services – 24/09/2020)

Debate interrupted on Thursday, 24th September, 2020 resumed;

There being no Senator wishing to Contribute;

Mover replied;

Before the Question was put and pursuant to Standing Order 79(1), the Speaker ruled that the Question affected counties.

The House proceeded to a Division;

The Speaker directed that a roll call voting be taken pursuant to Standing Order 83(1) and in line with the further Guidelines issued by the Speaker for Senate Plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the Division bell be rung for five minutes;

After the expiry of five minutes, the Speaker directed that the doors be locked and the bars be drawn;

The names of the Tellers were as follows-

1. Sen. Iman Falhada Dekow, MP - AYES
2. Sen. Makori Beatrice Kwamboka, MP - NOES

The Speaker put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows: -

AYES – 2

NOES – 27

ABSTENTION – 0

AYES

1. Sen. Adan Fatuma Dullo
2. Sen. Wambua Enoch Kiio

NOES

1. Sen. Boy Issa Juma
2. Sen. Cherarkey Samson Kiprotich
3. Sen. Cheruiyot Aaron Kipkirui
4. Sen. Iman Falhada Dekow – Voted on behalf of Garissa County Delegation
5. Sen. Kabaka Boniface Mutinda
6. Sen. Kajwang' Moses Otieno
7. Sen. Kamar Margaret Jepkoech
8. Sen. Kang'ata Irungu
9. Sen. Kihika Susan Wakarura
10. Sen. Kimani Wamatangi Paul
11. Sen. Kindiki Kithure
12. Sen. Kirinyaga Ephraim Maina
13. Sen. Linturi Franklin Mithika
14. Sen. Loitiptip Anuar
15. Sen. Mahamud Mohamed Maalim
16. Sen. Mbito Michael Maling'a
17. Sen. Mpaayei Phillip Salau
18. Sen. Murkomen Onesimus Kipchumba
19. Sen. Mutula Kilonzo Junior
20. Sen. Sen. Mwaruma Johnes Mwashushe
21. Sen. Mwinyi Haji Faki
22. Sen. Nderitu John Kinyua
23. Sen. Olekina Ledama
24. Sen. Orengo James
25. Sen. Outa Frederick Otieno
26. Sen. Poghisio Samuel Losuron
27. Sen. Sakaja Johnson Arthur

Question negatived

And having concluded the Business under Order No. 8 in the Order Paper as earlier resolved, the Speaker adjourned the Senate at fifty-two minutes past Seven O'clock without Question put, pursuant to the Standing Orders.

15. **SENATE ROSE** - at fifty-two minutes past Seven O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Wednesday, September 30, 2020 at 2.30 p.m.*

--X--