

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Wednesday, 15th September, 2021

*The House met at the Senate Chamber,  
Parliament Buildings, at 2.00 p.m.*

*[The Speaker (Hon. Lusaka) in the Chair]*

### PRAYER

**Sen. Kang'ata:** On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Take your seat, Sen. Kang'ata.

*(Laughter)*

### PETITIONS

**Sen. Kasanga:** Mr. Speaker, Sir, I beg to lay the following Reports on Petitions on the Table of the Senate today, 15<sup>th</sup> September, 2021-

- (i) REPORT ON PETITION: THE ADVERSE EFFECTS OF ROCK BLASTING AT THWAKE DAM
- (ii) REPORT ON PETITION: ILLEGAL ALIENATION OF LAND BELONGING TO KITALE PRIMARY SCHOOL BY A PRIVATE DEVELOPER
- (iii) REPORT ON PETITION: COMPENSATION TO PERSONS DISPLACED BY THE SGR PROJECT

*(Sen. Kasanga laid the documents on the Table)*

Mr. Speaker, Sir, the Standing Committee on Lands, Environment and Natural Resources is established by Standing Order No.218(3) of the Senate Standing Orders. The Committee continues to receive petitions pursuant to Standing Order 232 of the Senate Standing Orders on matters of its mandate.

The Committee thanks the offices of the Speaker, the Senate and the Clerk of the Senate for the support extended in the execution of its mandate. It also extends its

appreciation to the petitioners, the Cabinet Secretaries (CSs) and stakeholders in their submissions.

REPORT ON PETITION: THE ADVERSE EFFECTS OF  
ROCK BLASTING AT THWAKE DAM

At the Sitting of the Senate held on 21<sup>st</sup> July, 2020, the Speaker presented the petition presented by Mr. Robert Musyoka, the Acting Clerk Makeni County Assembly on behalf of the sectoral Committee on Environment and Climate Change concerning the adverse effects of rock blasting at Thwake Dam.

The Committee conducted investigations, site visit to Thwake Dam in Makeni and met with the community neighboring the dam. It noted that the contractor on site confirmed there was blasting going on at night and it was to continue for at least two more months. At the end the blasting was causing noise pollution and respiratory problems to the residents.

In response to this, the National Environment Management Authority (NEMA) indicated that the contractor on site had acquired all environmental licenses and permits necessary for dam construction but appeared to be in contravention of the set limits.

The Committee recommends that NEMA ensures the contractor on site adheres to all environmental licenses and permits necessary for dam construction and that as per the environmental management and coordination act Section 108, a restoration order is issued should NEMA find the contractor on site to have caused any environmental damage during the construction process.

REPORT ON PETITION: ILLEGAL ALIENATION OF LAND BELONGING TO  
KITALE PRIMARY SCHOOL BY A PRIVATE DEVELOPER

At the Sitting held on 17<sup>th</sup> February, 2021, Sen.(Dr.) Mbiti reported to the Senate that a petition had been submitted to the Clerk concerning the alleged illegal alienation of land belonging to Kitale primary School by a private developer.

The Committee invited the CS of Ministry of Lands and Physical Planning, the Chairperson of National Lands Commission (NLC) and the private investor accused of alienating the parcel of land, Dr. Nathaniel Tum, who appeared virtually before the Committee.

The Committee then conducted a site visit for the school in Kitale, Trans Nzoia on 10<sup>th</sup> August, 2021 accompanied by the stakeholders.

While on the visit of the disputed land, the Committee made stringent recommendations on site after learning that the respondent informed the Members that he did not own part of the land in dispute.

The Committee resolved that the portion be re-surveyed by the Ministry of Lands, Department of Survey and a title deed be issued in favour of the school.

The Committee also recommends that the entire 55 hectares as indicated in the letter reference DURP/10/1/161 dated 14<sup>th</sup> September, 1973, signed by the then Director

of Urban and Rural Physical Planning and addressed to the school be reverted to the school with immediate effect.

REPORT ON PETITION: COMPENSATION TO PERSONS DISPLACED  
BY THE SGR PROJECT

Mr. Speaker, Sir, on the third Petition, at a sitting of the Senate held on 30<sup>th</sup> May, 2018, the Speaker of the Senate reported to the Senate that a Petition had been submitted through the Clerk by four residents of Utheri wa Lari concerning compensation of land parcels acquired by the Government to pave way for the construction of the Standard Gauge Railway (SGR).

The Committee having investigated the matter in accordance with its mandate recommends that-

(1) The Kenya Railways Corporation submits to the Committee an updated compensation status report on the Nairobi to Naivasha SGR line traversing the Utheri Wa Lari Land registered as Longonot/Kijabe Block 2 (Utheri wa Lari) within Nakuru County by 31<sup>st</sup> October, 2021; and,

(2) The National Land Commission (NLC) submits to the Committee an updated report on the status of all compensations done during the construction of the SGR from Nairobi to Naivasha including pending payments that have not been done to the Utheri Wa Lari Land registered as Longonot/Kijabe Block 2 (Utheri wa Lari) with reasons thereof if any, by 31<sup>st</sup> October, 2021.

It is now my pleasant duty and privilege on behalf of the Committee, to present these reports to the Senate.

**Sen. Kang'ata:** On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): What is your point of order, Sen. Kang'ata?

**Sen. Kang'ata:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No. 107 which provides---

**The Speaker** (Hon. Lusaka): Sen. Kang'ata, I see some interest from Members to contribute. Let me give them an opportunity, then I will also give you a chance.

**Sen. Khaniri:** Thank you, Mr. Speaker, Sir, for giving me this opportunity. I know that under our Standing Orders, once the report of a Petition is tabled, we are not supposed to debate. However, you have some leeway to allow one or two comments. So, if you allow me, I want to begin by hailing the Committee on Lands and Natural Resources chaired by, Sen. Mwangi Githiomi, for the good work that they have done.

Our rules require that once a Petition has been referred to a Committee, they have to report back to the House within 60 days. So many times, this does not happen. The reports come back much later. May be, we may have to review our Standing Orders so that we can live within our rules. This is because sometimes, it is not possible to report within 60 days because of investigations, meetings, report writing and all that.

I hail this Committee because today they have tabled three reports of Petitions. One is from Makueni County about blasting of rocks and we have made good recommendations to protect the people in that county.

The other one which is important is about the school land that had been grabbed by an individual. The Committee has made strong recommendations that the land be reverted to the Kitale Primary School and that it be issued with a title deed.

These are good recommendations. However, the issue is we do not have the Implementation Committee. I have said this repeatedly. We may make flowery and good recommendations but without a Committee to follow up and ensure that these recommendations are implemented, it is an exercise in futility.

Mr. Speaker, Sir, I implore upon you to ensure that before the end of life of this particular Parliament, we must bring back the Implementation Committee that will ensure that resolutions made by this House are implemented.

**Sen. Wetangula:** Mr. Speaker, Sir, I thank the Committee for those incisive recommendations, particularly, in relation to the land grabbed by a well-known land grabber in Trans Nzoia that has now been ordered to be given back to the school.

I emphasize the point raised by the distinguished Senator for Vihiga. I have spoken on the Floor of this House not once, twice or thrice about the need to follow up all these far-reaching and just recommendations. Unfortunately, it does not seem to get traction.

A whisper from a fly on the wall in the Senate Business Committee (SBC) tells us that your attempt to bring the Implementation Committee has been resisted by some Members of SBC. It is a shameful thing.

Mr. Speaker, Sir, we encourage and urge you that if SBC is becoming an obstruction and hindrance to bring back the Implementation Committee, bring the matter to the Committee of the Whole so that the whole Senate can sit, discuss and agree.

On Monday, you allowed us to go to Laikipia to see the suffering of the people due to the attacks and weight of ravaging bandits. We will prepare a report and read it here. Sen. Cherargei will make a few pleasant noises about it and that is the end of it.

We must have a Committee that follows every resolution of this House whether it is from Committees or the whole House so that all our decisions are not in vain.

**Sen. Mutula Kilonzo Jr.:** Thank you, Mr. Speaker, Sir. At the onset, I must say that as a Member of the SBC, I am not amongst the people who are resisting that proposal to have an Implementation Committee. I say so because---

*(Technical hitch)*

Those are the sounds that Sen. Kang'ata was complaining about.

**The Speaker** (Hon. Lusaka): There is a technical hitch.

**Sen. Mutula Kilonzo Jr.:** Those obstructions are the ones that ended up with Sen. Kang'ata having various noises when he was making his contribution yesterday.

Mr. Speaker, Sir, the Implementation Committee is necessary because the recommendations of the special Committee on Solai and that of the maize scandal have never been implemented or followed up to date.

While it is argued by the secretariat who work with us well that the implementation must be followed by respective Committees, it is not possible. This is

because the letters that are issued from the Office of the Clerk do not find their way to the people who request for those Statements or the Committees handling that matter.

I would like to thank the Committee on Land, Environment and Natural Resources and wish the Chairman, Sen. Mwangi, quick recovery because they have worked extra hard. In the case of Makueni, the blasting of rocks was being done deliberately at night. The blasting of rocks was so bad that they were falling in people's homes. We visited those homes. Without the Committee on Implementation that my colleagues are talking about, there is no way of doing any sort of follow-up.

The Ministry of Lands and the National Environment Management Authority (NEMA) sent people to check. The people whose homes were destroyed have never been given any reprieve from the blasting of rocks.

I think this matter should no longer be the province of the Senate Business Committee (SBC) but it should come to the plenary. I have said this before. Sometimes, even our own committees are the enemies of the work of the Senate.

Therefore, we should have the matter brought before the plenary so that we have a solution to some of the good work that the committees of this Senate are doing and the good recommendations that we have passed continuously that appear as academic documents including recommendations on the register of debt and recommendations to the National Treasury on the release of funds.

The other day we had problems here on release of funds. Once we make a resolution that funds should be sent to counties, it should become a recommendation that should bind the Cabinet Secretary for the National Treasury. If it is not followed, we have to find a method of punishing that Cabinet Secretary without a Motion. We call it contempt of Parliament and it must come to pass.

Mr. Speaker, Sir, we must punish Cabinet Secretaries who do not obey our resolutions because they are orders. We cannot be like a High Court and our orders appear as if they are persuasive documents.

I thank you.

**The Speaker** (Hon. Lusaka): I know there are more interests. Like I said, the Standing Orders just allow a few comments and I think I have done that. I want to assure you that I will call for the Procedure and Rules Committee meeting next week on Wednesday to look at that as a matter of priority. If it is approved, we should get the recommendations for the committee to follow up on the issues that will be discussed.

## POINT OF ORDER

### ALLEGED BREACH OF BROADCAST RULES BY MEDIA HOUSES

**Sen. Kang'ata:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.107 which provides that the order shall be maintained in the Senate by the Speaker.

Mr. Speaker, Sir, I draw your attention to Rule No.6(2) and (3) of the First Schedule of the Standing Orders which I will read.

“(2) No external media house or other person may broadcast any proceedings of the Senate except as received from the broadcast feed provided by the Parliamentary Broadcasting Unit or with the permission of the Speaker.

(3) A media house that receives a broadcast feed from the Parliamentary Broadcasting Unit shall broadcast it without any manipulation or distortion.”

Mr. Speaker, Sir, also allow me to read Rule 7(1) of the First Schedule. It states as follows-

“Any person who fails to comply with these Rules shall be liable to such penalty as the Senate may on the recommendation of the Committee of Privileges consider appropriate.”

Mr. Speaker, Sir, I draw your attention to those Rules because of something that happened yesterday. I had a request for Statement and I logged in while I was outside the Chamber. I wanted to request a Statement concerning the plight of farmers in Murang’a County who are unpaid and owe Murang’a County Government millions of shillings, therefore making them suffer at a personal level.

Pursuant to that request, when I tried to login externally, there was a small technical problem. Therefore, I decided to come to the Chamber and make that request orally on the Floor of the House. Later on, it appears somebody manipulated yesterday’s Senate’s proceedings and gave a false voicing over with somebody purportedly saying that I was seated in a certain bar.

Mr. Speaker, Sir, for the record, yours truly has never touched any drop of beer or any form of wine or alcohol product since the time he was born. Yours truly has never taken any cigarette. Yours truly has never taken any form of drug since he was born.

That is based on my strong religious upbringing. Therefore, anyone who purported to show me in such kind of a setting is not only insulting me at a personal level but also insulting my Catholic religion. I happen to be a Member of an organisation called Pioneer which opposes alcohol consumption amongst the Catholics.

Also, yours truly happens to be a family man. He has four children who are all young. Therefore, to the extent that I was defamed by a person who did a false voiceover, to me, that was something hurting to my family.

If that manipulation remained in the social media, maybe that would be understandable. However, it was picked up by the following mainstream media which are represented here in this Parliament. They come to Parliament to record and get access to public facilities.

The following media station are-

- (1) Citizen TV Digital.
- (2) Star Online Digital.
- (3) K24 and,
- (4) Kameme FM.

Mr. Speaker, Sir, these four media stations picked up that fake story and gave it legitimacy. They have flouted clear provisions of the Standing Orders which we passed.

I therefore move you to take serious disciplinary actions against the editors of the four platforms. This is not personal. If we allow this to go on, I have no doubt tomorrow

another Senator will be in the same problem. Today it is Kang'ata and tomorrow, it will be another Senator and the dignity of this House will be impugned.

I call upon you, Mr. Speaker, Sir, to seize this opportunity and call those editors to appear before the Powers and Privileges Committee of this House and take remedial actions. This is because when they picked up that story, they gave it legitimacy. You have the power to punish the editors of those four media stations which picked up the fake story and gave it legitimacy.

I thank you.

**Sen. Wambua:** Mr. Speaker, Sir, I stand here to condemn that action by especially the mainstream media houses. I am a journalist of good and long standing in this country.

Journalists in this country are guided by the code of conduct and ethics. These are like the Bible or Quran for professional journalists. The principle of the verification of news is a cardinal principle. The code of conduct for journalists demands that before you publicize any information about any person, you must countercheck, verify and be sure that the information that you are publishing is factual.

In one of our platforms, I said that at a very personal level, Sen. Kang'ata has been hurt by that kind of publication. The dignity and social standing of the Senate of the Republic of Kenya is in disrepute on account of that publication. This is because a wrong impression is created that Senators would transact Senate business from brothels. That is a serious matter.

Mr. Speaker, Sir, just to help Sen. Kang'ata and this House, the procedure is very clear. First of all, this matter must be taken up with the Editor's Guild. This is the body which authorizes publication of any information in all media houses. It is body for all the editors in this country.

Secondly, this matter must be taken up with the Media Council of Kenya (MCK). We have gone through this when I sat in newsrooms. This has happened to us before. The stopgap measure for the Speaker to do is to bar those media houses from the precincts of Parliament during the time of the investigations and decide on their readmission with certain conditions put on them to meet.

Mr. Speaker, Sir, with those few remarks, I really condemn that action.

**The Speaker** (Hon. Lusaka): Sen. Wetangula.

**Sen. Wetangula:** Mr. Speaker, Sir, I rise in defence of the distinguished Senator from Murang'a County. Yesterday, we were in this House. When he logged in on the Zoom platform and his picture did not come on the screen, you said that he needed to have an appropriate platform through which you would have allowed him to communicate.

Those of us who saw him on the screen clearly saw that the Senator was in his car, probably driving here. To buttress that, he was within the Chamber in less than five minutes. He was even able to prosecute his Statement. I was horrified when I woke up in the night to read online in one of the newspapers that you seated in that Chair, overheard a Member saying that Sen. Kang'ata was in Sabina Joy. I do not know where they got that from.

Mr. Speaker, Sir, Sabina Joy Bar is a notorious dirty place in the history of Nairobi from time immemorial. It is not just a bar, but it is a house of sin. For the media to pick up that kind of gutter reporting and proceed to malign the Senator with abundance is something that must be condemned. It is contemptible.

This House broadcasts live. Right now, we are not competing with the 'Lower' House because we are the only House sitting. Therefore, there is nothing like they picked the proceedings later because they were beaming on the other House. It was live. So, nobody has an excuse to pick it up, distort it and churn it out as fake news.

An apology is desired and must be meted out to Sen. Kang'ata and the House. All the other required punitive measures that have been spoken to by Sen. Wambua, who is a longstanding journalist and those by Sen. Kang'ata himself are appropriate. This is because if you malign one Senator, you malign all the Senators. You malign one Senator, you malign the entire House. To drag your name in, that you overheard somebody mentioning Sabina Joy is a matter of serious contempt of the Chair of this House.

Thank you, Mr. Speaker, Sir.

**Sen. Mutula Kilonzo Jnr.:** Mr. Speaker, Sir, I was not present yesterday, but on my way back to Nairobi, I was alarmed by the statement showing that Sen. Kang'ata, who I have known to be a man of good standing was at Sabina Joy. I did not understand what he was looking for there. Worse still, from the video itself, you could tell that it had been manipulated. What bothers me is that that video has a commentary. Somebody appears to be commenting in the video that he is at Sabina Joy.

This is how you remedy such things. The Kenya Broadcasting Corporation (KBC) personnel who are here must release the correct verbatim video immediately. It should not be later than one hour after your pronouncement. That is number one.

Secondly, you then deal with the people who broadcasted the wrong video. They must give an explanation to this House as to how they got that video. I drafted the Computer Misuse and Cybercrimes Act. In drafting that law, this is exactly what we were avoiding. When we were complaining about manipulation of servers, this is exactly what we were saying. First of all, you manipulate numbers or a voice. The next time, they will manipulate you. They are going to show you without clothes, but with your voice. That is how dangerous it is.

We must deal with this issue because the person who did it, not only did it to Sen. Kang'ata; a man of good standing, but violated and befouled the nature and the good standing of the House of the Senate. You cannot be kind to these people. I have seen discussions going on somewhere in a platform. We must tell the media that they must be responsible for what they put out there in the social media.

We apologize to Sen. Kang'ata and his family. This must have caused him distress. I do not know where he slept, but I hope that he slept well.

*(Laughter)*

For somebody to allege that he was in a brothel during the day when he was supposed to be in the Senate, it could not have been a good thing for him last night. If there was any harm caused, we feel sorry.



Mr. Speaker, Sir, please, remedy that situation for the good reputation of this man who is not only a family man, but has children who are possibly accessing that video as I speak.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Sen. (Dr.) Ali.

**Sen. (Dr.) Ali:** Thank you, Mr. Speaker, Sir. I think that this country is going to the dogs. If we continue like this and allow the media to behave the way they want and they become rogue, then we are in big trouble. If I were the one, I would not be sitting here like Sen. Kang'ata, but I would be looking for people and would have dealt with them properly.

*(Laughter)*

If this is the way they want to deal with us, this is very serious.

I apologize to Sen. Kang'ata who I am learning today is a very religious man. I did not know that.

All in all, I think it is good that the bad thing that happened to him has made him come here and speak religiously and say how good he is because if I was told before that he was that religious, I would not have believed him. However, now I believe him.

Mr. Speaker, Sir, I want to agree with what the other Members said that those media houses must deal with. If we continue with the gutter press and social media without control, then this country will be in trouble. Those people must apologize and they should be chased out of this House for a certain period of time.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Hon. Senators, I seek your indulgence. I know there is a lot of interest on this matter but this is what I want to say: If what the Senator has alleged is true, this would constitute a serious violation of our Standing Orders. However, it should be noted that this is the first time that this matter is coming to my attention in the House. I have not myself, watched alleged manipulated recording or read the publications complained of, but to make any determination on this matter requires a full assessment of the evidence.

It is not possible for me to make an immediate ruling now, but I promise to give a ruling on Tuesday which will serve as a lesson to all other media houses that---

**Sen. Mutula Kilonzo Jr.:** On a point of order, Mr. Speaker, Sir. Allow me to say this: The video where Sen. Kang'ata was speaking is available here. The immediate thing to do through our Senate platform or Senate twitter is to issue the correct video immediately and then investigate the others. To say that this will be done next week is to allow this video to continue going viral. It is harming this man. This is a family man.

**The Speaker** (Hon. Lusaka): Order. If harm has been done, it has already been done.

*(Laughter)*

Order, Members! This is a serious matter.

**Sen. Cheruiyot:** Mr. Speaker, Sir, we will be guided eventually by how you direct us because that is your responsibility. However, so that we do not trivialize this issue by making it to appear as if we are only offended as a House because it is one of our colleagues, I thought the most prudent thing to do--- This calls into question the whole issue of media ethics and how they have behaved of late. It would be proper and for the benefit of the country, so that it is not just about Sen. Kang'ata to, using this an example, refer this matter to a committee of this House. Parliament works through its committees. Refer this matter to either the Committee on Information and Technology or the Committee on Justice, Legal Affairs and Human Rights and let the relevant media houses come here together with the Media Council of Kenya. This should not just be a discussion about Sen. Kang'ata.

Mr. Speaker, Sir, you are aware about what happened last weekend---

**Sen. Kang'ata:** *(Inaudible)*

**The Speaker** (Hon. Lusaka): Do not influence my decision.

**Sen. Cheruiyot:** Sen. Kang'ata, relax I make a case for you.

Last weekend Sen. Moses Wetangula - and he is here - was at a church service. He sought the permission of the Archbishop to leave a church service because he needed to go elsewhere. Within minutes of leaving, media houses were reporting that he had stormed out of a meeting. That is how low the media has sunk and we need to put to task the Media Council of Kenya to ask them: What are you doing about the kind of media practice that we are seeing in our country?

So, refer this matter to a committee of the House.

**Sen. Mwaruma:** Mr. Speaker, Sir, I want to make an observation because I was actually attending the session online and the assertion that that sound was superimposed later on after the proceedings might not be true. That is why we want you to really order investigations.

As the proceedings were going on there was somebody who was saying: "*Niko Karumaindo. Niko Thika Road.*" It was ongoing. So maybe you really need to investigate properly before you make a decision.

Thank you, Mr. Speaker, Sir.

**Sen. Wetangula:** Mr. Speaker, Sir, before you make a determination it will help a great deal the reputation of this perfect gentleman from Murang'a, Sen. Kang'ata if you ordered the live recording of KBC to be released and circulated to these offending media houses to replace the fake news that is circulating in a viral manner. This will ensure that as you bring your ruling at a date you are suggesting, they will have purged the offence by releasing the correct version of the proceedings.

I want to tell my brother, Sen. Mwaruma, from Taita Taveta that we were in this House live and there is not a single person who shouted that Kang'ata was on Thika Road or at *Karumaindo* or at Sabina Joy. We were seated here, the House was dead silent. Even the Senator for Isiolo was sitting with me here. There was no such noise coming from the House.

So, if anybody is inventing fake news and circulating it to malign Sen. Kang'ata, even if we do not like Sen. Kang'ata, we will die defending his rights to enjoy his freedom without hindrance.

**The Speaker** (Hon. Lusaka): Okay, order, Senators. As I was saying, the Speaker uses evidence produced to him in this House. I was making a ruling and this is a serious matter. I have been a victim myself of the media and that is why I am saying that it does not matter how long it takes but justice must be done.

I want to ask you to allow me to make a detailed ruling on Tuesday. The ruling is going to serve as an example to other media houses who manipulate or want to play around with proceedings.

Next Order.

## STATEMENTS

### ABDUCTIONS AND DISAPPEARANCE OF CITIZENS IN WAJIR COUNTY

**Sen. (Dr.) Ali:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.48(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the crisis in the cases of abductions and disappearances of members of the public. In the Statement the Committee should: -

(1) Investigate reports that security personnel are involved in abductions and disappearance of innocent citizens;

(2) Explain the circumstances that led to the disappearance of Mr.

Abdiwahab Sheikh Abdisamed ID No. 8490184 from Wajir County, who was abducted by four men along Tubman Road in the Central Business District (CBD) in Nairobi, and forced into a white double cabin vehicle registration number KCW 341Y on Wednesday, 8<sup>th</sup> September, 2021;

(3) Outline the measures the Ministry of Interior and Coordination of National Government has put in place, if any, to establish the whereabouts of Mr. Abdisamed and any other missing person and to bring to book the persons involved in such heinous acts; and

(4) State the steps the Ministry will take to dispel fears caused by allegations that security personnel are involved in incidents of abductions and extra judicial killings of innocent citizens, instead of following due process and arresting individuals suspected of unlawful activities and charging them in court.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Can we hear from Sen. Wambua?

*(Sen. Wambua spoke off record)*

**The Speaker** (Hon. Lusaka): Okay. We do have a similar Statement. We will hear from Sen. Faki.

### ABDUCTIONS, DETENTION AND FORCED DISAPPEARANCE IN MOMBASA COUNTY AND THE COUNTRY IN GENERAL

**Sen. Faki:** Thank you, Mr. Speaker, Sir. I rise, pursuant to Standing Order 48 (1), to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the rise in cases of abductions, detention and forced disappearance of people the Country, in general, and in Mombasa County, in particular.

In the statement the Committee should-

(1) Explain the whereabouts of businessman Mr. Abdulhakim Sagar, who was abducted by national security agents in Old Town area of Mombasa County on 18<sup>th</sup> August, 2021, allegedly for sponsoring terrorism;

(2) State why Mr. Sagar has not been presented before any court of law to face charges if any;

(3) State why the three suspects of terrorism arrested by police at Likoni Ferry Crossing on 23<sup>rd</sup> August, 2021, an event that received wide media coverage, have to date not been arraigned in court to face charges;

*(Loud consultations)*

**The Speaker** (Hon. Lusaka): Consult in low tones.

**Sen. Faki:** Mr. Speaker, Sir, they should also-

(4) Spell out measures, if any, put in place by the National Police Service to enforce the constitutional provision to produce suspects in court within 24 hours of arrest, in order to discourage the emerging trend of detention without trial.

Mr. Speaker, Sir, I can count more than 30 people, in my County, who have been abducted by state agencies and have not been produced before any court of law.

*(Loud consultations)*

**The Speaker** (Hon. Lusaka): Let us consult in low tones. There is a lot of excitement in that corner. I do not know what is happening.

*(Laughter)*

**The Speaker** (Hon. Lusaka): Sen. Wamatangi, consult in low tones.

**Sen. Wambua:** Thank you, Mr. Speaker, Sir. With your permission, I have three Statements under Standing Order No. 48(1). I seek your indulgence to read the three Statements.

*(Sen. Wamatangi consulted loudly)*

Sen. Wamatangi is holding a parallel meeting in the Chamber. We also wish to be heard.

RAMPANT WRONGFUL DISMISSAL OF EMPLOYEES  
IN PUBLIC AND PRIVATE SECTORS IN THE COUNTRY

I rise, pursuant to Standing Order 48 (1), to seek a Statement from the Standing Committee on Labour and Social Welfare regarding the rampant wrongful dismissal of employees both in public and private sectors in the country.

In the Statement, the Committee should-

(1) Explain the legal and administrative process for dismissal of employees in the public sector in Kenya;

(2) Investigate the circumstances surrounding the wrongful dismissal of Mr. Douglas Munyala Malombe, a former Laundry Supervisor at the Kenyatta National Hospital (KNH) on 4<sup>th</sup> November, 2009;

(3) Explain why KNH management declined to reinstate him despite several directives to KNH to do so by the then Ministry of Medical Services, including a letter by the then Deputy Secretary on 30<sup>th</sup> November, 2009 to the then Minister seeking intervention with the Board of KNH and subsequent letter from the Minister's office to KNH on 25<sup>th</sup> October, 2012; and

(4) State when Mr. Malombe will be reinstated to his job, and compensated for the period of the wrongful dismissal.

I will move to the second Statement.

#### PLIGHT OF ECDE TEACHERS IN THE COUNTIES

I rise, pursuant to Standing Order 48 (1), to seek a Statement from the Standing Committee on Education regarding the plight of Early Childhood Development Education (ECDE) teachers in counties, country wide.

*(Loud consultations)*

There is too much consultations behind me. I cannot even hear myself.

**The Speaker** (Hon. Lusaka) Sen. Kasanga, let us consult in low tones.

**Sen. Wambua:** Mr. Speaker, Sir, I will take that again.

I rise, pursuant to Standing Order 48 (1), to seek a Statement from the Standing Committee on Education regarding the plight of Early Childhood Development Education (ECDE) teachers in counties, country-wide.

In the Statement, the Committee should-

(1) Investigate reports that most counties pay ECDE teachers below the gazetted Government minimum wage, in violation of Article 41(2)(a) of the Constitution;

(2) Establish who is responsible for streamlining the terms of service of the ECDE teachers, as they are currently employed and remunerated under different terms of service, with some receiving a stipend instead of a salary for work done since 2013;

(3) Establish the progress made by the County Governments towards implementing the draft Scheme of Service for ECDE teachers that was validated by various relevant agencies and stakeholders, including the Teachers Service Commission (TSC), the Salaries and Remuneration Commission (SRC), National Treasury, among others; and

(4) State the measures in place to ensure that County governments, including the County Government of Kitui, engage ECD teachers on enforceable contracts with clear terms of service.

PLIGHT OF VILLAGE ADMINISTRATORS APPOINTED  
BY RESPECTIVE CPSBS

Lastly, I rise, pursuant to Standing Order 48 (1) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding the plight of Village Administrators appointed by the respective County Public Service Board (CPSB) in accordance with Section 52 of the County Government Act.

In the Statement, the Committee should address the following:

(1) Establish whether a scheme of service exists for the Village Administrators and state when it will be rolled out, not only in Kitui County but country wide as well;

(2) State reasons for this cadre of public officers remaining in the same job group for the last six years, since their employment in 2015, despite the important role they play in delivery of services to the public at village level; and

(3) Establish measures the Ministry of Devolution and Council of Governors will put in place if any to ensure a scheme of service is in place in order to streamline the career path for these officers countrywide.

Mr. Speaker, Sir, as I conclude, I remind the Chair that the Committee on Labour and Social Welfare is yet to bring to this House a response on the Statement I raised on the plight of former councilors across the country. I plead with you to kindly ask or direct the Committee to table whatever report they have on the plight of these leaders who continue to suffer as their money is being held by the National Treasury.

I thank you.

**Sen. Cherargei:** Thank you, Mr. Speaker, Sir. I call upon my colleagues to be attentive because this is the Statement on the increase on fuel prices.

*(Loud consultations)*

**The Speaker** (Hon. Lusaka): Order! Distinguished Senators, let us consult in low tones. Also, “unhook” so that I can know who wants to contribute. Some people have been permanently on my list.

INCREASE IN FUEL PRICES

**Sen. Cherargei:** Mr. Speaker, Sir, as we are aware, Super petrol increased to Kshs134, an increase of Kshs7, diesel to Kshs115, an increase of Kshs7. Kerosene which is being used by *mama mbogas* in places such as Kathonzweni and in Nandi for the first time increased by Kshs12.

Pursuant to Standing Order No.48(1), I rise to seek a Statement from the Standing Committee on Energy on the issues of fuel increase by Government as announced by the Energy and Petroleum Regulatory Authority (EPRA).

In the Statement the Committee should-

(1) State why the Government has dropped subsidies from the funds being collected under Petroleum Levy Fund that is normally deducted, therefore, exposing our people to high prices. It is thus causing a great triple effect in

critical sectors of the economy due to high fuel prices, especially at this time of the pandemic.

As you are aware when there is an increase in fuel prices *matatu* and *boda boda* owners normally transfer the burden to commuters.

- (2) State the reason fuel prices in Kenya have been on the rise in the past months yet EPRA and the Ministry of Energy and Petroleum has done nothing to stabilize the prices and cushion Kenyans as provided for by the Petroleum Development Levy Fund. Instead they wait and surprise Kenyans with abnormal overnight fuel increases.
- (3) State the status of the Ngamia I oil drilling by Tullow Oil Company in Turkana County and the total amount of funds collected by Government from the export of the oil and its significance to Kenyans which should include stabilization of oil prices.
- (4) Explain why fuel prices are much higher in Kenya compared to landlocked neighbouring countries such Uganda yet they collect the fuel from our port in Mombasa.

As you are aware, most of this pricing are half. Eight per cent goes to VAT (Value added Tax) which is a half of the taxation that is there. This is due to the operationalization of the Finance Act, 2018 and the Tax Law Amendment 2020, as recommended by the Energy Committee of the Committee of the National Assembly.

This is an urgent matter. Kenyans are suffering as we talk. Almost a half of Nairobians are walking because they cannot board a *matatu* or *boda boda*; because increase in fuel prices means an increase in fare.

Mr. Speaker, Sir, you and I come from a region where farmers depend on diesel to plough their land. If the price of diesel increases, it means the prices and costing of food production will go very high. The high prices are being transferred to farmers in Bungoma, Trans Nzoia and where I come from.

**The Speaker** (Hon. Lusaka): Order! Do not discuss your Statement.

**Sen. Cherargei:** That was just a rider on my Statement.

**Sen. Mutula Kilonzo Jnr.:** He is being mischievous.

**Sen. Cheruiyot:** Thank you, Mr. Speaker, Sir. I have to be careful after the incident involving Sen. Kang'ata. Somebody cheekily mentioned that Sen. Cherargei is riding himself which is not a very good thing.

This is a very topical issue that has kept Kenyans engaged for the last 48 hours since the matter was brought to light. For the first time since the creation of this world, Kenyans are paying figures that are completely obscene, especially as we consider the price of fuel and it docks in Mombasa *vis-à-vis* the price Kenyans pay at the pump. This tells us that the bulk of the payments we are making is taxes.

When I was a Member of the Committee on Energy, we considered the matter a couple of times. We had made tremendous gain on areas where we could make savings and ensure Kenyans paid a figure that was at least justifiable despite the fact that we need to raise sufficient taxes.

As is the tradition with the House nowadays - even this afternoon there is Motion - some of us were bundled out of that Committee for asking not very friendly questions. I do not know if Sen. Olekina survived, but he used to be my fellow troublemaker.

It is increasingly becoming the habit of this House where Committees are being used - I am sorry to say this - to sanitize some of the excesses of Government. On this issue, much as the Committee on Energy can lead us on the question such is the matter that you invited the Committee of the Whole to sit through with EPRA and Ministry of Energy. They should come to the Floor of this House and explain.

When Members of this House retreat to their constituencies this weekend I can assure you in every gathering we will appear, people will want to lynch us because of the price they are paying. That is true even for those who do not drive. You have heard the price of kerosene was increased by a whopping Kshs12. That has never happened before. It will be immoral for we, as a House, to pretend to be discussing any legislation without giving due importance to this matter.

Mr. Speaker, Sir, I seek your indulgence that this is not even the matter that waits for seven days. Such are the matters where you summon people to appear in less than 24 hours because Kenyans are crying. So many people are not even able to prepare a meal in this city because of the cost of kerosene.

I plead with you that much as the Statement has been directed to the Committee on Energy, let us have the Committee of the Whole. This is because nowadays there is a very grey line between Committees of Parliament and the Executive. It is no longer possible to draw the difference. We have seen in many of these Committees. In fact, when we appear as a friend to the Committee, we are chased away by some of these Chairpersons we picked. You cannot tell whether it is a Chairperson of the Committee or a Public Relations Officer (PRO) for a Ministry.

Mr. Speaker, Sir, please invite all of us to come to this House so that we face EPRA and have the answers on behalf of Kenyans.

Finally, I have seen Kenyans, including the media, erroneously report that this is the work of Parliament which has two Houses. However, let it be clear in black and white that this is the work of the National Assembly. This is because with regards to taxation, the Senate has no role.

*(Applause)*

If they had abided by the ruling that was given last year on how to process Bills and allowed Senate to be part and parcel of law-making, decisions, including on taxation, I assure the country that things would not have gone this rock bottom. Therefore, invite us.

**Sen. Mutula Kilonzo Jr.:** On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): What is your point of order, Sen. Mutula Kilonzo Jr.?

**Sen. Mutula Kilonzo Jr.:** Mr. Speaker, Sir, allow me to raise a point of order arising from the statement by Sen. Cheruiyot.

In March this year, I requested for a similar Statement as the one made by Sen. Cherargei about the sharp increase in petrol prices, but more importantly the use of the



Petroleum Development Fund Levy, which is supposed to cushion Kenyans on sharp increases.

In you approving the Statement by Sen. Cherargei, there should have been a question as to why the Statement that I raised in March has not been addressed.

A Statement of this nature on sharp fuel rises was not addressed in March and then EPRA raised fuel prices in September because they know, just like Sen. Cheruiyot says, that Committees are forming coalitions and you cannot tell between the Committee Chairperson and the Cabinet Secretary who sits in the Executive.

Mr. Speaker, Sir, I have raised concerns about the Chairperson on questions that I have raised on this issue and others because they must be given the due attention. Otherwise, as Sen. Cheruiyot says, we appear to be complacent and complicit in some of these things that we have no jurisdiction about.

**Sen. Nyamunga:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to comment on this Statement by Sen. Cherargei. It is not only about the fuel increase.

Kenyans are being too complacent because anytime fuel prices are increased, we do nothing. We just complain and speak here in the House and nothing happens. What is happening in this country is unfortunate. We should summon the Cabinet Secretary (CS) and the Permanent Secretary (PS) for the Ministry of Energy and all the bodies that are concerned.

Yesterday, I was shocked when I got a bill of Kshs53,000 in electricity consumption yet I have been paying around Kshs18,000 or Kshs19,000.

Anytime you complain, they come to read your meter and then they tell you that is what they found on the meter. What is going on in the country is wrong. It should not continue like this. Something should be done. There is a big problem in that Ministry. We know what the problem is, but we are not solving it.

The transformers that we are using are lying all over yet a lot of money has been spent. We cannot be used to salvage a parastatal or Ministry which does not perform yet it is a monopoly. So, we should not talk, bring Statements and do nothing about it. Kenyans are suffering. If the price of oil is increased by Kshs8 per litre, it is high. How many people can afford that?

Today, I could not send my driver somewhere because the price of fuel is high such that we cannot afford it anymore. So, what about the people at the grassroots who cannot manage to put food on the table? We cannot keep on talking while the prices increase and do nothing about it. Something must be done about it.

*(Some Hon. Senators withdrew from the Chamber)*

**The Speaker** (Hon. Lusaka): Hon. Senators, there will be voting after this. So, I ask you to remain within the precincts of Parliament.

**Sen. Seneta:** Thank you, Mr. Speaker, Sir. An increase in the cost of fuel means an increase in food prices, cost of production and transport for the already suffering Kenyans.

We should live in reality and read how Kenyans are feeling. The COVID-19 pandemic has put Kenyans in a poor state in terms of business. So, if we will not look at this, Kenyans will be on their own.

Mr. Speaker, Sir, the Committee on Energy should immediately summon the Ministry of Energy and the Ministry of Petroleum and Mining so that we can look at this and come up with a long and short term solution because Kenyans are suffering and feeling the pain.

**Sen. (Eng.) Mahamud:** Thank you, Mr. Speaker, Sir. Ideally the cost of fuel should be dependent on the cost of international fuel prices. We are not aware that fuel prices increased all over the world yet the Ministry of Energy keeps on increasing the fuel prices in the country.

Taxes account to over 40 per cent of fuel prices in Kenya. In fact, at this time when the economy is down, Kenya Revenue Authority (KRA) is looking for taxes through increasing the price of fuel. In fact, this hurts Kenyans because every aspect of Kenya depends on fuel.

So, I agree with other Members that we must summon the Ministry of Energy and discuss this matter seriously so that we cushion Kenyans against this.

The Finance Act comes once and when it is passed by the National Assembly, it is left to the ERA to increase the prices the way it wants. This must be stopped. There must be some cushioning against this haphazard increase of fuel prices by the Ministry of Energy.

I support.

**Sen. Olekina:** Thank you, Mr. Speaker, Sir. I share the same sentiments as my colleagues. Even though I am a Member of the Committee on Energy, this is an issue that I advocate for a whole House. We should summon the Ministry of Energy for a Committee of the Whole House so that we can be seen to be addressing these issues by the people we represent.

Mr. Speaker, Sir, in this country, we are taxing people which leads them to come up with igneous ways of evading taxes. You have heard my sister complaining about her electricity bill which is influenced by the price of fuel. Some of us pay Kshs17,000 and then all of a sudden, it is Kshs43,000.

Mr. Speaker, Sir, farmers in Narok are now harvesting. Last week, it cost Kshs1,500 per hectare on combined harvester. Today, it is Kshs2,000. Tomorrow, because of the rise of fuel prices, it will be Kshs2,500 yet the price of wheat has not gone up.

For us, farmers who also deal with milk, we transport it from Narok to Nairobi or Kericho to Nairobi. The companies that buy milk will start to buy it at Kshs10 so that they can meet their expenses. We are killing this economy.

Mr. Speaker, Sir, I want to reiterate this. Kenyans out there ought to know that the Senate does not participate in passing taxes. That is a task which is primarily carried out by the National Assembly.

Mr. Speaker, Sir, the Cabinet Secretary for Energy and Petroleum was supposed to appear today, but he sent an apology. Now we have had to summon him to appear after

seven days. The earliest he can come is next Thursday. This is a matter that we cannot continue letting go just like that.

Yesterday, the Committee on Delegated Legislation advised this House that we do not have money. The National Treasury was setting up a Sinking Fund. Why set up a Sinking Fund yet we do not even know where the money for the Petroleum Levy Fund has gone? Why not borrow from the Petroleum Levy Fund if the taxes are too much to pay on behalf of Kenyans?

Back in 2013, the cost of fuel in this country was Kshs67. Now, it is Kshs135 a litre, yet the salaries of most people have not gone up. What are we saying? We cannot tax a country for posterity. We are just killing this country.

Mr. Speaker, Sir, I would like to beseech you. I am doing this as a Member of the Committee on Energy. I am not admitting that we have failed, but I think the only way that Kenyans will agree and support us is when the entire 47 plus the 20 nominated Senators will grill the leadership of the Ministry of Energy and Petroleum to find out the fuel problem.

Finally, history will judge as wrongly. I have raised this issue and I will continue raising it until someone in the Executive listens. Back in 2013, there is a company called Prisco Network Limited that was paid Kshs9.3 billion by the Exchequer to bring in fuel. That company never brought in fuel. They went for arbitration. All of a sudden, they were told to pay Kshs14.3 billion, but the Ministry of Energy and Petroleum said they are unable to recover that money.

Now they are killing the National Oil Corporation of Kenya (NOCK) instead of helping it. They want to lift the 30 per cent legal notice that allows NOCK to import oil. Are we lying to Kenyans?

Yesterday, the Ethics and Anti-Corruption Commission (EACC) called the board members of the Kenya Power to grill them because allegedly they were interfering with tenders. Are we serious enough to bring change in this country, or is it just going to be another story where nothing happens after sometime? Even if any cases are taken to court, they are just thrown out.

This country will stop bleeding when we carry out our oversight role effectively. Also, every institution like the Directorate of Public Prosecutions (DPP) should work. There is no reason why, I dare say a briefcase company during Kibaki's time would still not refund Kshs9.3 billion that they stole from the public.

We are talking of bringing change. If there is anyone out there who does not understand that, we will never bring in any change because of being complicit. It is time for them to wake up.

This issue of fuel prices going up and the economy collapsing is making it difficult for Kenyans to make a living. This House must rise to the occasion now and change that to ensure that anyone who robs this country and is unable to perform their tasks suffer the consequences.

Finally, Mr. Speaker, Sir, on the same issue of Government bodies, you will cry if you see what is happening at the Kenya Power. They change the management on a weekly basis because of corruption. Therefore, I beseech you. Do not refer this matter to

my Committee. Even if you want my Committee to run it, let it be dealt with by all of us in this House.

I thank you.

**Sen. Malalah:** Mr. Speaker, Sir, I join my neighbour and colleague, the Senator for Nandi, in saying that as a country and as a leadership, we are disappointed in the manner in which the cost of living in this country is ever-rising. The big question we should ask ourselves is the root cause of this ever-rising cost of petroleum products.

I want to remind this country that in 2018, during debate on the controversial Finance Bill of 2018, the Opposition decided to support a Bill that introduced 8 per cent increase of tax on all petroleum products. That is where the problem began. If we want to sort out this matter, we must look at how the Parliament of Kenya, including both the National Assembly and the Senate, transacts its business currently.

As I speak, the Opposition has gone to bed with the Government. Who will check the Government? Those are the real issues we should be addressing. If we had a substantive Opposition in this country, we would not be experiencing this.

The chief of the Opposition is currently dining with the Government. Therefore, nobody is speaking for this country. We must speak about this issue right now. I reminded you and I must say this---

**The Speaker** (Hon. Lusaka): Order Sen. Malalah!

**Sen. Olekina:** On a point of order, Mr. Speaker, Sir. It is a bit absurd for a Member of the Opposition to come here and say that this country does not have an Opposition. We are not discussing issues of Government, or the Opposition. We only have two sides in this House. We have the Government side and the Opposition or the minority side.

The former Deputy Senate Minority Leader must decide whether he belongs to the Gallery or he sits on this side of the House. If we have failed, then it is all of us. He should not point fingers.

Finally, Mr. Speaker, Sir, I request my dear friend to stick to issues that we are dealing with that relate to the welfare and the economy of this country, but not to keep dancing on the issue of the Opposition because we know where we stand.

**The Speaker** (Hon. Lusaka): Sen. Malalah, you should conclude.

*(Sen. Malalah spoke off record)*

Sen. Malalah, I know that what you used to do in the past can assist you, but not on the Floor of the House. Please proceed.

**Sen. Malalah:** Thank you, Mr. Speaker, Sir. As I speak, it must be known that we do not have a coalition called the National Super Alliance (NASA). The official Opposition is the Orange Democratic Movement (ODM). Therefore, it is important for them to keep the Government on check. However, they have failed to do so because they are in the same bed with the Government. Therefore, I urge this House to look into this issue more critically and find a solution.

As Sen. Olekina said, I am a Member of the Committee on Energy, but this matter is big for a Committee. Let it come before this House so that we have a Committee of the Whole and deal with it to a conclusion.

I still want to remind Members of the Opposition to rise to the occasion and check the Government.

**The Speaker** (Hon. Lusaka): Hon. Senators, I want to seek your indulgence. This is a thorny matter, but I want to give this direction. The Committee on Energy will spearhead invitation of the Ministry and all the other stakeholders. They will summon the Cabinet Secretary on Tuesday and the whole House is invited. The meeting must be held here on Tuesday, next week. It is so directed.

**Sen. Wetangula:** Mr. Speaker, Sir, that is sound ruling. However, I request that following the representations that have come on the Floor, particularly from Sen. Cheruiyot and Sen. Nyamunga, that you invite the twin Cabinet Secretary of Energy and Petroleum, so that they also answer questions on the issue of escalating electricity costs in this country.

This is so that we can deal with both the Ministry of Petroleum and Mining and the Ministry Electricity. Sen. Munyes and Sen. Keter are both former Senators.

**The Speaker** (Hon. Lusaka): I agree; it is the twin Ministries. The Ministry of Energy and Petroleum and the Ministry of Petroleum and Mining. The Cabinet Secretaries (CSs) must appear in person. It is so directed.

*(Loud consultations)*

I said the whole House on Tuesday.  
Sen. (Dr.) Lelegwe.

#### UNFAIR TREATMENT OF MEMBERS OF THE SAMBURU COMMUNITY

**Sen. (Dr.) Lelegwe:** Mr. Speaker, Sir, I rise pursuant to Standing Order 48 (1) to seek Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the unfair treatment of members of the Samburu community---

*(Interruption of debate on Statements)*

**The Speaker** (Hon. Lusaka): Order, Sen. (Dr.) Lelegwe. Just take your seat. For the convenience of the House, we want to take the vote, then we will continue with that.  
Next Order, Order No. 12.

#### MOTION

#### ADOPTION OF REPORT ON THE PUBLIC FINANCE MANAGEMENT (SINKING FUND) GUIDELINES, 2021

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*(Sen. Faki on 14.9.2021)*

*(Resumption of Debate interrupted on 14.9.2021)*

*(Division)*

**The Speaker** (Hon. Lusaka): Let the Division Bell be rung for two minutes. Tellers.

*(The Division Bell was rung)*

Hon. Senators, take your seats. It is a roll call Division, unless you want to freeze. It is a roll call Division.

*(Voting in progress)*

### **MOTION**

#### **ADOPTION OF REPORT ON THE PUBLIC FINANCE MANAGEMENT (SINKING FUND) GUIDELINES, 2021**

THAT, the Senate adopts the Report of the Sessional Committee on Delegated Legislation on the Consideration of the Public Finance Management (Sinking Fund) Guidelines, 2021 laid on the Table of the Senate on Wednesday, 8th September, 2021, and that pursuant to Section 18 of the Statutory Instruments Act, Section 205 of the Public Finance Management Act, and Standing Order 221(4)(b), annuls in its entirety, the Public Finance Management (Sinking Fund) Guidelines, 2021.

*(Sen. Faki on 14.9.2021)*

*(Resumption of debate interrupted on 14.9.2021)*

### **DIVISION**

#### **ROLL CALL VOTING**

*(THAT, the Senate adopts the Report of the Sessional Committee on Delegated Legislation on the Consideration of the Public Finance Management (Sinking Fund) Guidelines, 2021 laid on the Table of the Senate on Wednesday, 8th September, 2021, and that pursuant to Section 18 of the Statutory Instruments Act, Section 205 of the Public Finance Management Act, and Standing Order 221(4)(b), annuls in its entirety, the Public Finance Management (Sinking Fund) Guidelines, 2021, put and the Senate proceeded to vote by county delegations)*

**AYES:** Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Mwaruma, Taita Taveta County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County and Sen. Wetangula, Bungoma County.

**Teller of the Ayes:** Sen. Cherargei

**NOES:** Nil

**Teller of the Noes:** Sen. Chebeni

**The Speaker** (Hon. Lusaka): Hon. Senators, these are the results of the vote;

**AYES:** 32

**NOES:** Nil

**ABSTENTIONS:** Nil.

The “Ayes” have it.

*(Question carried by 32 votes to nil)*

**The Speaker** (Hon. Lusaka): We are going to the other five Divisions. Remain where you are.

Next Order.

*[The Speaker (Hon Lusaka) left the Chair]*

*[The Deputy Speaker (Sen. (Prof.) Kamar) in the Chair]*

## **COMMITTEE OF THE WHOLE**

*(Order for Committee read)*

*[The Deputy Speaker (Sen. (Prof.) Kamar)  
left the Chair]*

## **IN THE COMMITTEE**

*[The Temporary Chairperson (Sen. (Dr.) Lelegwe)  
in the Chair]*

THE COUNTY GOVERNMENTS GRANTS BILL  
(SENATE BILLS NO. 35 OF 2021)

*(Resumption of Debate interrupted on 14.9.2021)*

**The Temporary Chairperson** (Sen. (Dr.) Lelegwe): Order, Hon. Senators. We are now at the Committee of the Whole and we are proceeding with The County Governments Grants Bill (Senate Bills No. 35 of 2021).

Hon. Senators, we will start with The County Governments Grants Bill (Senate Bills No. 35 of 2021). Note that we were done with all the Clauses. We will now proceed with the following four divisions.

Hon. Senators, please propose the tellers for ayes and the tellers for nays.

I direct that the Division Bell be rung for two minutes.

*(The Division Bell was rung)*

Whips, we have to ascertain the numbers.

I direct that they stop ringing the Bell. We will proceed with the vote. Senators, kindly note that you are placing your vote on the four questions.

*(Voting in progress)*

**The Temporary Chairperson** (Sen. (Dr.) Lelegwe): I will proceed to put the two questions, which are that Clauses 5, 8, 15, 32, 33, 38 and 50 be amended as proposed.

The second one is that Clauses 2, 3, 4, 5(as amended), 7, 8(as amended), 9, 10, 11, 12, 13, 14, 15(as amended), 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32(as amended), 33(as amended), 34, 35, 36, 37, 38(as amended), 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50(as amended), 51, 52, the Schedule, Clause 2, the Title and Clause 1 be part of the Bill.

Hon. Senators, as you place your vote, kindly indicate for the two questions.

*(Roll call voting in progress)*

**The Temporary Chairperson** (Sen. (Dr.) Lelegwe): Hon. Senators, as we proceed, we are now considering as the Committee of the Whole, The Basic Education Bill (Senate Bills No. 4 of 2021). We have two Divisions on two clauses to consider.

I proceed to put the question that Clause 3 be amended as proposed.

On to the second Division of the Bill. I put the question that Clause 3, as amended, Clause 2, the Title and Clause 1 be part of the Bill.

*(Roll call voting in progress)*



**The Temporary Speaker** (Sen. Lelegwe): Order, Senators. Those Senators who are online, please do not log out. We have two more Bills to consider at the Committee of the Whole. We will now proceed to vote on the County Licensing (Uniform Procedures) Bill (Senate Bills No.32 of 2020), Committee of the Whole. We have two Divisions and I proceed to put the question which is that Clauses 3, 7, 15, 19, 22 and 1 be amended as proposed. Division at the end.

Second Division, I put the question which is that Clauses 3 as amended, 4, 5, 6, 7 as amended, 8, 9, 10,11, 12, 13, 14,15 as amended, 16,17, 18, 19 as amended, 20, 21, 22 as amended, 23, 24, 25, 26, 27, 28 the Title and Clause 1 as amended be part of the Bill. Division.

*(Roll Call voting in progress)*

THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT)  
BILL (SENATE BILLS NO. 31 OF 2020)

**The Temporary Chairperson** (Sen. (Dr.) Lelegwe): The Senators who are online should not log out. We are now considering the last Bill at the Committee of the Whole, the Salaries and Remuneration Commission (Amendment) Bill (Senate Bills No. 31 of 2020). We have two questions to consider.

*(Questions put)*

The Senators who are online should not log out. We will now proceed with the division.

*(Roll Call voting in progress)*

THE COUNTY GOVERNMENTS GRANTS BILL  
(SENATE BILLS NO.35 OF 2021)

**DIVISION**

**ROLL CALL VOTING**

*(Question, that Clauses 4, 5, 6 and 7 be deleted, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Haji, Garissa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbito,

Trans Nzoia County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Mwaruma, Taita Taveta County; Sen. Nyamunga, Kisumu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County and, Sen. Wetangula, Bungoma County.

**Teller for the Ayes:** Sen. Cherargei.

**NOES:** Nil

**Teller for the Noes:** Sen. Chebeni.

**The Temporary Speaker** (Sen. (Dr. Lelegwe): Order, Senators! The results of the Division are as follows:

**AYES:** 31

**NOES:** Nil

**ABSENTIONS:** Nil

The 'Ayes have it'

*(Question carried by 31 votes to Nil)*

## DIVISION

### ROLL CALL VOTING

*(Question, that New Clause 13 be read a Second Time,  
put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Haji, Garissa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Mwaruma, Taita Taveta County; Sen. Nyamunga, Kisumu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County and, Sen. Wetangula, Bungoma County.

**Teller for the Ayes:** Sen. Cherargei.

**NOES:** Nil

**Teller for the Noes:** Sen. Chebeni.

**The Temporary Speaker** (Sen. (Dr. Lelegwe): Order, Senators! The results of the Division are as follows:

**AYES:** 31

**NOES:** Nil  
**ABSENTIONS:** Nil  
The ‘Ayes have it’

*(Question carried by 31 votes to Nil)*

## DIVISION

### ROLL CALL VOTING

*(Question, that Clauses 3,8,9,11,12, 2 and the Title be amended as proposed, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Haji, Garissa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Mwaruma, Taita Taveta County; Sen. Nyamunga, Kisumu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County and, Sen. Wetangula, Bungoma County.

**Teller for the Ayes:** Sen. Cherargei.

**NOES:** Nil

**Teller for the Noes:** Sen. Chebeni.

**The Temporary Speaker** (Sen. (Dr. Lelegwe): Order, Senators! The results of the Division are as follows:

**AYES:** 31

**NOES:** Nil

**ABSENTIONS:** Nil

The ‘Ayes have it’

*(Question carried by 31 votes to Nil)*

## DIVISION

### ROLL CALL VOTING

*(Question, that Clause 3 (as amended), Clause 8 (as amended), Clause 9 (as amended), Clause 10, Clause 11 (as amended), Clause 12 (as amended), New Clause 13, the First*

*Schedule, the Second Schedule, Clause 2 (as amended), the Title (as amended), and Clause 1 be part of the Bill put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Haji, Garissa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Mwaruma, Taita Taveta County; Sen. Nyamunga, Kisumu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County and, Sen. Wetangula, Bungoma County.

**Teller for the Ayes:** Sen. Cherargei.

**NOES:** Nil

**Teller for the Noes:** Sen. Chebeni.

**The Temporary Speaker** (Sen. (Dr. Lelegwe): Order, Senators! The results of the Division are as follows:

**AYES:** 31

**NOES:** Nil

**ABSENTIONS:** Nil

The 'Ayes have it'

*(Question carried by 31 votes to Nil)*

THE MENTAL HEALTH (AMENDMENT) BILL  
(SENATE BILLS NO.28 OF 2020)

**DIVISION**

**ROLL CALL VOTING**

*(Question, that Clauses 5, 8, 15, 32, 33, 38 and 50 be amended as proposed; put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Adan Dullo, Isiolo County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Haji, Garissa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kasanga, Nairobi City County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen.

Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Mwaruma, Taita Taveta County; Sen. Mpaayei, Kajiado County; Sen. Nyamunga, Kisumu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. (Prof.) Onger, Kisii County; Sen. Orenge, Siaya County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County and, Sen. Wetangula, Bungoma County.

**NOES:** Nil

**Teller for the Ayes:** Sen. Malalah.

**Teller for the Noes:** Sen. Kasanga.

**The Temporary Speaker** (Sen. (Dr. Lelegwe): Order, Senators! The results of the Division are as follows: -

**AYES:** 29

**NOES:** Nil

**ABSENTIONS:** Nil

The 'Ayes' have it.

*(Question carried by 29 votes to Nil)*

## DIVISION

### ROLL CALL VOTING

*(Question, that Clauses 2,3,4,5(as amended), 7, 8 (as amended), 9, 10, 11, 12, 13, 14, 15, (as amended), 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, (as amended), 33 (as amended),34, 35, 36, 37, 38 (as amended), 39, 40, 41, 42, 43 ,44, 45, 46, 47, 48, 49, 50 (as amended), 51, 52, Schedule, Clause 2, the Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Adan Dullo, Isiolo County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Haji, Garissa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kasanga, Nairobi City County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Mwaruma, Taita Taveta County; Sen. Mpaayei, Kajiado County; Sen. Nyamunga, Kisumu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. (Prof.) Onger, Kisii County; Sen. Orenge, Siaya County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County and, Sen. Wetangula, Bungoma County.

**NOES:** Nil

**Teller for the Ayes:** Sen. Malalah.

**Teller for the Noes:** Sen. Kasanga.

**The Temporary Speaker** (Sen. (Dr. Lelegwe): Order, Senators! The results of the Division are as follows: -

**AYES:** 29  
**NOES:** Nil  
**ABSENTIONS:** Nil  
The 'Ayes' have it.

*(Question carried by 29 votes to Nil)*

THE BASIC EDUCATION (AMENDMENT) BILL  
(SENATE BILLS NO.4 OF 2021)

**DIVISION**

ROLL CALL VOTING

*(Question, that Clause 3 be amended as proposed, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Haji, Garissa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Mutula Kilonzo Jr., Makeni County; Sen. M. Kajwang', Homa Bay County; Sen. Mwaruma, Taita Taveta County; Sen. Nyamunga, Kisumu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; and, Sen. Wetangula, Bungoma County.

**Teller for the Ayes:** Sen. Chebeni.

**NOES:** Nil

**Teller for the Noes:** Sen. Kasanga.

**The Temporary Speaker** (Sen. (Dr. Lelegwe): Order, Senators! The results of the Division are as follows:

**AYES:** 30

**NOES:** Nil

**ABSENTIONS:** Nil

The 'Ayes' have it.

*(Question carried by 30 votes to Nil)*

**DIVISION**

## ROLL CALL VOTING

*(Question, that Clause 3(as amended), Clause 2, the Title and Clause 1 be part of the Bill put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Haji, Garissa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. M. Kajwang', Homa Bay County; Sen. Mwaruma, Taita Taveta County; Sen. Nyamunga, Kisumu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orenge, Siaya County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; and, Sen. Wetangula, Bungoma County.

**Teller for the Ayes:** Sen. Chebeni.

**NOES:** Nil

**Teller for the Noes:** Sen. Kasanga.

**The Temporary Speaker** (Sen. (Dr. Lelegwe): Order, Senators! The results of the Division are as follows:

**AYES:** 30

**NOES:** Nil

**ABSENTIONS:** Nil

The 'Ayes' have it.

*(Question carried by 30 votes to Nil)*

THE COUNTY LICENSING (UNIFORM PROCEDURES)  
BILL (SENATE BILLS NO.32 OF 2020)

## DIVISION

## ROLL CALL VOTING

*(Question, that Clauses 3, 7, 15, 19, 22 and Clause 1 be amended as proposed, put and the Senate proceeded to vote by County Delegations) put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Haji Abdul, Garissa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Kajwang' M., Homa

Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Moi, Baringo County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; and, Sen. Wetangula, Bungoma County.

**Teller of the Ayes:** Sen. Chebeni.

**NOES:** Nil

**Teller of the Noes:** Sen. Kasanga.

**The Temporary Chairperson** (Sen. (Dr.) Lelegwe): Hon. Senators, the results of the Division are as follows-

**AYES:** 28

**NOES:** Nil

**ABSENTIONS:** Nil

The “Ayes” have it.

*(Question carried by 28 votes to Nil)*

## DIVISION

### ROLL CALL VOTING

*(Question, that Clauses 3(as amended), 4, 5, 6, 7(as amended), 8, 9, 10, 11, 12, 13, 14, 15(as amended), 16, 17, 18, 19 (as amended), 20, 21, 22(as amended), 23, 24, 25, 26, 27, 28, the Title and Clause 1(as amended) be part of the Bill, put and the Senate proceeded to vote by County Delegations) put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Haji Abdul, Garissa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Kajwang’ M., Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Moi, Baringo County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; and, Sen. Wetangula, Bungoma County.

**Teller of the Ayes:** Sen. Chebeni.



**NOES:** Nil

**Teller of the Noes:** Sen. Kasanga.

**The Temporary Chairperson** (Sen. (Dr.) Lelegwe): Hon. Senators, the results of the Division are as follows-

**AYES:** 28

**NOES:** Nil

**ABSENTIONS:** Nil

The “Ayes” have it.

*(Question carried by 28 votes to Nil)*

THE SALARIES AND REMUNERATION COMMISSION  
(AMENDMENT) BILL (SENATE BILLS NO.31 OF 2020)

**DIVISION**

**ROLL CALL VOTING**

*(Question, that Clause 2 be amended as proposed,  
put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Kajwang’ M., Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang’ata, Murang’a County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Nyamunga, Kisumu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; and, Sen. Wetangula, Bungoma County.

**Teller of the Ayes:** Sen. Chebeni.

**NOES:** Nil.

**Teller of the Noes:** Sen. Kasanga.

**The Temporary Chairperson** (Sen. (Dr.) Lelegwe): Hon. Senators, the results of the Division are as follows:

**AYES:** 27

**NOES:** Nil

**ABSENTIONS:** Nil

The “Ayes” have it.

*(Question carried by 27 votes to Nil)*

## DIVISION

## ROLL CALL VOTING

*(Question, that Clause 2(as amended), Clause 3, the Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Kajwang' M., Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata, Murang'a County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Nyamunga, Kisumu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orenge, Siaya County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; and, Sen. Wetangula, Bungoma County.

**Teller of the Ayes:** Sen. Chebeni.

**NOES:** Nil.

**Teller of the Noes:** Sen. Kasanga.

**The Temporary Chairperson** (Sen. (Dr.) Lelegwe): Hon. Senators, the results of the Division are as follows:

**AYES:** 27

**NOES:** Nil

**ABSENTIONS:** Nil

The "Ayes" have it.

*(Question carried by 27 votes to Nil)*

Hon. Senators, I now call upon the Movers of every Bill to be ready. We will start with the County Governments Grants Bill (Senate Bills No.35 of 2021).

THE COUNTY GOVERNMENTS GRANTS BILL  
(SENATE BILLS NO.35 OF 2021)

**Sen. (Dr.) Ochillo-Ayacko:** Your indulgence, Mr. Temporary Chairman, Sir, because I have two of these documents. Let me get the right one.

Mr. Temporary Chairman, Sir, I beg to move that the Committee do report to the Senate its consideration of the County Governments Grants Bill (Senate Bills No.35 of 2021) and its approval thereof with amendments.

**Sen. Wambua** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Chairperson** (Sen. (Dr.) Lelegwe): We will proceed to the next Bill, which is the Mental Health (Amendment) Bill (Senate Bills No.28 of 2020).

THE MENTAL HEALTH (AMENDMENT) BILL  
(SENATE BILLS NO.28 OF 2020)

**Sen. Kasanga:** Mr. Temporary Chairman, Sir, I beg to move that the Committee do report to the Senate its consideration of the Mental Health (Amendment) Bill (Senate Bills No.28 of 2020) and its approval thereof with amendments.

**Sen. Chebeni** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Chairperson** (Sen. (Dr.) Lelegwe): Hon. Senators, the next Bill is the Basic Education Bill (Senate Bills No.4 of 2021).

THE BASIC EDUCATION BILL  
(SENATE BILLS NO.4 OF 2021)

**Sen. Mutula Kilonzo Jnr.:** Mr. Temporary Chairman, Sir, I beg to move that the Committee do report to the Senate its consideration of the Basic Education Bill (Senate Bills No.4 of 2021) and its approval thereof with amendments.

**Sen. (Dr.) Ochillo-Ayacko** seconded.

*(Question proposed)*

*(Question put and agreed to)*

THE COUNTY LICENSING (UNIFORM PROCEDURES)  
BILL (SENATE BILLS NO.32 OF 2020)

**Sen. Chebeni:** Mr. Temporary Chairman, Sir, I beg to move that the Committee do report to the Senate its consideration of the County Licensing (Uniform Procedures) Bill (Senate Bills No.32 of 2020) and its approval thereof with amendments.

**Sen. Kasanga** seconded.

*(Question proposed)*

*(Question put and agreed to)*

THE SALARIES AND REMUNERATION COMMISSION  
(AMENDMENT) BILL (SENATE BILLS NO.31 OF 2020)

**The Temporary Chairperson** (Sen. (Dr.) Lelegwe): Mover.

**Sen. (Dr.) Ochillo-Ayacko:** Mr. Temporary Chairman, Sir, I beg to move that the Committee do report to the House its consideration of The Salaries and Remuneration Commission (Amendment) Bill (Senate Bills No.31 of 2020) and its approval thereof with amendments.

*(Question put and agreed to)*

*(The House resumed)*

*[The Deputy Speaker (Sen. (Prof.) Kamar) in the Chair]*

**The Deputy Speaker** (Sen. (Prof.) Kamar): Order, Members! I see an intervention from Sen. Mutula Kilonzo Jnr.

### PROCEDURAL MOTION

#### EXTENSION OF SITTING TIME

**Sen. Mutula Kilonzo Jnr.:** Thank you, Madam Deputy Speaker. I beg to move- THAT, pursuant to Standing Order 31 (3) a), the Senate resolves to extend the Sitting today, Wednesday 15<sup>th</sup> September, 2021 until conclusion of business at Third Reading of Orders Nos. 13 to 17. Thank you.

*(Question proposed)*

*(Question put and agreed to)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, Senators. I will try as much as possible to move very fast. We are going to do voting after the report.

The first report is on The County Governments Grants Bill (Senate Bills No.35 of 2021). We will have Sen. Lelegwe first, then the Mover will come next.

### REPORTS AND CONSIDERATION OF REPORTS

#### THE COUNTY GOVERNMENTS GRANTS BILL (SENATE BILLS NO. 35 OF 2021)

**Sen. Lelegwe:** Madam Deputy Speaker, I beg to report that the Committee of the Whole has considered The County Governments Grants Bill (Senate Bills No.35 of 2021) and its approval thereof with amendments.

**The Deputy Speaker** (Sen. (Prof.) Kamar): The Mover, Sen. (Dr.) Ochillo-Ayacko?

**Sen. (Dr.) Ochillo-Ayacko:** Madam Deputy Speaker, I beg to move that the House do agree with the Committee in the said Report.

**Sen. (Prof.) Onger** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, the second Bill is The Mental Health (Amendment) Bill (Senate Bills No.28 of 2020).

THE MENTAL HEALTH (AMENDMENT) BILL  
(SENATE BILLS NO. 28 OF 2020)

**Sen. Lelegwe:** Madam Deputy Speaker, I beg to report that the Committee of the Whole has considered The Mental Health (Amendment) Bill (Senate Bills No.28 of 2020) and its approval thereof with amendments.

**Sen. Kasanga:** Madam Deputy Speaker, I beg to move that the House do agree with the Committee on the said Report.

**Sen. (Prof.) Onger** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, the next Bill is The Basic Education (Amendment) Bill (Senate Bills No.4 of 2021).

THE BASIC EDUCATION (AMENDMENT) BILL  
(SENATE BILLS NO. 4 OF 2021)

**Sen. Lelegwe:** Madam Deputy Speaker, I beg to report that the Committee of the Whole has considered The Basic Education (Amendment) Bill (Senate Bills No.4 of 2021) and its approval thereof with amendments.

**Sen. Mutula Kilonzo Jr.:** Madam Deputy Speaker, I beg to move that the House do agree with the Committee on the said Report and request Sen. Wambua to second.

**Sen. Wambua** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, the next Bill is The County Licensing (Uniform Procedures) Bill (Senate Bills No.32 of 2020).

THE COUNTY LICENSING (UNIFORM PROCEDURES) BILL  
(SENATE BILLS NO. 32 OF 2020)

**Sen. (Dr.) Lelegwe:** Madam Deputy Speaker, I beg to report that the Committee of the Whole has considered The County Licensing (Uniform Procedures) Bill (Senate Bills No. 32 of 2020) and its approval thereof with amendments.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Proceed, Mover.

**Sen. Chebeni:** Madam Deputy Speaker, I beg to move that the House do agree with the Committee in the said report.

**Sen. (Prof.) Ekal:** Madam Deputy Speaker, I second.

*(Question proposed)*

*(Question put and agreed to)*

THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT)  
BILL (SENATE BILLS NO.31 OF 2020)

**The Deputy Speaker** (Sen. (Prof.) Kamar: Hon. Senators, the fifth Bill is The Salaries and Remuneration Commission (Amendment) Bill (Senate Bills No.31 of 2020).

Can we hear from the Chairperson?

**Sen. (Dr.) Lelegwe:** Madam Deputy Speaker, I beg to report that the Committee of the Whole has considered The Salaries and Remuneration Commission (Amendment) Bill (Senate Bills No.31 of 2020) and its approval thereof with amendments.

**The Deputy Speaker** (Sen. (Prof.) Kamar: Can we hear from the Mover?

**Sen. (Dr.) Ochillo-Ayacko:** Madam Deputy Speaker, I beg to move that the House do agree with the Committee in the said report.

I request Sen. Wambua to second.

**Sen. Wambua:** Madam Deputy Speaker, I second.

*(Question proposed)*

*(Question put and agreed to)*

**The Deputy Speaker** (Sen. (Prof.) Kamar: Hon. Senators, that brings us to the end of the reporting. We will now vote for the Third Reading. I want to persuade the Members who are online not to log out. We will vote for all the five Bills at the same time. That will take a very short time.

Can the Mover of the first Bill for the Third Reading, The County Governments Grants Bill (Senate Bills No.35 of 2021), come forward.

### THIRD READINGS

#### THE COUNTY GOVERNMENTS GRANTS BILL (SENATE BILLS NO.35 OF 2021)

**Sen. (Dr.) Ochillo-Ayacko:** Madam Deputy Speaker, I beg to move that The County Governments Grants Bill (Senate Bills No.35 of 2021) be now read a Third Time.

I request Sen. Mutula Kilonzo Jnr. to second.

**Sen. Mutula Kilonzo Jnr.:** Madam Deputy Speaker, I second.

*(Question proposed)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): Voting will be at the end.

#### THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 28 OF 2020)

**The Deputy Speaker** (Sen. (Prof.) Kamar): Mover, proceed.

**Sen. Kasanga:** Madam Deputy Speaker, I beg to move that the Mental Health (Amendment) Bill (Senate Bills No. 28 of 2020) be now read a Third Time. I call upon Sen. Sakaja to second.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. Sakaja, proceed.

**Sen. Sakaja:** Madam Deputy Speaker, I second.

*(Question proposed)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): Voting will be at the end.

#### THE BASIC EDUCATION BILL (SENATE BILLS NO.4 OF 2021)

**The Deputy Speaker** (Sen. (Prof.) Kamar): Mover, proceed.

**Sen. Mutula Kilonzo Jnr.:** Madam Deputy Speaker, I beg to move that The Basic Education (Amendment) Bill (Senate Bills No.4 of 2021) be now read a Third Time.

I request Sen. Wetangula to second.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. Wetangula, proceed.

**Sen. Wetangula:** Madam Deputy Speaker, I second.

*(Question proposed)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): Voting will be at the end.

THE COUNTY LICENSING (UNIFORM PROCEDURES) BILL  
(SENATE BILLS NO. 32 OF 2020)

**The Deputy Speaker** (Sen. (Prof.) Kamar): Mover, proceed.

**Sen. Chebeni:** Madam Deputy Speaker, I beg to move that The County Licensing (Uniform Procedures) Bill (Senate Bills No.32 of 2020) be now read a Third Time.

I call upon Sen. Mutula Kilonzo Jnr. to second.

**Sen. Mutula Kilonzo Jnr.:** Madam Deputy Speaker, I second.

*(Question proposed)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): Division will be at the end.

THE SALARIES AND REMUNERATION COMMISSION  
(AMENDMENT) BILL (SENATE BILLS NO. 31 OF 2020)

**The Deputy Speaker** (Sen. (Prof.) Kamar): Mover, proceed.

**Sen. (Dr.) Ochillo-Ayacko:** Madam Deputy Speaker, I beg to move that the Salaries and Remuneration Commission (Amendment) Bill (Senate Bills No. 31 of 2020) be now read a Third Time.

I call upon Sen. Orengo to second.

**The Senate Minority Leader** (Sen. Orengo): Madam Deputy Speaker, I second.

*(Question proposed)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): Voting will be at the end. I would now like to put the questions on the five Bills, so that you vote on them.

Hon. Senators, we will now go into Division.

We will vote on the five Bills at ago. It is going to be Roll Call voting. Can we have our Tellers, Sen. Chebeni and Sen. Kasanga?

The Bell will be rung for one minute. The Senators online, please, stay close. We are going to vote and will be done in the next ten minutes.

*(The Division Bell was rung)*

*(The Senators proceeded to vote)*

*[The Deputy Speaker (Sen. (Prof.) Kamar) left the Chair]*

*[The Temporary Speaker (Sen. (Dr.) Lelegwe) in the Chair]*



*(Voting in progress)*

### THIRD READINGS

#### DIVISION

#### ROLL CALL VOTING

#### THE COUNTY GOVERNMENTS GRANTS BILL (SENATE BILLS NO. 35 OF 2020)

*(Question, that the County Governments Grants Bill (Senate Bills No. 35 of 2020) be now read a Third Time, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdul Haji, Garissa County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura; Wajir County; Sen. (Prof.) Kamar, Uasin Gishu; Sen. Kang'ata, Murang'a County; Sen. Kavindu Muthama, Machakos County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Nyamunga, Kisumu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Sakaja, Nairobi County; Sen. Seneta, Kajiado County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; and, Sen. Wetangula, Bungoma County.

**Teller for the Ayes:** Sen. Chebeni.

**NOES:** Nil

**Teller for the Noes:** Sen. Kasanga.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Hon. Senators, the results are as follows:

**AYES:** 26

**NOES:** Nil

**ABSTENTIONS:** Nil

The "Ayes" have it.

*(The Question carried by 26 votes to nil)*

*(The Bill was accordingly read the Third Time and passed)*

#### DIVISION

#### ROLL CALL VOTING

#### THE MENTAL HEALTH (AMENDMENT) BILL

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(SENATE BILLS NO. 28 OF 2020)

*(Question, that the Mental Health (Amendment) Bill  
(Senate Bills No. 28 of 2020) be now read a Third Time,  
put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdul Haji, Garissa County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura; Wajir County; Sen. (Prof.) Kamar, Uasin Gishu; Sen. Kang'ata, Murang'a County; Sen. Kavindu Muthama, Machakos County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Dr.) Lang'at, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Nyamunga, Kisumu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. (Prof.) Onger, Kisii County; Sen. Orengo, Siaya County; Sen. Sakaja, Nairobi County; Sen. Seneta, Kajiado County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; and, Sen. Wetangula, Bungoma County.

**Teller for the Ayes:** Sen. Chebeni.

**NOES:** Nil

**Teller for the Noes:** Sen. Kasanga.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Hon. Senators, the results are as follows: -

**AYES:** 26

**NOES:** Nil

**ABSTENTIONS:** Nil

The "Ayes" have it.

*(The Question carried by 26 votes to nil)*

*(The Bill was accordingly read the Third Time and passed)*

## DIVISION

ROLL CALL VOTING  
THE BASIC EDUCATION BILL  
(SENATE BILLS NO. 4 OF 2021)

*(Question, that the Basic Education Bill (Senate Bills No. 4 of 2021)  
be now read a Third Time, put and the Senate  
proceeded to vote by County Delegations)*

**AYES:** Sen. Abdul Haji, Garissa County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura; Wajir County; Sen. (Prof.) Kamar, Uasin Gishu; Sen.

Kang'ata, Murang'a County; Sen. Kavindu Muthama, Machakos County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Dr.) Lang'at, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Nyamunga, Kisumu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Sakaja, Nairobi County; Sen. Seneta, Kajiado County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; and, Sen. Wetangula, Bungoma County.

**Teller for the Ayes:** Sen. Chebeni.

**NOES:** Nil

**Teller for the Noes:** Sen. Kasanga.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Hon. Senators, the results are as follows:

**AYES:** 26

**NOES:** Nil

**ABSTENTIONS:** Nil

The "Ayes" have it.

*(The Question carried by 26 votes to Nil)*

*(The Bill was accordingly read the Third Time and passed)*

## DIVISION

### ROLL CALL VOTING

#### THE COUNTY LICENSING (UNIFORM PROCEDURES) BILL (SENATE BILLS NO. 32 OF 2020)

*(Question, that the County Licensing (Uniform Procedures) Bill  
(Senate Bills No. 32 of 2020) be now read a Third Time,  
put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdul Haji, Garissa County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Wajir County; Sen. (Prof.) Kamar, Uasin Gishu; Sen. Kang'ata, Murang'a County; Sen. Kavindu Muthama, Machakos County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Dr.) Lang'at, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Nyamunga, Kisumu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Sakaja, Nairobi County; Sen. Seneta, Kajiado County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; and, Sen. Wetangula, Bungoma County.

**Teller for the Ayes:** Sen. Chebeni.

**NOES:** Nil

**Teller for the Noes:** Sen. Kasanga.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Hon. Senators, the results are as follows:

**AYES:** 26

**NOES:** Nil

**ABSTENTIONS:** Nil

The “Ayes” have it.

*(The Question carried by 26 votes to nil)*

*(The Bill was accordingly read the Third Time and passed)*

## DIVISION

### ROLL CALL VOTING

#### THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (SENATE BILLS NO. 31 OF 2020)

*(Question, that the Salaries and Remuneration Commission  
(Amendment) Bill (Senate Bills No. 31 of 2020) be now read a  
Third Time, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdul Haji, Garissa County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Wajir County; Sen. (Prof.) Kamar, Uasin Gishu; Sen. Kang’ata, Murang’a County; Sen. Kavindu Muthama, Machakos County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Dr.) Lang’at, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Nyamunga, Kisumu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Sakaja, Nairobi County; Sen. Seneta, Kajiado County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; and Sen. Wetangula, Bungoma County.

**Teller for the Ayes:** Sen. Chebeni.

**NOES:** Nil

**Teller for the Noes:** Sen. Kasanga.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Honourable Senators, the results are as follows: -

**AYES:** 26

**NOES:** Nil

**ABSTENTIONS:** Nil

The “Ayes” have it.

*(The Question carried by 26 votes to nil)*

*(The Bill was accordingly read the Third Time and passed)*

*(Resumption of debate on Statements)*

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Hon. Senators we are back to our previous Order where we left. We defer Statements by Sen. (Dr.) Lelegwe, Sen. (Dr.) Lang’at and Sen. Omanga to tomorrow afternoon.

### STATEMENTS

#### UNFAIR TREATMENT OF MEMBERS OF THE SAMBURU COMMUNITY

*(Statement deferred)*

#### DECISION BY NHIF TO DENY COVER TO COVID-19 PATIENTS ADMITTED IN NON-DESIGNATED HEALTH FACILITIES

*(Statement deferred)*

#### ALLEGED SHOOTING AND DEATH OF MR. ALEX MACHARIA

*(Statement deferred)*

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Hon. Senators, we defer Order Nos.8 and 9.

### MOTIONS

#### APPROVAL OF SEN. JOHN KINYUA NDERITU, MP, TO SERVE IN THE SPEAKER’S PANEL

THAT, pursuant to Standing Order 17, the Senate approves the nomination of Sen. John Kinyua Nderitu, MP, as a Member of the Speaker’s Panel; and further, to be elected to preside over the Senate in the absence of the Speaker and the Deputy Speaker, pursuant to Article 107(1)(c) of the Constitution and Standing Order 15 of the Senate.

*(Motion deferred)*

#### APPROVAL OF SENATORS TO SERVE IN THE COMMITTEE ON POWERS AND PRIVILEGES

THAT, NOTWITHSTANDING the resolution of the Senate made on 14<sup>th</sup> February, 2018, and 24<sup>th</sup> June, 2020, on the approval of Senators to serve in the Committee of Powers and Privileges, and pursuant to Section 15 (1) (b) (ii), of the Parliamentary Powers and Privileges Act, and Standing Order 189, the Senate approves the following Senators nominated to serve in the Committee of Powers and Privileges –

1. Sen. (Canon) Naomi Waqo, MP to replace Sen. (Dr.) Alice Milgo, MP;
2. Sen. Christine Zawadi Gona, MP to replace Sen. Kipchumba Murkomen, EGH, MP; and
3. Sen. Abdulkadir Mohamed Haji, MP to replace Sen. Kimani Wamatangi, MP.

*(Motion deferred)*

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): What is it, Sen. Faki?

**Sen. Faki:** Mr. Temporary Speaker, Sir, the Statements that were made by Sen. (Dr.) Ali had not been committed to the relevant committees before the debate was stopped.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Order, Senator! Once the Statement is tabled, it is automatically committed to the committee.

**Sen. Faki:** Mr. Temporary Speaker, Sir, I am sorry, I did not know that.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): What is it, Sen. Sakaja?

## POINT OF ORDER

### STATUS OF STATEMENT ON THE PLIGHT OF FORMER COUNCILORS

**Sen. Sakaja:** Mr. Temporary Speaker, Sir, thank you. I kindly seek your indulgence, as the Speaker, for me as the Chairperson of the Committee on Labour and Social Welfare. I know those have been committed, but earlier on, when I tried to react to a comment that had been made, the online system did not register.

Just for the record, because I know Senators are ‘killed’ following all the Statements they ask for from our committees. There was a Statement that was sought by Sen. Wambua on the plight of former councillors. The impression is that the Committee has not taken it seriously.

Mr. Temporary Speaker, Sir, I just want to clarify because he has asked about the delay. The Committee has had sittings on that matter. The last time the Cabinet Secretary (CS) for National Treasury and Planning was supposed to come to our Committee, he asked for one month so that he could get the vote from which he will pay these councillors.

This is a serious matter. We agreed that there is no need for him to come and give us lip service. Sen. Wambua is a very honest man. When the CS made that request to me,

I was right next to Sen. Wambua and he heard the CS making it. He said that it was a sensible request.

Mr. Temporary Speaker, Sir, this past Wednesday, the CS was to come to the Committee, but he had been summoned to Sate House. I think you all saw when they declared drought a national disaster. The Committee then determined that we invite him for the last time the coming Tuesday. I will ask all Senators to be present in that meeting because it is a very important issue.

Our former councillors text us every day; their plight is really bad. They have a lot of hope in the work of this Senate Committee. I also thank the CS because he has been very honest on this issue. I am sure we will conclude it next Tuesday. I just wanted to give that clarification because I know that our councillors are also following. We are still on top of this issue and shall report to the House next week.

Mr. Temporary Speaker, Sir, thank you.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Proceed, Sen. Cherargei.

**Sen. Cherargei:** Mr. Temporary Speaker, Sir, while at it, I wanted your intervention. Early this year or late last year, there was a Communication from Nandi County Assembly. They had requested through the Committee on Delegated Legislation on the issue of tea taxes within the County of Nandi. That matter came to the attention of the House. I thought it would be important to update us because I have not heard from the Committee.

When that message came to your attention, you did forward to the relevant committee, but up to now, I have not been invited as the area Senator or there has never been any status report on the issue that you raise. I will be very grateful if your office guides appropriately on the fate of such message that was communicated through the House courtesy of Nandi County Assembly.

I thank you, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Sen. Cherargei, the matter will be addressed tomorrow afternoon.

### ADJOURNMENT

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Hon. Senators, it is now 6.30 p.m., time to adjourn the House. The Senate, therefore, stands adjourned until Thursday, 16<sup>th</sup> September, 2021, at 2.30 p.m.

The Senate rose at 6.30 p.m.