



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, MARCH 07, 2024 AT 2.30 PM

1. The Senate assembled at thirty minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Speaker.
3. **QUORUM OF THE SENATE**

The Speaker, having counted the Honourable Senators present at the commencement of the Sitting and confirming that there was a Quorum, invited the Clerk to call the Orders of the day.

4. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair: -

i) **Visiting delegation from the County Assembly of Elgeyo Marakwet**

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon of, a visiting delegation from the County Assembly of Elgeyo Marakwet. The delegation comprises seven (7) Members and five (5) Officers of the Committee on Delegated Legislation who are on a benchmarking visit with their counterparts in the Senate.

Honourable Senators,

I request each Member of the delegation to stand when called out so that they may be acknowledged in the Senate tradition –

- | | | |
|-----|-------------------|------------------|
| i) | Hon. Sally Kosgei | Chairperson |
| ii) | Hon. John Koima | Vice Chairperson |

iii)	Hon. Christopher Cheboiboch	Member
iv)	Hon. Simeon Chepsebaa	Member
v)	Hon. Eddah Rotich	Member
vi)	Hon. Gilbert Ngetich	Member
vii)	Hon. Joshua Kipruto	Member
viii)	Gladys Komen	Clerk Assistant
ix)	Collins Limo	Legal Council
x)	Lorna Tuwei	Hansard Reporter
xi)	Micheal Kapkiai	Sergeant at Arms
xii)	Timothy Kipchumba	Driver

On behalf of the Senate and on my own behalf, I extend a warm welcome and wish you a fruitful visit.

I thank you.”

ii) Visiting teachers and students from Ghamina Girls High School in Kajiado County

“Honorable Senators,

In the Public gallery, we have thirty-six (36) students from Ghamina Girls High School in Kajiado County, who are undertaking a one-day education visit in the Senate.

Honorable Senators,

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and, on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you!”

iii) Visiting delegation from Samburu County

“Honorable Senators,

In the Public gallery, we have a visiting delegation from Samburu County, who are undertaking an education visit in the Senate.

Honorable Senators,

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and, on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you!”

5. **MESSAGES**

The Speaker conveyed the following Messages: -

i) From the National Assembly on the adoption, by the National Assembly, of the report of the National Dialogue Committee

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 46 (3) and (4), I received the following Message from the Speaker of the National Assembly with respect to the Resolution of the National Assembly on the Report of the National Dialogue Committee.

The Message, which is dated 29th February, 2024 was received on Wednesday, 5th March, 2024 in the Office of the Clerk of the Senate.

Pursuant to the said Standing Order, I now report the Message-

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

WHEREAS, the National Assembly and the Senate, on Wednesday, 16th August 2023 and Tuesday, 29th August 2023, respectively, considered and passed a resolution on the establishment of a National Dialogue Committee, which was mandated to facilitate dialogue and consensus building and recommend appropriate constitutional, legal and policy reforms on issues of concern to the people of Kenya, to be framed by the Committee;

AND WHEREAS, the National Assembly and Senate, by resolutions passed on Tuesday, 17th October 2023 and Wednesday, 18th October 2023, respectively, extended the mandate of the National Dialogue Committee by a further thirty (30) days from 28th October 2023 consequent to which, the Committee would report to the leadership of Kenya Kwanza and Azimio Coalitions on or before 26th November 2023 and thereafter submit its Report to Parliament;

FURTHER WHEREAS, the National Assembly, by a resolution passed on Thursday, 22nd February 2024, adopted the Report of the National Dialogue

Committee, laid on the table of the National Assembly on Thursday, 7th December 2023;

NOW THEREFORE, in accordance with the provisions of Standing Orders 41(1) of the National Assembly Standing Orders, I hereby convey the said Resolution of the National Assembly to the Senate for consideration.”

Honourable Senators,

As you may be aware, the Senate, by a resolution passed on Wednesday, 21st February 2024 (afternoon sitting), also adopted the Report of the National Dialogue Committee laid on the Table of the Senate on Wednesday, 14th February, 2024.

This decision was communicated to the National Assembly vide a Message dated 23rd February, 2024.

I thank you.”

ii) From the County Assembly of Kisii on the approval of a Motion on the proposed removal from office, by Impeachment, of H.E Hon. (Dr.) Robert Onsare Monda, the Deputy Governor of Kisii County

“Honourable Senators,

I wish to report to the Senate that I have, pursuant to Standing Order 48 (4), received a Message from the Speaker of the County Assembly of Kisii regarding the removal from office, by way of impeachment, of H.E Hon (Dr.) Robert Onsare Monda, the Deputy Governor of Kisii County.

The Message was conveyed to the Senate via a letter dated Friday, 1st March 2024 signed by the Speaker of the County Assembly of Kisii and received in my Office on Saturday, 2nd March 2024 indicated that the County Assembly had passed the resolution to remove the Deputy Governor from office, pursuant to Article 181 (1) (a) & (c) of the Constitution as read together with Section 33 of the County Governments Act and Standing Orders 60 and 61 of the Kisii County Assembly Standing Orders, by a majority of 53 votes out of 70 on the following grounds:-

1. Gross Violation of the Constitution or any other law

The particulars of this allegation are that the Deputy Governor –

- (i) Violated Articles 10, 73, 75, and 232 of the Constitution of Kenya by soliciting and receiving a bribe to influence the recruitment process at the Gusii Water and Sanitation Company (GWASCO); and
- (ii) Breached the Leadership and Integrity Act sections 8, 9, 10, 11, 24, 32, 34 and Public Officer Ethics Act sections 9, 11(1), 11(2)(a)(i), (c)

by compromising the integrity of a public recruitment institution for personal gain.

2. Abuse of Office

3.

The particulars of this allegation are that the Deputy Governor –

- (i) Used his position to solicit Kenya shillings eight hundred thousand (Kshs. 800,000) thereby, conferring a financial benefit upon himself and attempting to influence GWASCO's hiring decision by sending Kenya shillings one hundred thousand (Kshs. 100,000) to its Managing Director, violating Articles 10, 27, 73 (2) (b), 75 and 232 of the Constitution, sections 8, 9, 10, 11, 13, 24, 32, and 34 of the Leadership & Integrity Act, section 11(1), (2)(a)(i), (c) of the Public Officers & Ethics Act and section 6(1)(a), (c), (2) (3) of the Bribery Act; and
- (ii) Unlawfully diverted county enforcement officers to work on his farm and misused executive power to target his relative.

4. Gross Misconduct

The particulars of this allegation are that the Deputy Governor contravened Article 75 of the Constitution by attempting to influence the appointment process for the position of Commercial Manager at GWASCO by offering a bribe to its Managing Director, Ms. Lucy Wahito Wachira.

5. Crimes Under National Law

The particulars of this allegation are that the Deputy Governor breached the Bribery Act section 6(1)(a), (c), (2) (3) by soliciting and receiving bribes of Kenya shillings eight hundred thousand (Kshs 800,000) and sending Kenya shillings one hundred thousand (Kshs 100,000) to the managing director of GWASCO so as to influence the award of a contract of employment to a preferred interviewee.

Honourable Senators,

Annexed to the letter conveying the decision of the County Assembly were the following documents: -

- i. The motion of impeachment
- ii. The votes and proceedings
- iii. The Order Paper of the Sitting Day
- iv. Notice of Motion
- v. List of signatures of Members in support, attached to the motion for impeachment
- vi. The Hansard recording for 13th and 21st February, 2024;

- vii. A copy of a complaint letter from one Mr. Dennis Mokaya Misati to Hon. Wycliff Siocha Gesongori
- viii. A copy of the complaint from Mr. Dennis Mokaya Misati to the Director of Ethics and Anti-Corruption Commission
- ix. An affidavit by Mr. Dennis Mokaya Misati in support of allegations against the Deputy Governor
- x. An advertisement for a vacancy at GWASCO
- xi. A shortlisting of suitable candidates for the vacancy advertised by GWASCO
- xii. The application by Mr. Dennis Mokaya for the post of Commercial Manager at GWASCO
- xiii. A copy of a Mpesa statement belonging to Mr. Dennis Mokaya;
- xiv. An affidavit by Mr. Reuben Monda Orang'i Matundura
- xv. A copy of a Mpesa statement belonging to Ms. Lucy Wahito
- xvi. A witness statement by Ms. Lucy Wahito
- xvii. A copy of the Public Participation advertisement and the report
- xviii. A witness statement by Mr. David Haggai Oyagi
- xix. A witness statement by Ms. Gladys Aminga
- xx. A witness statement by Mr. Enock Maranga

The letter further stated that the Hansard recordings of the Assembly proceedings of 29th February, 2024 would be submitted to the Senate on Friday, 8th March, 2024.

Honourable Senators,

In terms of Article 181 of the Constitution, Section 33(3)(a) of the County Governments Act, 2012 and Standing Order 80(1)(a) of the Senate Standing Orders, the Speaker of the Senate is required *“within seven days after receiving notice of a resolution from the Speaker of a County Assembly to convene a meeting of the Senate to hear charges against the Governor.”*

Pursuant to Section 33(3)(b) of the County Governments Act and Standing Order 80(1)(a) of the Senate Standing Orders, I hereby proceed to read the charges against the Deputy Governor of Kisii County, as contained in the Motion of Impeachment by the County Assembly of Kisii.

1. Charge 1: Gross Violation of the Constitution or any other law

The particulars of this allegation are that the Deputy Governor –

- (i) Violated Articles 10, 73, 75, and 232 of the Constitution of Kenya by soliciting and receiving a bribe to influence the recruitment process at the Gusii Water and Sanitation Company (GWASCO); and
- (ii) Breached the Leadership and Integrity Act sections 8, 9, 10, 11, 24, 32, 34 and Public Officer Ethics Act sections 9, 11(1), 11(2)(a)(i), (c) by compromising the integrity of a public recruitment institution for personal gain.

2. Charge 2: Abuse of Office

The particulars of this allegation are that the Deputy Governor –

- (i) Used his position to solicit Kenya shillings eight hundred thousand (Kshs. 800,000) thereby, conferring a financial benefit upon himself and attempting to influence GWASCO's hiring decision by sending Kenya shillings one hundred thousand (Kshs. 100,000) to its Managing Director, violating Articles 10, 27, 73 (2) (b), 75 and 232 of the Constitution, sections 8, 9, 10, 11, 13, 24, 32, and 34 of the Leadership & Integrity Act, section 11(1), (2)(a)(i), (c) of the Public Officers & Ethics Act and section 6(1)(a), (c), (2) (3) of the Bribery Act.
- (ii) Unlawfully diverted county enforcement officers to work on his farm and misused executive power to target his relative.

3. Charge 3: Gross Misconduct

The particulars of this allegation are that the Deputy Governor contravened Article 75 of the Constitution by attempting to influence the appointment process for the position of Commercial Manager at GWASCO by offering a bribe to its Managing Director, Ms. Lucy Wahito Wachira.

4. Charge 4: Crimes Under National Law

The particulars of this allegation are that the Deputy Governor breached the Bribery Act Section 6(1)(a), (c), (2) (3) by soliciting and receiving bribes of Kenya shillings eight hundred thousand (Kshs 800,000) and sending Kenya shillings one hundred thousand (Kshs 100,000) to the Managing Director of GWASCO so as to influence the award of a contract of employment to a preferred interviewee.

Honourable Senators,

In terms of the way forward following the reading of the charges against the Deputy Governor, Standing Order 80(1)(b) of the Senate Standing Orders, as read together with Section 33(3)(b) of the County Governments Act, gives the Senate two options on how to proceed with the matter.

“The Senate may –

- (a) *by Resolution, appoint a Special Committee comprising eleven of its members to investigate the matter; or*
- (b) *investigate the matter in plenary.”*

The Senate Majority Leader will, at an appointed time during this sitting, give a Notice of Motion for the establishment of a Special Committee. Should this Motion be carried, the Special Committee will be required, under Section 33(4) of the County Governments Act and Standing Order 80(2) of the

Senate, to investigate the matter and to report to the Senate on whether it finds the particulars of the allegations against the Governor to have been substantiated.

In the event that the Motion for the establishment of a Special Committee does not pass, the fall-back position is that the Senate shall proceed to investigate and consider the matter in Plenary. In this event, I will appoint the dates on which the Senate will sit in Plenary to hear and determine the charges against the Governor.

Honourable Senators,

It is noteworthy, and I wish to emphasize to all Honourable Senators, that when we come to the debate on the Motion for the establishment of the Special Committee, debate on the Motion shall be limited to the substance of the Motion, principally, *whether or not to establish the Special Committee*. It will not be a debate on the substance of the impeachment or its merits, propriety, prudence or even the constitutionality or the legality of the processes that have preceded the submission of this matter to the Senate. It is, therefore, not permissible to deviate to any issues other than the Motion before the Senate.

In the meantime, and during the pendency of the Impeachment process in the Senate, I wish to caution Honourable Senators to desist from publicly commenting on the merits or demerits of the impeachment Motion before the Senate. Doing so would amount to anticipation of debate, which is an infringement of Standing Order 99. Therefore, it shall be out of order, within the meaning of Standing Order 122, for any Senator to make comments, whether written or spoken, in relation to the conduct of the Deputy Governor or the impeachment process, outside the confines of the impeachment proceedings as such comments may prejudice the just outcome of the process.

Honourable Senators,

This is the fourth impeachment hearing in the 13th Parliament, and the second one involving a Deputy Governor. In undertaking this mandate, the Senate will be sitting as a quasi-judicial body and will conduct investigations into the alleged infractions of the Constitution and the law, and thereafter make its determination on the matter.

As such, this is a reminder that the impeachment hearing is not just a procedural formality but a fundamental process that plays a crucial role in upholding the principles of democracy and good governance. This hearing is one of the most crucial oversight tools and roles of the Senate.

I conclude by urging all Honourable Senators to exercise the highest level of responsibility on this matter.

I thank you.”

6. PAPERS LAID

The following Papers were laid on the Table of the Senate: -

- i.) Report of the Auditor General on Financial Statements of the County Executive of Kwale for the year ended 30th June, 2023.
- ii.) Report of the Auditor General on Financial Statements of Kwale County Assembly of for the year ended 30th June, 2023.
- iii.) Report of the Auditor General on Financial Statements of Kwale County Assembly Members and Staff Loan Scheme Fund for the year ended 30th June, 2023.
- iv.) Report of the Auditor General on Financial Statements of Kwale County Trade Revolving Fund for the year ended 30th June, 2023.
- v.) Report of the Auditor General on Financial Statements of Kwale County Youth, Women and Persons with Disability Revolving Fund for the year ended 30th June, 2023.
- vi.) Report of the Auditor General on Financial Statements of Kwale County Emergency Fund for the year ended 30th June, 2023.
- vii.) Report of the Auditor General on Financial Statements of the County Executive of Taita Taveta for the year ended 30th June, 2023.
- viii.) Report of the Auditor General on Financial Statements of the County Assembly of Taita Taveta for the year ended 30th June, 2023.
- ix.) Report of the Auditor General on Financial Statements of Taita Taveta County Education Fund for the year ended 30th June, 2023.
- x.) Report of the Auditor General on Financial Statements of the County Government of Taita Taveta – Receiver of Revenue for the year ended 30th June, 2023.
- xi.) Report of the Auditor General on Financial Statements of Taita Taveta County Datu Sawazisha Fund for the year ended 30th June, 2023.
- xii.) Report of the Auditor General on Financial Statements of the County Executive of Tana River for the year ended 30th June, 2023.
- xiii.) Report of the Auditor General on Financial Statements of the County Assembly of Tana River for the year ended 30th June, 2023.
- xiv.) Report of the Auditor General on Financial Statements of the County Government of Tana River – Receiver of Revenue for the year ended 30th June, 2023.

- xv.) Report of the Auditor General on Financial Statements of the County Assembly of Tana River Car Loan and Mortgage Fund for the year ended 30th June, 2023.
- xvi.) Report of the Auditor General on Financial Statements of Tana River County Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2023.
- xvii.) Report of the Auditor General on Financial Statements of Tana River County Disaster Risk Management Fund for the year ended 30th June, 2023.
- xviii.) Report of the Auditor General on Financial Statements of Tana River County Emergency Fund for the year ended 30th June, 2023.
- xix.) Report of the Auditor General on Financial Statements of Tana River County Inuka Fund for the year ended 30th June, 2023.
- xx.) Report of the Auditor General on Financial Statements of Tana River County Ward Bursary Fund for the year ended 30th June, 2023.
- xxi.) Report of the Auditor General on Financial Statements of the County Government of Tana River – County Revenue Fund for the year ended 30th June, 2023.
- xxii.) Report of the Auditor General on Financial Statements of Mombasa County Assembly Car Loan and Mortgage Fund for the year ended 30th June, 2023.
- xxiii.) Report of the Auditor General on Financial Statements of the County Government of Mombasa – County Revenue Fund for the year ended 30th June, 2023.
- xxiv.) Report of the Auditor General on Financial Statements of Mombasa County Consolidated Revolving Fund for the year ended 30th June, 2023.
- xxv.) Report of the Auditor General on Financial Statements of Mombasa County Elimu Scheme for the year ended 30th June, 2023.
- xxvi.) Report of the Auditor General on Financial Statements of Mombasa County Alcoholic Drinks Control Fund for the year ended 30th June, 2023.
- xxvii.) Report of the Auditor General on Financial Statements of the County Government of Mombasa – County Receiver of Revenue for the year ended 30th June, 2023.

- xxviii.) Report of the Auditor General on Financial Statements of West Pokot County Bursary, Education Development and Infrastructure Fund of for the year ended 30th June, 2023.
- xxix.) Report of the Auditor General on Financial Statements of Embu County Youth Trust Fund for the year ended 30th June, 2023.
- xxx.) Report of the Auditor General on Financial Statements of Meru County Executive Staff Housing Fund for the year ended 30th June, 2023.
- xxxi.) Report of the Auditor General on Financial Statements of Nyandarua County Assembly (Staff) Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2023.
- xxxii.) Report of the Auditor General on Financial Statements of Tharaka Nithi County Executive Staff Mortgage and Car Loan Scheme Fund for the year ended 30th June, 2023.
- xxxiii.) Report of the Auditor General on Financial Statements of Kilifi County Emergency Fund for the year ended 30th June, 2023.
- xxxiv.) Report of the Auditor General on Financial Statements of Kilifi County Microfinance (Wezesha) Fund for the year ended 30th June, 2023.
- xxxv.) Report of the Auditor General on Financial Statements of Turkana County Executive State and Public Officers Car Loan & Mortgage Fund for the year ended 30th June, 2023.
- xxxvi.) Report of the Auditor General on Financial Statements of Turkana County Assembly Car Loan (Members) Scheme Fund for the year ended 30th June, 2023.
- xxxvii.) Report of the Auditor General on Financial Statements of Turkana County Assembly Staff Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2023.
- xxxviii.) Report of the Auditor General on Financial Statements of Turkana County Co-operative Enterprise Development Fund for the year ended 30th June, 2023.
- xxxix.) Report of the Auditor General on Financial Statements of Uasin Gishu County Education Revolving Fund for the year ended 30th June, 2023.
- xl.) Report of the Auditor General on Financial Statements of the County Executive of Trans Nzoia for the year ended 30th June, 2023.
- xli.) Report of the Auditor General on Financial Statements of the County Assembly of Trans Nzoia for the year ended 30th June, 2023.

(The Senate Majority Leader)

xlii.) Report of the Select Committee on County Public Accounts on its consideration of the Reports of the Auditor General on the financial statements of West Pokot County Assembly for the financial year 2018/2019 and Reports of the Auditor General on the financial statements of Isiolo, Kiambu, Kitui, Marsabit, Narok, Nyamira, Trans Nzoia, West Pokot and Murang'a County Assemblies for the financial year 2019/2020.

(The Chairperson, County Public Accounts Committee)

xliii.) Report of the Standing Committee on Finance and Budget on the 2024 Medium Term Debt Management Strategy.

(The Chairperson, Standing Committee on Finance and Budget)

xliv.) Report of the Standing Committee on Roads, Transportation and Housing on the Affordable Housing Bill, 2023 (National Assembly Bills No. 75 of 2023).

(The Chairperson, Standing Committee on Roads, Transportation and Housing)

7. **NOTICE OF MOTION ON THE ESTABLISHMENT OF A SPECIAL COMMITTEE TO INVESTIGATE AND REPORT ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HONOURABLE (DR.) ROBERT MONDA, THE DEPUTY GOVERNOR OF KISII COUNTY**

(The Senate Majority Leader)

THAT, WHEREAS, pursuant to Article 181 of the Constitution and Section 33 of the County Governments Act, on Thursday, 29th February, 2024, the Kisii County Assembly approved a Motion to remove from office, by impeachment, Honourable (Dr.) Robert Monda, the Deputy Governor of Kisii County;

AND FURTHER, WHEREAS by a letter dated 1st March, 2024 and received in the Office of the Speaker of the Senate on Saturday, 2nd March, 2024, the Speaker of the Kisii County Assembly informed the Speaker of the Senate of the approval of the Motion by the County Assembly and further forwarded to the Speaker of the Senate, documents in evidence of the proceedings of the Assembly;

AND WHEREAS, pursuant to section 33(3) (b) of the County Governments Act, and Standing Order 80(1) (b) and (9) of the Senate, the Senate by resolution, may appoint a special committee comprising eleven of its Members to investigate the matter;

NOW, THEREFORE, pursuant to section 33(3) (b) of the County Governments Act, and Standing Order 80(1) (b) and (9), the Senate resolves to establish a special committee comprising the following Senators: -

1. Sen. Seki Lenku Ole Kanar, MP;
2. Sen. David Wafula Wakoli, MP;
3. Sen. Mariam Sheikh Omar, MP;
4. Sen. Nyutu Joe, MP;
5. Sen. James Ekomwa Lomenen, MP;
6. Sen.(Prof.) Margaret Kamar, EGH, MP;
7. Sen. Okiya Omtatah, MP;
8. Sen. Beth Syengo, MP;
9. Sen. Issa Juma Boy, MP;
10. Sen. Shakila Abdallah, CBS, MP; and
11. Sen. Crystal Asige, MP.

to investigate the proposed removal from office of Hon. (Dr.) Robert Monda, the Deputy Governor of Kisii County and pursuant to Standing Order 80 (2), to report to the Senate, within ten (10) days of its appointment, on whether or not it finds the particulars of the allegations against the Deputy Governor to have been substantiated.

8. **NOTICE OF MOTION - REPORT OF THE SELECT COMMITTEE ON COUNTY PUBLIC ACCOUNTS ON ITS CONSIDERATION OF THE REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF WEST POKOT COUNTY ASSEMBLY FOR THE FINANCIAL YEAR 2018/2019 AND REPORTS OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF ISIOLO, KIAMBU, KITUI, MARSABIT, NAROK, NYAMIRA, TRANS NZOIA, WEST POKOT AND MURANG'A COUNTY ASSEMBLIES FOR THE FINANCIAL YEAR 2019/2020**

(The Chairperson, County Public Accounts Committee)

THAT, the Senate adopts the Report of the Select Committee on County Public Accounts on its consideration of the Report of the Auditor General on the financial statements of West Pokot County Assembly for the financial year 2018/2019 and Reports of the Auditor General on the financial statements of Isiolo, Kiambu, Kitui, Marsabit, Narok, Nyamira, Trans Nzoia, West Pokot and Murang'a County Assemblies for the financial year 2019/2020 laid on the table of the Senate on Thursday, 7th March, 2024.

9. **NOTICE OF MOTION - REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE 2024 MEDIUM-TERM DEBT MANAGEMENT STRATEGY**

(The Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the 2024 Medium Term Debt Management Strategy laid on the table of the Senate on Thursday, 7th March, 2024.

10. **QUESTIONS AND STATEMENTS****Statements made pursuant to Standing Order 52(1)**

- i) The Senator for Nandi County (Sen. Samson Cherarkey, MP) made a Statement on a matter of general topical concern and national importance on the outstanding performance of the Kenyan team at the Tokyo Marathon 2024, which took place on Sunday, 3rd March, 2024.

The Senator highlighted the athletes' dominant performance, notably Benson Kipruto's outstanding victory, which set a new course and Japanese all-comers record with an incredible time of 2:02:16. Timothy Kiplagat followed closely in second place, with Vincent Kipkemboi Ngetich completing the Kenyan sweep by securing third place. The Senator emphasized that the victory not only showcased Kenya's preeminence in long-distance running but also built upon Kipruto's prior achievements, including his win at the Chicago Marathon in 2022 and his second-place finish in 2023, highlighting the continuing excellence and global competitiveness of Kenyan athletes.

Moreover, the Senator took the opportunity to extend his warm congratulations to Rosemary Wanjiru for her impressive second-place finish in the women's race.

Acknowledging the significance of these remarkable achievements, the Senator urged the Senate to facilitate a session where the athletes could address the legislative body, ensuring their efforts and successes are aptly acknowledged and celebrated.

Additionally, he urged relevant sports authorities to uphold transparency and integrity in team selection and management, particularly as they prepare for the upcoming Olympics in Paris and to remain vigilant against doping and other unethical practices that tarnish the reputation of the athletes and the nation as a whole.

- ii) Nominated Senator (Sen. Veronica Maina, MP) made a Statement on a matter of general topical concern, on advancing and protecting the rights and status of women in Kenya in light of the upcoming International Women's Day.

The Senator underscored the significance of the Two-Thirds Gender Rule as a pivotal element in the quest for gender equality in leadership positions. She noted that, despite significant progress, Kenya still faces challenges in fully implementing this key principle. She paid tribute to the invaluable contributions of Kenyan women to the country's development, recognizing their roles across various sectors, from vibrant marketplaces and corporate boardrooms to productive farmlands, underscoring women as the backbone of Kenya's socio-economic structure.

Reiterating her dedication to enhancing women's participation at all levels of governance, Sen. Maina called for the removal of systemic obstacles that limit

women's opportunities and achievements. She stressed the importance of valuing the diverse perspectives and experiences of Kenyan women to promote a more inclusive society.

The Senator, while emphasizing the critical role of education for girls, advocated for it as essential for enhancing Kenya's resilience and economic growth. She urged for concerted efforts to make the Two-Thirds Gender Rule a tangible reality in the Senate.

Additionally, Sen. Maina addressed the severe issue of violence against women, with a particular focus on femicide. She outlined plans to forge a safer world where women are free from fear and violence, aiming to eradicate femicide. Through awareness, advocacy, and investment in a safer future, she envisioned creating a society where every woman feels secure and esteemed.

- iii) Nominated Senator (Sen. Hamida Kibwana, MP) made a Statement on a matter of general topical concern on celebrating the achievements and contributions of women from all walks of life, with a special focus on the women leaders in Kenya Women Senators Association (KEWOSA), on the occasion of the International Day of Women.

The Senator highlighted the indomitable resilience, leadership and achievements of Kenyan women in promoting gender equality and empowering women and girls. She said that despite facing historical and ongoing challenges such as systemic obstacles, the disproportionate effects of climate change and gender-based violence, women in Kenya had shown remarkable strength and unity.

The Senator gave special commendation to the leadership shown by women in KEWOSA, noting their substantial legislative efforts during the Thirteenth Parliament. She recognized them for their active roles in sponsoring legislative business aimed at enhancing the well-being of women and girls nationwide. The transformative leadership of women governors was also acknowledged, with specific acknowledgement of Governor Gladys Wanga of Homa Bay County for her initiatives in spurring economic growth and fostering international cooperation.

Additionally, the Senator celebrated the accomplishments of Kenyan women on the international stage, including those holding prestigious roles such as the Senior Presidential Producer at the White House and the Chief of Staff in the Office of the Secretary-General of the Organisation of African, Caribbean, and Pacific States (OACPS). The Senator paid homage to the late Wangari Maathai, whose ground-breaking efforts in environmental conservation and advocacy for women's rights continue to inspire worldwide.

Looking ahead, the Senator stressed the shared duty to defend women's rights, elevate their voices, and commend their achievements. On the occasion of International Women's Day, she called for a reinvigorated commitment to dismantle barriers, support initiatives that empower women, and strive for a

society devoid of discrimination, violence, and inequality. This, she said, would be a true tribute to the resilience and spirit of Kenyan women.

11. **MOTION - RENEWAL OF THE MANDATE OF THE AD HOC COMMITTEE ON THE COMPENSATION TO THE KENYAN VICTIMS OF THE 1998 BOMBING OF THE UNITED STATES OF AMERICA EMBASSY IN NAIROBI**

Order read;

Motion made and Question proposed;

THAT, AWARE THAT, at the Sitting of the Senate held on 29th June, 2023, the Senate, resolved to establish an Ad Hoc Committee to investigate the compensation to the Kenyan victims of the 1998 bombing of the United States of America Embassy in Nairobi and report back to the House within three months of its establishment;

FURTHER AWARE, that on 3rd October, 2023 and on 15th November, 2023 the Senate resolved to renew the mandate of the Ad Hoc Committee for a further period not exceeding forty-five (45) days, and a further period not exceeding one hundred (100) days from 10th November, 2023, respectively, to enable the Committee to finalize and table its report in the Senate on or before 18th February, 2024;

APPRECIATING THAT, the Committee has a lot of work to execute before conclusion of its enquiry and reporting to the Senate;

NOW, THEREFORE, the Senate resolves to renew the mandate of the Ad Hoc Committee for a further period not exceeding one hundred (100) days from 11th March, 2024, and to table its final report in the Senate on or before 19th June, 2024.

(The Chairperson, Ad-Hoc Committee)

And there being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84 (1), the Speaker ruled that the Motion does not affect counties.

Question put and **agreed to.**

RESOLVED ACCORDINGLY

THAT, AWARE THAT, at the Sitting of the Senate held on 29th June, 2023, the Senate, resolved to establish an Ad Hoc Committee to investigate the compensation to the Kenyan victims of the 1998 bombing of the United States of America Embassy in Nairobi and report back to the House within three months of its establishment;

FURTHER AWARE, that on 3rd October, 2023 and on 15th November, 2023 the Senate resolved to renew the mandate of the Ad Hoc Committee for a further period not exceeding forty-five (45) days, and a further period not exceeding one hundred (100) days from 10th November, 2023, respectively, to enable the Committee to finalize and table its report in the Senate on or before 18th February, 2024;

APPRECIATING THAT, the Committee has a lot of work to execute before conclusion of its enquiry and reporting to the Senate;

NOW, THEREFORE, the Senate resolves to renew the mandate of the Ad Hoc Committee for a further period not exceeding one hundred (100) days from 11th March, 2024, and to table its final report in the Senate on or before 19th June, 2024.

12. **MOTION - ESTABLISHMENT OF A SPECIAL COMMITTEE TO INVESTIGATE AND REPORT ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HONOURABLE (DR.) ROBERT MONDA, THE DEPUTY GOVERNOR OF KISII COUNTY**

Order read;

Motion made;

THAT, WHEREAS, pursuant to Article 181 of the Constitution and Section 33 of the County Governments Act, on Thursday, 29th February, 2024, the Kisii County Assembly approved a Motion to remove from office, by impeachment, Honourable (Dr.) Robert Monda, the Deputy Governor of Kisii County;

AND FURTHER, WHEREAS by a letter dated 1st March, 2024 and received in the Office of the Speaker of the Senate on Saturday, 2nd March, 2024, the Speaker of the Kisii County Assembly informed the Speaker of the Senate of the approval of the Motion by the County Assembly and further forwarded to the Speaker of the Senate, documents in evidence of the proceedings of the Assembly;

AND WHEREAS, pursuant to section 33(3) (b) of the County Governments Act, and Standing Order 80(1) (b) and (9) of the Senate, the Senate by resolution, may appoint a special committee comprising eleven of its Members to investigate the matter;

NOW, THEREFORE, pursuant to section 33(3) (b) of the County Governments Act, and Standing Order 80(1) (b) and (9), the Senate resolves to establish a special committee comprising the following Senators: -

1. Sen. Seki Lenku Ole Kanar, MP;
2. Sen. David Wafula Wakoli, MP;
3. Sen. Mariam Sheikh Omar, MP;
4. Sen. Nyutu Joe, MP;

5. Sen. James Ekomwa Lomenen, MP;
6. Sen. (Prof.) Margaret Kamar, EGH, MP;
7. Sen. Okiya Omtatah, MP;
8. Sen. Beth Syengo, MP;
9. Sen. Issa Juma Boy, MP;
10. Sen. Shakila Abdallah, CBS, MP; and
11. Sen. Crystal Asige, MP.

to investigate the proposed removal from office of Hon. (Dr.) Robert Monda, the Deputy Governor of Kisii County and pursuant to Standing Order 80 (2), to report to the Senate, within ten (10) days of its appointment, on whether or not it finds the particulars of the allegations against the Deputy Governor to have been substantiated.

(The Senate Majority Leader)

And there being no Seconder;

Motion withdrawn pursuant to Standing Order 70(1).

13. **COMMUNICATION FROM THE CHAIR ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HON. (DR.) ROBERT MONDA, THE DEPUTY GOVERNOR OF KISII COUNTY**

The Temporary Speaker (Sen. Veronica Maina, MP) conveyed the following Communication from the Chair: -

“Honourable Senators,

As you are aware, the Majority Leader moved the Motion at Order No. 9 on today’s Order Paper, for the establishment of a Special Committee to investigate the proposed removal from office, by impeachment, of Hon. (Dr.) Robert Monda, the Deputy Governor of Kisii County. The Motion was not seconded, and therefore, withdrawn pursuant to Standing Order 70 (1), which states –

“The question on any Motion shall not be proposed unless it shall have been seconded and any Motion that is not seconded shall be deemed to have been withdrawn and shall not be moved again in the same Session, unless with the permission of the Speaker.”

Honourable Senators,

As I communicated earlier by way of Message, on the resolution of the Kisii County Assembly, made on Thursday, 29th February 2024, for the removal from office, by impeachment, of Hon. (Dr.) Robert Monda, the Deputy Governor of Kisii County, Section 33(3)(a) of the County Governments Act and Standing Order 80(1)(b) of the Senate, provide that the Senate may-

(i) by resolution, appoint a Special Committee comprising eleven of its members to investigate the matter; or

(ii) investigate the matter in plenary.

The Motion having been withdrawn pursuant to Standing Order 70 (1), the route of a Special Committee is abandoned and that now implies that the Senate will investigate the proposed removal from office, by impeachment, of Hon. (Dr.) Robert Monda, the Deputy Governor of Kisii County in Plenary, pursuant to Section 33(3)(a) of the County Governments Act and Standing Order 80(1)(b)(ii).

Honourable Senators,

At its meeting held on Tuesday, 5th March, 2024, the Senate Business Committee considered the provisional dates for this investigation in the event that the matter was to be investigated in Plenary.

In line with the schedule of activities for an impeachment hearing in Plenary, I hereby give the following directions –

- a) The Clerk to issue Invitations to Appear to the Parties by tomorrow, Friday, 8th March, 2024;
- b) The Parties to file their responses with the Office of the Clerk of the Senate by Monday, 11th March, 2024, by 5:00 p.m.;
- c) The Clerk to circulate documents received from the Parties, including the Plenary Hearing Programme, to all Honourable Senators by 11:00 a.m. on Tuesday, 12th March, 2024; and
- d) The Senate shall then investigate the matter in Plenary on Wednesday, 13th March and on Thursday, 14th March, 2024.

The Senate is accordingly guided.

I thank you.”

14. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Abdul Haji, MP) – in the Chair)

The Water (Amendment) Bill, 2023 (National Assembly Bills No. 33 of 2023)

Clause 3

- amendment proposed

THAT, Clause 3 of the Bill be amended —

- (a) in the proposed new Paragraph (g) by inserting the words “subject to the economic efficiency criteria set by the Regulatory Board” at the end of the paragraph; and
in the proposed new Paragraph (h) by inserting the words “subject to the economic efficiency criteria set by the Regulatory Board” at the end of the paragraph.

(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 06.03.2024 – Afternoon Sitting)

Debate interrupted on Wednesday, 6th March, 2024 (Afternoon Sitting) resumed on a Division;

The Acting Chairperson (Sen. Abdul Haji, MP) directed that electronic voting be taken, pursuant to Standing Order 86(2), and that the Division bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. Abdul Haji, MP) directed that the doors be locked, and the bars be drawn and asked Senators to log in for electronic voting;

The Acting Chairperson (Sen. Abdul Haji, MP) put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86(5), the Acting Chairperson allowed two (2) Senators to record their vote verbally.

Thereupon, the following Senators recorded their vote as “**Yes**”: -

1. Sen. Ogolla Beatrice Akinyi, MP – on behalf of Homa Bay County Delegation
2. Sen. Cherarkey Samson Kiprotich, MP

The results of the Division were as follows: -

AYES – 37

NOES – 2

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan, Dullo Fatuma, MP
3. Sen. Boy Issa Juma, MP
4. Sen. Cherarkey Samson Kiprotich, MP – voted verbally
5. Sen. Cheruiyot Aaron Kipkirui, MP
6. Sen. Chesang Allan Kiprotich, MP
7. Sen. Chute Mohamed Said, MP

8. Sen. Ekomwa James Lomenen, MP
9. Sen. Haji Abdul Mohammed, MP
10. Sen. Ogolla Beatrice Akinyi, MP – voted verbally on behalf of Homa Bay County Delegation
11. Sen. Kamau Joseph Githuku, MP
12. Sen. Kathuri Murungi, MP
13. Sen. Keroche Tabitha Karanja, MP
14. Sen. Khalwale Boni, MP
15. Sen. Kipkiror William Cheptumo, MP
16. Sen. Kisang William Kipkemoi, MP
17. Sen. Lelegwe Steve Ltumbesi, MP
18. Sen. Mandago Jackson Kiplagat, MP
19. Sen. Methu John Muhia, MP
20. Sen. Mundigi Alexander Munyi, MP
21. Sen. Mungatana Danson Buya, MP
22. Sen. Murango James Kamau, MP
23. Sen. Mwaruma Johnes Mwashushe, MP
24. Sen. Mwenda Gataya Mo Fire, MP
25. Sen. Mwinyihaji Mohamed Faki, MP
26. Sen. Nderitu John Kinyua, MP
27. Sen. Nyutu Joe, MP
28. Sen. Oketch Eddy Gicheru, MP
29. Sen. Okoit Andrew Omtatah, MP
30. Sen. Olekina Ledama, MP
31. Sen. Recha Julius Murgor, MP
32. Sen. Roba Ali Ibrahim, MP
33. Sen. Seki Lenku Ole Kanar, MP
34. Sen. Thangwa Paul Karungo, MP
35. Sen. Wakili Hillary Kiprotich Sigei, MP
36. Sen. Wafula David Wakoli, MP
37. Sen. Wamatinga Wahome, MP

NOES

1. Sen. Muthama Agnes Kavindu, MP
2. Sen. Osotsi Godfrey Atieno, MP

Clause 3 (as amended)

- agreed to

Clause 4

- amendment proposed

THAT, the Bill be amended by deleting Clause 4 and inserting the following new Clause 4 —

4. Section 68 of the principal Act is amended by inserting the following new paragraphs immediately after Paragraph (b)—
 - (ba) operate water works and provide bulk water services by entering into a bulk water purchase agreement —

- (i) with an investor in accordance with the provisions of the Public Private Partnerships Act, Cap 430, subject to the economic efficiency criteria set by the Regulatory Board and after conducting public participation and consulting the relevant county government whose area of jurisdiction the water works is located; or
- (ii) with a water services provider subject to the economic efficiency criteria set by the Regulatory Board.
- (bb) operate water works and provide bulk water services as a bulk water services provider until such a time as the water works development agency transfers responsibility for the operation and management of water works to a county government or water services provider in whose area of jurisdiction the water works is located.

(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 06.03.2024 – Afternoon Sitting)

Debate interrupted on Wednesday, 6th March, 2024 (Afternoon Sitting) resumed on a Division;

The Acting Chairperson (Sen. Abdul Haji, MP) directed that electronic voting be taken, pursuant to Standing Order 86(2), and that the Division bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. Abdul Haji, MP) directed that the doors be locked, and the bars be drawn and asked Senators to log in for electronic voting;

The Acting Chairperson (Sen. Abdul Haji, MP) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Acting Chairperson allowed two (2) Senators to record their vote verbally.

Thereupon, the following Senators recorded their vote as **“Yes”**: -

1. Sen. Ogolla Beatrice Akinyi, MP – on behalf of Homa Bay County Delegation
2. Sen. Cherarkey Samson Kiprotich, MP

The results of the Division were as follows: -

AYES – 37

NOES – 2

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Boy Issa Juma, MP
4. Sen. Cherarkey Samson Kiprotich, MP – voted verbally
5. Sen. Cheruiyot Aaron Kipkirui, MP
6. Sen. Chesang Allan Kiprotich, MP
7. Sen. Chute Mohamed Said, MP
8. Sen. Ekomwa James Lomenen, MP
9. Sen. Haji Abdul Mohammed, MP
10. Sen. Ogolla Beatrice Akinyi, MP – voted verbally on behalf of Homa Bay County Delegation
11. Sen. Kamau Joseph Githuku, MP
12. Sen. Kathuri Murungi, MP
13. Sen. Keroche Tabitha Karanja, MP
14. Sen. Khalwale Boni, MP
15. Sen. Kipkiror William Cheptumo, MP
16. Sen. Kisang William Kipkemoi, MP
17. Sen. Lelegwe Steve Ltumbesi, MP
18. Sen. Mandago Jackson Kiplagat, MP
19. Sen. Methu John Muhia, MP
20. Sen. Mundigi Alexander Munyi, MP
21. Sen. Mungatana Danson Buya, MP
22. Sen. Murango James Kamau, MP
23. Sen. Mwaruma Johnes Mwashushe, MP
24. Sen. Mwenda Gataya Mo Fire, MP
25. Sen. Mwinyihaji Mohamed Faki, MP
26. Sen. Nderitu John Kinyua, MP
27. Sen. Nyutu Joe, MP
28. Sen. Oketch Eddy Gicheru, MP
29. Sen. Okoiti Andrew Omtatah, MP
30. Sen. Olekina Ledama, MP
31. Sen. Recha Julius Murgor, MP
32. Sen. Roba Ali Ibrahim, MP
33. Sen. Seki Lenku Ole Kanar, MP
34. Sen. Thangwa Paul Karungo, MP
35. Sen. Wakili Hillary Kiprotich Sigei, MP
36. Sen. Wafula David Wakoli, MP
37. Sen. Wamatinga Wahome, MP

NOES

1. Sen. Muthama Agnes Kavindu, MP
2. Sen. Osotsi Godfrey Atieno, MP

Clause 4 (as amended)

- agreed to

Clause 5

- amendment proposed

THAT, the Bill be amended in the proposed Section 68A (2) by deleting the words “and with the approval of the Cabinet Secretary,” appearing immediately after the words “necessary thereafter”.

(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 06.03.2024 – Afternoon Sitting)

Debate interrupted on Wednesday, 6th March, 2024 (Afternoon Sitting) resumed on a Division;

The Acting Chairperson (Sen. Abdul Haji, MP) directed that electronic voting be taken, pursuant to Standing Order 86(2), and that the Division bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. Abdul Haji, MP) directed that the doors be locked, and the bars be drawn and asked Senators to log in for electronic voting;

The Acting Chairperson (Sen. Abdul Haji, MP) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Acting Chairperson allowed two (2) Senators to record their vote verbally.

Thereupon, the following Senators recorded their vote as **“Yes”**: -

1. Sen. Ogolla Beatrice Akinyi, MP – on behalf of Homa Bay County Delegation
2. Sen. Cherarkey Samson, MP

The results of the Division were as follows: -

AYES – 37

NOES – 2

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Boy Issa Juma, MP
4. Sen. Cherarkey Samson Kiprotich, MP -voted verbally
5. Sen. Cheruiyot Aaron Kipkirui, MP
6. Sen. Chesang Allan Kiprotich, MP
7. Sen. Chute Mohamed Said, MP
8. Sen. Ekomwa James Lomenen, MP
9. Sen. Haji Abdul Mohammed, MP
10. Sen. Ogolla Beatrice Akinyi, MP – voted verbally on behalf of Homa Bay County Delegation

11. Sen. Kamau Joseph Githuku, MP
12. Sen. Kathuri Murungi, MP
13. Sen. Keroche Tabitha Karanja, MP
14. Sen. Khalwale Boni, MP
15. Sen. Kipkiror William Cheptumo, MP
16. Sen. Kisang William Kipkemai, MP
17. Sen. Lelegwe Steve Ltumbesi, MP
18. Sen. Mandago Jackson Kiplagat, MP
19. Sen. Methu John Muhia, MP
20. Sen. Mundigi Alexander Munyi, MP
21. Sen. Mungatana Danson Buya, MP
22. Sen. Murango James Kamau, MP
23. Sen. Mwaruma Johnes Mwashushe, MP
24. Sen. Mwenda Gataya Mo Fire, MP
25. Sen. Mwinyihaji Mohamed Faki, MP
26. Sen. Nderitu John Kinyua, MP
27. Sen. Nyutu Joe, MP
28. Sen. Oketch Eddy Gicheru, MP
29. Sen. Okoiti Andrew Omtatah, MP
30. Sen. Olekina Ledama, MP
31. Sen. Recha Julius Murgor, MP
32. Sen. Roba Ali Ibrahim, MP
33. Sen. Seki Lenku Ole Kanar, MP
34. Sen. Thangwa Paul Karungo, MP
35. Sen. Wakili Hillary Kiprotich Sigei, MP
36. Sen. Wafula David Wakoli, MP
37. Sen. Wamatinga Wahome, MP

NOES

1. Sen. Muthama Agnes Kavindu, MP
2. Sen. Osotsi Godfrey Atieno, MP

Clause 5 (as amended)

- agreed to

Clause 6

- amendment proposed

THAT, Clause 6 of the Bill be amended—

- (a) in Paragraph (a), by deleting the new proposed Subsection (1) and inserting the following new proposed Subsection (1)—

- (1) As soon as possible, following the commissioning of waterworks, the water works development agency shall enter into an agreement with a county government, a joint committee, cross-county water services provider, or water services provider to provide water services within whose area of jurisdiction the services are located.

(b) by deleting Paragraph (b) and inserting the following new paragraph—

(b) in Subsection (2) by deleting the word “authority” appearing after the words “the joint committee” and inserting therefor the words “cross-county water service providers”.

(c) by deleting Paragraph (c) and inserting therefor the following new paragraph —

in Subsection (3) by deleting the words “the authority” appearing immediately after the words “the joint committee” and inserting the words “cross-county water service providers”.

(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 06.03.2024 – Afternoon Sitting)

Debate interrupted on Wednesday, 6th March, 2024 (Afternoon Sitting) resumed on a Division;

The Acting Chairperson (Sen. Abdul Haji, MP) directed that electronic voting be taken, pursuant to Standing Order 86(2), and that the Division bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. Abdul Haji, MP) directed that the doors be locked, and the bars be drawn and asked Senators to log in for electronic voting;

The Acting Chairperson (Sen. Abdul Haji, MP) put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Acting Chairperson allowed two (2) Senators to record their vote verbally.

Thereupon, the following Senators recorded their vote as “**Yes**”: -

1. Sen. Ogolla, Beatrice Akinyi, MP – on behalf of Homa Bay County Delegation
2. Sen. Cherarkey, Samson, MP

The results of the Division were as follows: -

AYES – 37

NOES – 2

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Boy Issa Juma, MP
4. Sen. Cherarkey Samson Kiprotich, MP – voted verbally
5. Sen. Cheruiyot Aaron Kipkirui, MP

6. Sen. Chesang Allan Kiprotich, MP
7. Sen. Chute Mohamed Said, MP
8. Sen. Ekomwa James Lomenen, MP
9. Sen. Haji Abdul Mohammed, MP
10. Sen. Ogolla Beatrice Akinyi, MP – voted verbally on behalf of Homa Bay County Delegation
11. Sen. Kamau Joseph Githuku, MP
12. Sen. Kathuri Murungi, MP
13. Sen. Keroche Tabitha Karanja, MP
14. Sen. Khalwale, Boni, MP
15. Sen. Kipkiror William Cheptumo, MP
16. Sen. Kisang William Kipkemoi, MP
17. Sen. Lelegwe Steve Ltumbesi, MP
18. Sen. Mandago Jackson Kiplagat, MP
19. Sen. Methu John Muhia, MP
20. Sen. Mundigi Alexander Munyi, MP
21. Sen. Mungatana Danson Buya, MP
22. Sen. Murango James Kamau, MP
23. Sen. Mwaruma Johnes Mwashushe, MP
24. Sen. Mwenda Gataya Mo Fire, MP
25. Sen. Mwinyihaji Mohamed Faki, MP
26. Sen. Nderitu John Kinyua, MP
27. Sen. Nyutu Joe, MP
28. Sen. Oketch Eddy Gicheru, MP
29. Sen. Okoiti Andrew Omtatah, MP
30. Sen. Olekina Ledama, MP
31. Sen. Recha Julius Murgor, MP
32. Sen. Roba Ali Ibrahim, MP
33. Sen. Seki Lenku Ole Kanar, MP
34. Sen. Thangwa Paul Karungo, MP
35. Sen. Wakili Hillary Kiprotich Sigei, MP
36. Sen. Wafula, David Wakoli, MP
37. Sen. Wamatinga Wahome, MP

NOES

1. Sen. Muthama Agnes Kavindu, MP
2. Sen. Osotsi Godfrey Atieno, MP

Clause 6 (as amended)

- agreed to

Clause 7

- amendment proposed

THAT, Clause 7 of the Bill be amended—

- (a) by deleting Paragraph (a) and inserting the following new paragraph —
 - (a) by inserting the following new paragraphs immediately after Paragraph (b)—

(ba) evaluate and recommend bulk water tariffs and approve the imposition of such tariffs in line with consumer protection standards for use of water for domestic and commercial purposes;

(bb) evaluate and recommend tariffs for irrigation purposes;

(b) in Paragraph (b) by deleting the proposed new paragraph (c) and inserting the following new paragraph—

(c) issue licenses, set conditions for water service provision, and accredit water service providers and bulk water services providers.

(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 06.03.2024 – Afternoon Sitting)

Debate interrupted on Wednesday, 6th March, 2024 (Afternoon Sitting) resumed on a Division;

The Acting Chairperson (Sen. Abdul Haji, MP) directed that electronic voting be taken, pursuant to Standing Order 86(2), and that the Division bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. Abdul Haji, MP) directed that the doors be locked, and the bars be drawn and asked Senators to log in for electronic voting;

The Acting Chairperson (Sen. Abdul Haji, MP) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Acting Chairperson allowed two (2) Senators to record their vote verbally.

Thereupon, the following Senators recorded their vote as **“Yes”**: -

1. Sen. Ogolla, Beatrice Akinyi, MP – on behalf of Homa Bay County Delegation
2. Sen. Cherarkey Samson, MP

The results of the Division were as follows: -

AYES – 37

NOES – 2

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Boy Issa Juma, MP

4. Sen. Cherarkey Samson Kiprotich, MP – voted verbally
5. Sen. Cheruiyot Aaron Kipkirui, MP
6. Sen. Chesang Allan Kiprotich, MP
7. Sen. Chute Mohamed Said, MP
8. Sen. Ekomwa James Lomenen, MP
9. Sen. Haji Abdul Mohammed, MP
10. Sen. Ogolla Beatrice Akinyi, MP – voted verbally on behalf of Homa Bay County Delegation
11. Sen. Kamau Joseph Githuku, MP
12. Sen. Kathuri Murungi, MP
13. Sen. Keroche Tabitha Karanja, MP
14. Sen. Khalwale Boni, MP
15. Sen. Kipkiror William Cheptumo, MP
16. Sen. Kisang William Kipkemai, MP
17. Sen. Lelegwe Steve Ltumbesi, MP
18. Sen. Mandago Jackson Kiplagat, MP
19. Sen. Methu John Muhia, MP
20. Sen. Mundigi Alexander Munyi, MP
21. Sen. Mungatana Danson Buya, MP
22. Sen. Murango James Kamau, MP
23. Sen. Mwaruma Johnes Mwashushe, MP
24. Sen. Mwenda Gataya Mo Fire, MP
25. Sen. Mwinyihaji Mohamed Faki, MP
26. Sen. Nderitu John Kinyua, MP
27. Sen. Nyutu Joe, MP
28. Sen. Oketch Eddy Gicheru, MP
29. Sen. Okoiti Andrew Omtatah, MP
30. Sen. Olekina Ledama, MP
31. Sen. Recha Julius Murgor, MP
32. Sen. Roba Ali Ibrahim, MP
33. Sen. Seki Lenku Ole Kanar, MP
34. Sen. Thangwa Paul Karungo, MP
35. Sen. Wakili Hillary Kiprotich Sigei, MP
36. Sen. Wafula David Wakoli, MP
37. Sen. Wamatinga Wahome, MP

NOES

1. Sen. Muthama Agnes Kavindu, MP
2. Sen. Osotsi Godfrey Atieno, MP

Clause 7 (as amended) - agreed to

Clause 8

Motion made and Question proposed;

THAT, Clause 8 be part of the Bill.

(The Senate Majority Leader - 06.03.2024 – Afternoon Sitting)

Debate interrupted on Wednesday, 6th March, 2024 (Afternoon Sitting) resumed on a Division;

The Acting Chairperson (Sen. Abdul Haji, MP) directed that electronic voting be taken, pursuant to Standing Order 86(2), and that the Division bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. Abdul Haji, MP) directed that the doors be locked, and the bars be drawn and asked Senators to log in for electronic voting;

The Acting Chairperson (Sen. Abdul Haji, MP) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Acting Chairperson allowed one (1) Senators to record his vote verbally.

Thereupon, the Senator recorded his vote as **“No”**: -

Sen. Oketch Eddy Gicheru, MP

The results of the Division were as follows: -

AYES – 35

NOES – 4

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Boy Issa Juma, MP
4. Sen. Cherarkey Samson Kiprotich, MP
5. Sen. Cheruiyot Aaron Kipkirui, MP
6. Sen. Chesang Allan Kiprotich, MP
7. Sen. Chute Mohamed Said, MP
8. Sen. Ekomwa James Lomenen, MP
9. Sen. Haji Abdul Mohammed, MP
10. Sen. Ogolla Beatrice Akinyi, MP – on behalf of Homa Bay County Delegation
11. Sen. Kamau Joseph Githuku, MP
12. Sen. Kathuri Murungi, MP
13. Sen. Keroche Tabitha Karanja, MP
14. Sen. Khalwale Boni, MP
15. Sen. Kipkiror William Cheptumo, MP
16. Sen. Kisang William Kipkemoi, MP
17. Sen. Lelegwe Steve Ltumbesi, MP
18. Sen. Mandago Jackson Kiplagat, MP
19. Sen. Methu John Muhia, MP

20. Sen. Mundigi Alexander Munyi, MP
21. Sen. Mungatana Danson Buya, MP
22. Sen. Murango James Kamau, MP
23. Sen. Mwaruma Johnes Mwashushe, MP
24. Sen. Mwenda Gataya Mo Fire, MP
25. Sen. Nderitu John Kinyua, MP
26. Sen. Nyutu Joe, MP
27. Sen. Okoiti Andrew Omtatah, MP
28. Sen. Olekina Ledama, MP
29. Sen. Recha Julius Murgor, MP
30. Sen. Roba Ali Ibrahim, MP
31. Sen. Seki Lenku Ole Kanar, MP
32. Sen. Thangwa Paul Karungo, MP
33. Sen. Wakili Hillary Kiprotich Sigei, MP
34. Sen. Wafula David Wakoli, MP
35. Sen. Wamatinga Wahome, MP

NOES

1. Sen. Muthama Agnes Kavindu, MP
2. Sen. Mwinyihaji Mohamed Faki, MP
3. Sen. Oketch Eddy Gicheru, MP – voted verbally
4. Sen. Osotsi Godfrey Atieno, MP

Clause 8- agreed to**Clause 9**- amendment proposed

THAT, Clause 9 of the Bill be amended in Paragraph (b) in the proposed new Subsection (3), by deleting the words “provision of water services” appearing immediately after the words “infrastructure used for the” and inserting therefor the words “contracted function”.

(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 06.03.2024 – Afternoon Sitting)

Debate interrupted on Wednesday, 6th March, 2024 (Afternoon Sitting) resumed on a Division;

The Acting Chairperson (Sen. Abdul Haji, MP) directed that electronic voting be taken, pursuant to Standing Order 86(2), and that the Division bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. Abdul Haji, MP) directed that the doors be locked, and the bars be drawn and asked Senators to log in for electronic voting;

The Acting Chairperson (Sen. Abdul Haji, MP) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Acting Chairperson allowed two (2) Senators to record their vote verbally.

Thereupon, the following Senators recorded their vote as **“Yes”**: -

1. Sen. Ogolla Beatrice Akinyi, MP – on behalf of Homa Bay County Delegation
2. Sen. Cherarkey Samson, MP

The results of the Division were as follows: -

AYES – 37

NOES – 2

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Boy Issa Juma, MP
4. Sen. Cherarkey Samson Kiprotich, MP – voted verbally
5. Sen. Cheruiyot Aaron Kipkirui, MP
6. Sen. Chesang Allan Kiprotich, MP
7. Sen. Chute Mohamed Said, MP
8. Sen. Ekomwa James Lomenen, MP
9. Sen. Haji Abdul Mohammed, MP
10. Sen. Ogolla Beatrice Akinyi, MP – voted verbally on behalf of Homa Bay County Delegation
11. Sen. Kamau Joseph Githuku, MP
12. Sen. Kathuri Murungi, MP
13. Sen. Keroche Tabitha Karanja, MP
14. Sen. Khalwale Boni, MP
15. Sen. Kipkiror William Cheptumo, MP
16. Sen. Kisang William Kipkemoi, MP
17. Sen. Lelegwe Steve Ltumbesi, MP
18. Sen. Mandago Jackson Kiplagat, MP
19. Sen. Methu John Muhia, MP
20. Sen. Mundigi Alexander Munyi, MP
21. Sen. Mungatana Danson Buya, MP
22. Sen. Murango James Kamau, MP
23. Sen. Mwaruma Johnes Mwashushe, MP
24. Sen. Mwenda Gataya Mo Fire, MP
25. Sen. Mwinyihaji Mohamed Faki, MP
26. Sen. Nderitu John Kinyua, MP
27. Sen. Nyutu Joe, MP
28. Sen. Oketch Eddy Gicheru, MP

29. Sen. Okoiti Andrew Omtatah, MP
30. Sen. Olekina Ledama, MP
31. Sen. Recha Julius Murgor, MP
32. Sen. Roba Ali Ibrahim, MP
33. Sen. Seki Lenku Ole Kanar, MP
34. Sen. Thangwa Paul Karungo, MP
35. Sen. Wakili Hillary Kiprotich Sigei, MP
36. Sen. Wafula David Wakoli, MP
37. Sen. Wamatinga Wahome, MP

NOES

1. Sen. Muthama Agnes Kavindu, MP
2. Sen. Osotsi Godfrey Atieno, MP

Clause 9 (as amended) - agreed to

Clause 10 - amendment proposed

THAT, Clause 10 of the Bill be amended by deleting the proposed Subsection (4) and inserting therefor the following new subsection —

(4) Despite any provision in this Act, bulk water supply services which are primarily intended to supply water in bulk to a water services provider in a county or counties other than the county in which the bulk water abstraction works are located, shall be undertaken by bulk water services providers licensed under this section.

(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 06.03.2024 – Afternoon Sitting)

Debate interrupted on Wednesday, 6th March, 2024 (Afternoon Sitting) resumed on a Division;

The Acting Chairperson (Sen. Abdul Haji, MP) directed that electronic voting be taken, pursuant to Standing Order 86(2), and that the Division bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. Abdul Haji, MP) directed that the doors be locked, and the bars be drawn and asked Senators to log in for electronic voting;

The Acting Chairperson (Sen. Abdul Haji, MP) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Acting Chairperson allowed two (2) Senators to record their vote verbally.

Thereupon, the following Senators recorded their vote as **“Yes”**: -

1. Sen. Ogolla, Beatrice Akinyi, MP – on behalf of Homa Bay County Delegation
2. Sen. Cherarkey Samson, MP

The results of the Division were as follows: -

AYES – 37

NOES - 2

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Boy Issa Juma, MP
4. Sen. Cherarkey Samson Kiprotich, MP- voted verbally
5. Sen. Cheruiyot Aaron Kipkirui, MP
6. Sen. Chesang Allan Kiprotich, MP
7. Sen. Chute Mohamed Said, MP
8. Sen. Ekomwa James Lomenen, MP
9. Sen. Haji Abdul Mohammed, MP
10. Sen. Ogolla Beatrice Akinyi, MP – voted verbally on behalf of Homa Bay County Delegation
11. Sen. Kamau Joseph Githuku, MP
12. Sen. Kathuri Murungi, MP
13. Sen. Keroche Tabitha Karanja, MP
14. Sen. Khalwale Boni, MP
15. Sen. Kipkiror William Cheptumo, MP
16. Sen. Kisang William Kipkemoi, MP
17. Sen. Lelegwe Steve Ltumbesi, MP
18. Sen. Mandago Jackson Kiplagat, MP
19. Sen. Methu John Muhia, MP
20. Sen. Mundigi Alexander Munyi, MP
21. Sen. Mungatana Danson Buya, MP
22. Sen. Murango James Kamau, MP
23. Sen. Mwaruma Johnes Mwashushe, MP
24. Sen. Mwenda Gataya Mo Fire, MP
25. Sen. Mwinyihaji Mohamed Faki, MP
26. Sen. Nderitu John Kinyua, MP
27. Sen. Nyutu Joe, MP
28. Sen. Oketch Eddy Gicheru, MP
29. Sen. Okoiti Andrew Omtatah, MP
30. Sen. Olekina Ledama, MP
31. Sen. Recha Julius Murgor, MP
32. Sen. Roba Ali Ibrahim, MP
33. Sen. Seki Lenku Ole Kanar, MP
34. Sen. Thangwa Paul Karungo, MP
35. Sen. Wakili Hillary Kiprotich Sigei, MP
36. Sen. Wafula David Wakoli, MP
37. Sen. Wamatinga Wahome, MP

NOES

1. Sen. Muthama Agnes Kavindu, MP
2. Sen. Osotsi Godfrey Atieno, MP

Clause 10 (as amended) - agreed to

Clause 11 - deletion proposed

THAT, the Bill be amended by deleting Clause 11.

(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 06.03.2024 – Afternoon Sitting)

Debate interrupted on Wednesday, 6th March, 2024 (Afternoon Sitting) resumed on a Division;

The Acting Chairperson (Sen. Abdul Haji, MP) directed that electronic voting be taken, pursuant to Standing Order 86(2), and that the Division bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. Abdul Haji, MP) directed that the doors be locked, and the bars be drawn and asked Senators to log in for electronic voting;

The Acting Chairperson (Sen. Abdul Haji, MP) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Acting Chairperson allowed seven (7) Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes as **“Yes”**:

1. Sen. Ogolla Beatrice Akinyi, MP – on behalf of Homa Bay County Delegation
2. Sen. Mundigi Alexander Munyi, MP
3. Sen. Nderitu John Kinyua, MP
4. Sen. Nyutu Joe, MP
5. Sen. Oketch Eddy Gicheru, MP
6. Sen. Thangwa Paul Karungo, MP

Thereupon, the following Senator recorded his vote as **“No”**: -

Sen. Osotsi Godfrey Atieno, MP

The results of the Division were as follows: -

AYES – 39**NOES - 1****ABSTENTION – 1****AYES**

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Boy Issa Juma, MP
4. Sen. Cherarkey Samson Kiprotich, MP
5. Sen. Cheruiyot Aaron Kipkirui, MP
6. Sen. Chesang Allan Kiprotich, MP
7. Sen. Chute Mohamed Said, MP
8. Sen. Ekomwa James Lomenen, MP
9. Sen. Haji Abdul Mohammed, MP
10. Sen. Ogolla Beatrice Akinyi, MP – voted verbally on behalf of Homa Bay County Delegation
11. Sen. Kamau Joseph Githuku, MP
12. Sen. Kathuri Murungi, MP
13. Sen. Keroche Tabitha Karanja, MP
14. Sen. Khalwale Boni, MP
15. Sen. Kipkiror William Cheptumo, MP
16. Sen. Kisang William Kipkemoi, MP
17. Sen. Lelegwe Steve Ltumbesi, MP
18. Sen. Madzayo Stewart Mwachiru, MP
19. Sen. Mandago Jackson Kiplagat, MP
20. Sen. Methu John Muhia, MP
21. Sen. Mundigi Alexander Munyi, MP – voted verbally
22. Sen. Mungatana Danson Buya, MP
23. Sen. Murango James Kamau, MP
24. Sen. Muthama Agnes Kavindu, MP
25. Sen. Mwaruma Johnes Mwashushe, MP
26. Sen. Mwenda Gataya Mo Fire, MP
27. Sen. Mwinyihaji Mohamed Faki, MP
28. Sen. Nderitu John Kinyua, MP – voted verbally
29. Sen. Nyutu Joe, MP - voted verbally
30. Sen. Oketch Eddy Gicheru, MP – voted verbally
31. Sen. Olekina Ledama, MP
32. Sen. Recha Julius Murgor, MP
33. Sen. Roba Ali Ibrahim, MP
34. Sen. Seki Lenku Ole Kanar, MP
35. Sen. Thangwa Paul Karungo, MP - voted verbally
36. Sen. Wakili Hillary Kiprotich Sigei, MP
37. Sen. Wafula David Wakoli, MP
38. Sen. Wamatinga Wahome, MP
39. Sen. Wambua Enoch Kiio, MP

NOES

Sen. Osotsi Godfrey Atieno, MP- voted verbally

ABSTENTION

Sen. Sifuna Edwin Watenya, MP

Clause 11- deletedClause 12-amendment proposed

THAT, Clause 12 of the Bill be amended in the proposed new Section 119 (2) by inserting the following new paragraph immediately after Paragraph (c):

- (d) two persons, a man and a woman, who possess a degree from a university recognized in Kenya and at least five years' experience in a relevant field, nominated by the Council of County Governors.

(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 06.03.2024 – Afternoon Sitting)

Debate interrupted on Wednesday, 6th March, 2024 (Afternoon Sitting) resumed on a Division;

The Acting Chairperson (Sen. Abdul Haji, MP) directed that electronic voting be taken, pursuant to Standing Order 86(2), and that the Division bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. Abdul Haji, MP) directed that the doors be locked, and the bars be drawn and asked Senators to log in for electronic voting;

The Acting Chairperson (Sen. Abdul Haji, MP) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Acting Chairperson allowed two (2) Senators to record their vote verbally.

Thereupon, the following Senators recorded their vote as **“Yes”**: -

1. Sen. Ogolla, Beatrice Akinyi, MP – on behalf of Homa Bay County Delegation
2. Sen. Cherarkey Samson, MP

The results of the Division were as follows: -

AYES – 37

NOES – 2

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Boy Issa Juma, MP
4. Sen. Cherarkey Samson Kiprotich, MP – voted verbally

5. Sen. Cheruiyot Aaron Kipkirui, MP
6. Sen. Chesang Allan Kiprotich, MP
7. Sen. Chute Mohamed Said, MP
8. Sen. Ekomwa James Lomenen, MP
9. Sen. Haji Abdul Mohammed, MP
10. Sen. Ogolla Beatrice Akinyi, MP – voted verbally on behalf of Homa Bay County Delegation
11. Sen. Kamau Joseph Githuku, MP
12. Sen. Kathuri Murungi, MP
13. Sen. Keroche Tabitha Karanja, MP
14. Sen. Khalwale, Boni, MP
15. Sen. Kipkiror William Cheptumo, MP
16. Sen. Kisang William Kipkemai, MP
17. Sen. Lelegwe, Steve Ltumbesi, MP
18. Sen. Mandago Jackson Kiplagat, MP
19. Sen. Methu John Muhia, MP
20. Sen. Mundigi Alexander Munyi, MP
21. Sen. Mungatana Danson Buya, MP
22. Sen. Murango James Kamau, MP
23. Sen. Mwaruma Johnes Mwashushe, MP
24. Sen. Mwenda Gataya Mo Fire, MP
25. Sen. Mwinyihaji Mohamed Faki, MP
26. Sen. Nderitu John Kinyua, MP
27. Sen. Nyutu Joe, MP
28. Sen. Oketch Eddy Gicheru, MP
29. Sen. Okoit Andrew Omtatah, MP
30. Sen. Olekina Ledama, MP
31. Sen. Recha Julius Murgor, MP
32. Sen. Roba Ali Ibrahim, MP
33. Sen. Seki Lenku Ole Kanar, MP
34. Sen. Thangwa Paul Karungo, MP
35. Sen. Wakili Hillary Kiprotich Sigei, MP
36. Sen. Wamatinga Wahome, MP
37. Sen. Wafula, David Wakoli, MP

NOES

1. Sen. Muthama Agnes Kavindu, MP
2. Sen. Osotsi Godfrey Atieno, MP

Clause 12 (as amended)

- agreed to

Clause 2

- amendment proposed

THAT, Clause 2 of the Bill be amended—

- a) by deleting Paragraph (a) and inserting the following new paragraph—
 - (a) by inserting the following new definitions in the proper alphabetical sequence-

“bulk water service provider” means a water service provider, contracting authority, or any other person providing bulk water services in accordance with a license issued by the Regulatory Board for the service areas specified in the license;

“contracting authority” means-

- (a) at the national government level, a state department, agency or state corporation which intends to have its functions undertaken by a private party; or
- (b) at the county level, the county government, county agency or county corporation which intends to have its functions undertaken by a private party;

“joint committee” means a committee established by the national or county government consisting of the national government and a county government or two or more county governments;

“private party” means a party that enters into a project agreement with a contracting authority and is responsible for undertaking a project on behalf of the contracting authority under this Act;

- b) in Paragraph (b) by deleting the proposed definition of “bulk water” and inserting therefor the following new definition—

“bulk water” means supply of water in bulk by a bulk water services provider to a water services provider for retail;

by deleting Paragraph (c).

(The Chairperson, Standing Committee on Land, Environment and Natural Resources – 06.03.2024 – Afternoon Sitting)

Debate interrupted on Wednesday, 6th March, 2024 (Afternoon Sitting) resumed on a Division;

The Acting Chairperson (Sen. Abdul Haji, MP) directed that electronic voting be taken, pursuant to Standing Order 86(2), and that the Division bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. Abdul Haji, MP) directed that the doors be locked, and the bars be drawn and asked Senators to log in for electronic voting;

The Acting Chairperson (Sen. Abdul Haji, MP) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Acting Chairperson allowed two (2) Senators to record their vote verbally.

Thereupon, the following Senators recorded their vote as **“Yes”**: -

1. Sen. Ogolla, Beatrice Akinyi, MP – on behalf of Homa Bay County Delegation
2. Sen. Cherarkey Samson, MP

The results of the Division were as follows: -

AYES – 37

NOES – 2

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Boy Issa Juma, MP
4. Sen. Cherarkey Samson Kiprotich, MP – voted verbally
5. Sen. Cheruiyot Aaron Kipkirui, MP
6. Sen. Chesang Allan Kiprotich, MP
7. Sen. Chute Mohamed Said, MP
8. Sen. Ekomwa James Lomenen, MP
9. Sen. Haji Abdul Mohammed, MP
10. Sen. Ogolla Beatrice Akinyi, MP – voted verbally on behalf of Homa Bay County Delegation
11. Sen. Kamau Joseph Githuku, MP
12. Sen. Kathuri Murungi, MP
13. Sen. Keroche Tabitha Karanja, MP
14. Sen. Khalwale, Boni, MP
15. Sen. Kipkiror William Cheptumo, MP
16. Sen. Kisang William Kipkemoi, MP
17. Sen. Lelegwe, Steve Ltumbesi, MP
18. Sen. Mandago Jackson Kiplagat, MP
19. Sen. Methu John Muhia, MP
20. Sen. Mundigi Alexander Munyi, MP
21. Sen. Mungatana Danson Buya, MP
22. Sen. Murango James Kamau, MP
23. Sen. Mwaruma Johnes Mwashushe, MP
24. Sen. Mwenda Gataya Mo Fire, MP
25. Sen. Mwinyihaji Mohamed Faki, MP
26. Sen. Nderitu John Kinyua, MP
27. Sen. Nyutu Joe, MP
28. Sen. Oketch Eddy Gicheru, MP
29. Sen. Okoiti Andrew Omtatah, MP
30. Sen. Olekina Ledama, MP
31. Sen. Recha Julius Murgor, MP
32. Sen. Roba Ali Ibrahim, MP
33. Sen. Seki Lenku Ole Kanar, MP
34. Sen. Thangwa Paul Karungo, MP
35. Sen. Wakili Hillary Kiprotich Sigei, MP
36. Sen. Wamatinga Wahome, MP
37. Sen. Wafula, David Wakoli, MP

NOES

1. Sen. Muthama Agnes Kavindu, MP
2. Sen. Osotsi Godfrey Atieno, MP

Clause 2 (as amended)

- agreed to

The Title and Clause 1

Motion made and Question proposed;

THAT, the Title and Clause 1 be part of the Bill.

(The Senate Majority Leader - 06.03.2024 – Afternoon Sitting)

Debate interrupted on Wednesday, 6th March, 2024 (Afternoon Sitting) resumed on a Division;

The Acting Chairperson (Sen. Abdul Haji, MP) directed that electronic voting be taken, pursuant to Standing Order 86(2), and that the Division bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. Abdul Haji, MP) directed that the doors be locked, and the bars be drawn and asked Senators to log in for electronic voting;

The Acting Chairperson (Sen. Abdul Haji, MP) put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Acting Chairperson allowed one (1) Senators to record his vote verbally.

Thereupon, the Senator recorded his vote as “**No**”: -

Sen. Oketch Eddy Gicheru, MP

The results of the Division were as follows: -

AYES – 35

NOES – 4

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Boy Issa Juma, MP
4. Sen. Cherarkey Samson, MP
5. Sen. Cheruiyot Aaron Kipkirui, MP
6. Sen. Chesang Allan Kiprotich, MP

7. Sen. Chute Mohamed Said, MP
8. Sen. Ekomwa James Lomenen, MP
9. Sen. Haji Abdul Mohammed, MP
10. Sen. Ogolla Beatrice Akinyi, MP – on behalf of Homa Bay County Delegation
11. Sen. Kamau Joseph Githuku, MP
12. Sen. Kathuri Murungi, MP
13. Sen. Keroche Tabitha Karanja, MP
14. Sen. Khalwale Boni, MP
15. Sen. Kipkiror William Cheptumo, MP
16. Sen. Kisang William Kipkemoi, MP
17. Sen. Lelegwe Steve Ltumbesi, MP
18. Sen. Mandago Jackson Kiplagat, MP
19. Sen. Methu John Muhia, MP
20. Sen. Mundigi Alexander Munyi, MP
21. Sen. Mungatana Danson Buya, MP
22. Sen. Murango James Kamau, MP
23. Sen. Mwaruma Johnes Mwashushe, MP
24. Sen. Mwenda Gataya Mo Fire, MP
25. Sen. Nderitu John Kinyua, MP
26. Sen. Nyutu Joe, MP
27. Sen. Okoiti Andrew Omtatah, MP
28. Sen. Olekina Ledama, MP
29. Sen. Recha Julius Murgor, MP
30. Sen. Roba Ali Ibrahim, MP
31. Sen. Seki Lenku Ole Kanar, MP
32. Sen. Thangwa Paul Karungo, MP
33. Sen. Wakili Hillary Kiprotich Sigei, MP
34. Sen. Wafula David Wakoli, MP
35. Sen. Wamatinga Wahome, MP

NOES

1. Sen. Muthama Agnes Kavindu, MP
2. Sen. Mwinyihaji Mohamed Faki, MP
3. Sen. Oketch Eddy Gicheru, MP – voted verbally
4. Sen. Osotsi Godfrey Atieno, MP

The Title and Clause 1

- agreed to

Progress Report

Motion made –

THAT, the Committee of the Whole House do report to the Senate, its consideration of the Water (Amendment) Bill, 2023 (National Assembly Bills No. 33 of 2023), and its approval thereof with amendments;

(The Senate Majority Leader)

Before the Question was put and pursuant to Standing Order 84 (1), the Acting Chairperson (Sen. Abdul Haji, MP) ruled that the Question does not affect counties;

Question put and agreed to.

15. **THE HOUSE RESUMED** – (Temporary Speaker, Sen. Veronica Maina, MP) – in the Chair
16. **THE WATER (AMENDMENT) BILL, 2023 (NATIONAL ASSEMBLY BILLS NO. 33 OF 2023)**

Bill reported **with** amendments;

Motion made and Question proposed: -

THAT, the House do agree with the Committee of the Whole in the said report.

(The Senate Majority Leader)

There being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84 (1), the Temporary Speaker (Sen. Veronica Maina, MP) ruled that the Motion does not affect counties;

Question put and agreed to.

Motion made and Question proposed: -

THAT, the Water (Amendment) Bill, 2023 (National Assembly Bills No. 33 of 2023) be now read a Third Time.

(The Senate Majority Leader)

There being no Senator wishing to contribute;

The House proceeded to a Division on the Third Reading of the Bill;

The Temporary Speaker (Sen. Veronica Maina, MP) directed that electronic voting be taken pursuant to Standing Order 86(2) and that the Division bell be rung for five minutes;

Upon the expiry of five minutes, the Temporary Speaker (Sen. Veronica Maina, MP) directed that the doors be locked, and the bars be drawn and asked Senators to log in for electronic voting;

The Temporary Speaker (Sen. Veronica Maina, MP) put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Temporary Speaker allowed one (1) Senators to record his vote verbally.

Thereupon, the Senator recorded his vote as “**Yes**”: -

Sen. Lelegwe Steve Ltumbesi, MP

The results of the Division were as follows: -

AYES – 30

NOES - 6

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Cherarkey Samson Kiprotich, MP
4. Sen. Cheruiyot Aaron Kipkirui, MP
5. Sen. Chesang Allan Kiprotich, MP
6. Sen. Chute Mohamed Said, MP
7. Sen. Ekomwa James Lomenen, MP
8. Sen. Haji Abdul Mohammed, MP
9. Sen. Kamau Joseph Githuku, MP
10. Sen. Kathuri Murungi, MP
11. Sen. Keroche Tabitha Karanja, MP
12. Sen. Khalwale Boni, MP
13. Sen. Kipkiror William Cheptumo, MP
14. Sen. Kisang William Kipkemai, MP
15. Sen. Lelegwe Steve Ltumbesi, MP – voted verbally
16. Sen. Methu John Muhia, MP
17. Sen. Mundigi Alexander Munyi, MP
18. Sen. Mungatana Danson Buya, MP
19. Sen. Murango James Kamau, MP
20. Sen. Mwaruma Johnes Mwashushe, MP
21. Sen. Mwenda Gataya Mo Fire, MP
22. Sen. Nderitu John Kinyua, MP
23. Sen. Nyutu Joe, MP
24. Sen. Recha Julius Murgor, MP
25. Sen. Roba Ali Ibrahim, MP
26. Sen. Seki Lenku Ole Kanar, MP
27. Sen. Thangwa Paul Karungo, MP
28. Sen. Wakili Hillary Kiprotich Sigei, MP
29. Sen. Wafula David Wakoli, MP
30. Sen. Wamatinga Wahome, MP

NOES

1. Sen. Madzayo Stewart Mwachiru, MP
2. Sen. Muthama Agnes Kavindu, MP
3. Sen. Mwinyihaji Mohamed Faki, MP
4. Sen. Olekina Ledama, MP
5. Sen. Osotsi Godfrey Atieno, MP
6. Sen. Wambua Enoch Kiio, MP

Question, agreed to.

Bill Read a Third Time and passed.

17. **COMMITTEE OF THE WHOLE**

Order for the Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Abdul Haji, MP) – in the Chair)

The Care and Protection of Child Parents Bill (Senate Bills No. 29 of 2023)

Clauses 3, 4, 5, 6, 7, 8, 9 and 10

Motion made and Question proposed;

THAT, Clauses 3, 4, 5, 6, 7, 8, 9 and 10 be part of the Bill

(Sen. Miraj Abdillahi Abdulrahman, MP- 19.10.23)

Debate interrupted on Wednesday, 6th March, 2024 (Afternoon Sitting) resumed on a Division;

The Acting Chairperson (Sen. Abdul Haji, MP) directed that electronic voting be taken pursuant to Standing Order 86(2) and that the Division bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. Abdul Haji, MP) directed that the doors be locked and the bars be drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. Abdul Haji, MP) put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 86 (5), the Acting Chairperson (Sen. Abdul Haji, MP) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded their votes as **“Yes”**: -

Sen. Mwenda Gataya Mo Fire, MP - voted verbally

The results of the Division were as follows: -

AYES – 35

NOES - 3

ABSTENTION – 0

AYES

1. Sen. Abass, Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Boy Issa Juma, MP
4. Sen. Cherarkey Samson, MP
5. Sen. Cheruiyot Aaron Kipkirui, MP
6. Sen. Chesang Allan Kiprotich, MP
7. Sen. Chute Mohamed Said, MP
8. Sen. Ekomwa James Lomenen, MP
9. Sen. Haji Abdul Mohammed, MP
10. Sen. Ogolla, Beatrice Akinyi, MP- voted on behalf of the Homabay Delegation
11. Sen. Kamau Joseph Githuku, MP
12. Sen. Kathuri Murungi, MP
13. Sen. Keroche Tabitha Karanja, MP
14. Sen. Khalwale Boni, MP
15. Sen. Kipkiror William Cheptumo, MP
16. Sen. Kisang William Kipkemoi, MP
17. Sen. Lelegwe Steve Ltumbesi, MP
18. Sen. Mandago Jackson Kiplagat, MP
19. Sen. Methu John Muhia, MP
20. Sen. Mundigi Alexander Munyi, MP
21. Sen. Mungatana Danson Buya, MP
22. Sen. Mwaruma Johnes Mwashushe, MP
23. Sen. Mwenda Gataya Mo Fire, MP - voted verbally
24. Sen. Mwinyihaji Mohamed Faki, MP
25. Sen. Nderitu John Kinyua, MP
26. Sen. Nyutu Joe, MP
27. Sen. Okoiti Andrew Omtatah, MP
28. Sen. Olekina Ledama, MP
29. Sen. Recha Julius Murgor, MP
30. Sen. Roba Ali Ibrahim, MP
31. Sen. Seki Lenku Ole Kanar, MP
32. Sen. Thangwa Paul Karungo, MP
33. Sen. Wafula David Wakoli, MP
34. Sen. Wakili Hillary Kiprotich Sigei, MP
35. Sen. Wamatinga Wahome, MP

NOES

1. Sen. Muthama Agnes Kavindu, MP
2. Sen. Oketch Eddy Gicheru, MP
3. Sen. Osotsi Godfrey Atieno, MP

Clauses 3, 4, 5, 6, 7, 8, 9 and 10 - agreed to;

Clauses 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20

Motion made and Question proposed;

THAT, Clauses 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 be
part of the Bill

(Sen. Miraj Abdillahi Abdulrahman, MP- 19.10.23)

Debate interrupted on Wednesday, 6th March, 2024 (Afternoon Sitting) resumed
on a Division;

The Acting Chairperson (Sen. Abdul Haji, MP) directed that electronic voting be
taken pursuant to Standing Order 86(2) and that the Division bell be rung for
five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. Abdul Haji, MP)
directed that the doors be locked and the bars be drawn and asked Senators to
log-in for electronic voting;

The Acting Chairperson (Sen. Abdul Haji, MP) put the Question and directed
Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**”
button;

Before the results of the Division were announced and pursuant to the provisions
of Standing Order 86 (5), the Acting Chairperson (Sen. Abdul Haji, MP) allowed
one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded their votes as “**Yes**”: -

Sen. Mwenda Gataya Mo Fire, MP - voted verbally

The results of the Division were as follows: -

AYES – 35

NOES - 3

ABSTENTION – 0

AYES

1. Sen. Abass, Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Boy Issa Juma, MP
4. Sen. Cherarkey Samson, MP
5. Sen. Cheruiyot Aaron Kipkirui, MP

6. Sen. Chesang Allan Kiprotich, MP
7. Sen. Chute Mohamed Said, MP
8. Sen. Ekomwa James Lomenen, MP
9. Sen. Haji Abdul Mohammed, MP
10. Sen. Ogolla, Beatrice Akinyi, MP- voted on behalf of the Homabay Delegation
11. Sen. Kamau Joseph Githuku, MP
12. Sen. Kathuri Murungi, MP
13. Sen. Keroche Tabitha Karanja, MP
14. Sen. Khalwale Boni, MP
15. Sen. Kipkiror William Cheptumo, MP
16. Sen. Kisang William Kipkemoi, MP
17. Sen. Lelegwe Steve Ltumbesi, MP
18. Sen. Mandago Jackson Kiplagat, MP
19. Sen. Methu John Muhia, MP
20. Sen. Mundigi Alexander Munyi, MP
21. Sen. Mungatana Danson Buya, MP
22. Sen. Mwaruma Johnes Mwashushe, MP
23. Sen. Mwenda Gataya Mo Fire, MP - voted verbally
24. Sen. Mwinyihaji Mohamed Faki, MP
25. Sen. Nderitu John Kinyua, MP
26. Sen. Nyutu Joe, MP
27. Sen. Okoiti Andrew Omtatah, MP
28. Sen. Olekina Ledama, MP
29. Sen. Recha Julius Murgor, MP
30. Sen. Roba Ali Ibrahim, MP
31. Sen. Seki Lenku Ole Kanar, MP
32. Sen. Thangwa Paul Karungo, MP
33. Sen. Wafula David Wakoli, MP
34. Sen. Wakili Hillary Kiprotich Sigei, MP
35. Sen. Wamatinga Wahome, MP

NOES

1. Sen. Muthama Agnes Kavindu, MP
2. Sen. Oketch Eddy Gicheru, MP
3. Sen. Osotsi Godfrey Atieno, MP

Clauses 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 - agreed to;

Clauses 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30

Motion made and Question proposed;

THAT, Clauses 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 be part of the Bill.

(Sen. Miraj Abdillahi Abdulrahman, MP- 19.10.23)

Debate interrupted on Wednesday, 6th March, 2024 (Afternoon Sitting) resumed on a Division;

The Acting Chairperson (Sen. Abdul Haji, MP) directed that electronic voting be taken pursuant to Standing Order 86(2) and that the Division bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. Abdul Haji, MP) directed that the doors be locked and the bars be drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. Abdul Haji, MP) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 86 (5), the Acting Chairperson (Sen. Abdul Haji, MP) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded their votes as **“Yes”**: -

Sen. Mwenda Gataya Mo Fire, MP - voted verbally

The results of the Division were as follows: -

AYES – 35

NOES - 3

ABSTENTION – 0

AYES

1. Sen. Abass, Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Boy Issa Juma, MP
4. Sen. Cherarkey Samson, MP
5. Sen. Cheruiyot Aaron Kipkirui, MP
6. Sen. Chesang Allan Kiprotich, MP
7. Sen. Chute Mohamed Said, MP
8. Sen. Ekomwa James Lomenen, MP
9. Sen. Haji Abdul Mohammed, MP
10. Sen. Ogolla, Beatrice Akinyi, MP- voted on behalf of the Homabay Delegation
11. Sen. Kamau Joseph Githuku, MP
12. Sen. Kathuri Murungi, MP
13. Sen. Keroche Tabitha Karanja, MP
14. Sen. Khalwale Boni, MP
15. Sen. Kipkiror William Cheptumo, MP
16. Sen. Kisang William Kipkemai, MP
17. Sen. Lelegwe Steve Ltumbesi, MP
18. Sen. Mandago Jackson Kiplagat, MP
19. Sen. Methu John Muhia, MP
20. Sen. Mundigi Alexander Munyi, MP
21. Sen. Mungatana Danson Buya, MP
22. Sen. Mwaruma Johnes Mwashushe, MP
23. Sen. Mwenda Gataya Mo Fire, MP - voted verbally

24. Sen. Mwinyihaji Mohamed Faki, MP
25. Sen. Nderitu John Kinyua, MP
26. Sen. Nyutu Joe, MP
27. Sen. Okoiti Andrew Omtatah, MP
28. Sen. Olekina Ledama, MP
29. Sen. Recha Julius Murgor, MP
30. Sen. Roba Ali Ibrahim, MP
31. Sen. Seki Lenku Ole Kanar, MP
32. Sen. Thangwa Paul Karungo, MP
33. Sen. Wafula David Wakoli, MP
34. Sen. Wakili Hillary Kiprotich Sigei, MP
35. Sen. Wamatinga Wahome, MP

NOES

1. Sen. Muthama Agnes Kavindu, MP
2. Sen. Oketch Eddy Gicheru, MP
3. Sen. Osotsi Godfrey Atieno, MP

Clauses 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 - agreed to;

Clauses 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40

Motion made and Question proposed;

THAT, Clauses 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40 be part of the Bill.

(Sen. Miraj Abdillahi Abdulrahman, MP- 19.10.23)

Debate interrupted on Wednesday, 6th March, 2024 (Afternoon Sitting) resumed on a Division;

The Acting Chairperson (Sen. Abdul Haji, MP) directed that electronic voting be taken pursuant to Standing Order 86(2) and that the Division bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. Abdul Haji, MP) directed that the doors be locked and the bars be drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. Abdul Haji, MP) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 86 (5), the Acting Chairperson (Sen. Abdul Haji, MP) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded their votes as **“Yes”**: -

Sen. Mwenda Gataya Mo Fire, MP - voted verbally

The results of the Division were as follows: -

AYES – 35

NOES - 3

ABSTENTION – 0

AYES

1. Sen. Abass, Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Boy Issa Juma, MP
4. Sen. Cherarkey Samson, MP
5. Sen. Cheruiyot Aaron Kipkirui, MP
6. Sen. Chesang Allan Kiprotich, MP
7. Sen. Chute Mohamed Said, MP
8. Sen. Ekomwa James Lomenen, MP
9. Sen. Haji Abdul Mohammed, MP
10. Sen. Ogolla, Beatrice Akinyi, MP- voted on behalf of the Homabay Delegation
11. Sen. Kamau Joseph Githuku, MP
12. Sen. Kathuri Murungi, MP
13. Sen. Keroche Tabitha Karanja, MP
14. Sen. Khalwale Boni, MP
15. Sen. Kipkiror William Cheptumo, MP
16. Sen. Kisang William Kipkemoi, MP
17. Sen. Lelegwe Steve Ltumbesi, MP
18. Sen. Mandago Jackson Kiplagat, MP
19. Sen. Methu John Muhia, MP
20. Sen. Mundigi Alexander Munyi, MP
21. Sen. Mungatana Danson Buya, MP
22. Sen. Mwaruma Johnes Mwashushe, MP
23. Sen. Mwenda Gataya Mo Fire, MP - voted verbally
24. Sen. Mwinyihaji Mohamed Faki, MP
25. Sen. Nderitu John Kinyua, MP
26. Sen. Nyutu Joe, MP
27. Sen. Okoiti Andrew Omtatah, MP
28. Sen. Olekina Ledama, MP
29. Sen. Recha Julius Murgor, MP
30. Sen. Roba Ali Ibrahim, MP
31. Sen. Seki Lenku Ole Kanar, MP
32. Sen. Thangwa Paul Karungo, MP
33. Sen. Wafula David Wakoli, MP
34. Sen. Wakili Hillary Kiprotich Sigei, MP
35. Sen. Wamatinga Wahome, MP

NOES

1. Sen. Muthama Agnes Kavindu, MP
2. Sen. Oketch Eddy Gicheru, MP
3. Sen. Osotsi Godfrey Atieno, MP

Clauses 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40 - agreed to;

Clauses 41 and 42

Motion made and Question proposed;

THAT, Clauses 41 and 42 be part of the Bill.

(Sen. Miraj Abdillahi Abdulrahman, MP- 19.10.23)

Debate interrupted on Wednesday, 6th March, 2024 (Afternoon Sitting) resumed on a Division;

The Acting Chairperson (Sen. Abdul Haji, MP) directed that electronic voting be taken pursuant to Standing Order 86(2) and that the Division bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. Abdul Haji, MP) directed that the doors be locked and the bars be drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. Abdul Haji, MP) put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 86 (5), the Acting Chairperson (Sen. Abdul Haji, MP) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded their votes as “**Yes**”: -

Sen. Mwenda Gataya Mo Fire, MP - voted verbally

The results of the Division were as follows: -

AYES – 35

NOES - 3

ABSTENTION – 0

AYES

1. Sen. Abass, Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Boy Issa Juma, MP
4. Sen. Cherarkey Samson, MP
5. Sen. Cheruiyot Aaron Kipkirui, MP
6. Sen. Chesang Allan Kiprotich, MP
7. Sen. Chute Mohamed Said, MP
8. Sen. Ekomwa James Lomenen, MP
9. Sen. Haji Abdul Mohammed, MP
10. Sen. Ogolla, Beatrice Akinyi, MP- voted on behalf of the Homabay Delegation

11. Sen. Kamau Joseph Githuku, MP
12. Sen. Kathuri Murungi, MP
13. Sen. Keroche Tabitha Karanja, MP
14. Sen. Khalwale Boni, MP
15. Sen. Kipkiror William Cheptumo, MP
16. Sen. Kisang William Kipkemoi, MP
17. Sen. Lelegwe Steve Ltumbesi, MP
18. Sen. Mandago Jackson Kiplagat, MP
19. Sen. Methu John Muhia, MP
20. Sen. Mundigi Alexander Munyi, MP
21. Sen. Mungatana Danson Buya, MP
22. Sen. Mwaruma Johnes Mwashushe, MP
23. Sen. Mwenda Gataya Mo Fire, MP - voted verbally
24. Sen. Mwinyihaji Mohamed Faki, MP
25. Sen. Nderitu John Kinyua, MP
26. Sen. Nyutu Joe, MP
27. Sen. Okoiti Andrew Omtatah, MP
28. Sen. Olekina Ledama, MP
29. Sen. Recha Julius Murgor, MP
30. Sen. Roba Ali Ibrahim, MP
31. Sen. Seki Lenku Ole Kanar, MP
32. Sen. Thangwa Paul Karungo, MP
33. Sen. Wafula David Wakoli, MP
34. Sen. Wakili Hillary Kiprotich Sigei, MP
35. Sen. Wamatinga Wahome, MP

NOES

1. Sen. Muthama Agnes Kavindu, MP
2. Sen. Oketch Eddy Gicheru, MP
3. Sen. Osotsi Godfrey Atieno, MP

Clauses 41 and 42

- agreed to;

Clause 2, the Title and Clause 1

Motion made and Question proposed;

THAT, Clause 2, the Title and Clause 1 be part of the Bill.

(Sen. Miraj Abdillahi Abdulrahman, MP- 19.10.23)

Debate interrupted on Wednesday, 6th March, 2024 (Afternoon Sitting)
resumed on a Division;

The Acting Chairperson (Sen. Abdul Haji, MP) directed that electronic voting be taken pursuant to Standing Order 86(2) and that the Division bell be rung for five minutes;

Upon the expiry of five minutes, the Acting Chairperson (Sen. Abdul Haji, MP) directed that the doors be locked and the bars be drawn and asked Senators to log-in for electronic voting;

The Acting Chairperson (Sen. Abdul Haji, MP) put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 86 (5), the Acting Chairperson (Sen. Abdul Haji, MP) allowed one (1) Senator to record their vote verbally.

Thereupon, the following Senator recorded their votes as “**Yes**”: -

Sen. Mwenda Gataya Mo Fire, MP - voted verbally

The results of the Division were as follows: -

AYES – 35

NOES - 3

ABSTENTION – 0

AYES

1. Sen. Abass, Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Boy Issa Juma, MP
4. Sen. Cherarkey Samson, MP
5. Sen. Cheruiyot Aaron Kipkirui, MP
6. Sen. Chesang Allan Kiprotich, MP
7. Sen. Chute Mohamed Said, MP
8. Sen. Ekomwa James Lomenen, MP
9. Sen. Haji Abdul Mohammed, MP
10. Sen. Ogolla, Beatrice Akinyi, MP- voted on behalf of the Homabay Delegation
11. Sen. Kamau Joseph Githuku, MP
12. Sen. Kathuri Murungi, MP
13. Sen. Keroche Tabitha Karanja, MP
14. Sen. Khalwale Boni, MP
15. Sen. Kipkiror William Cheptumo, MP
16. Sen. Kisang William Kipkemai, MP
17. Sen. Lelegwe Steve Ltumbesi, MP
18. Sen. Mandago Jackson Kiplagat, MP
19. Sen. Methu John Muhia, MP
20. Sen. Mundigi Alexander Munyi, MP
21. Sen. Mungatana Danson Buya, MP
22. Sen. Mwaruma Johnes Mwashushe, MP
23. Sen. Mwenda Gataya Mo Fire, MP - voted verbally
24. Sen. Mwinyihaji Mohamed Faki, MP
25. Sen. Nderitu John Kinyua, MP
26. Sen. Nyutu Joe, MP
27. Sen. Okoiti Andrew Omtatah, MP

28. Sen. Olekina Ledama, MP
29. Sen. Recha Julius Murgor, MP
30. Sen. Roba Ali Ibrahim, MP
31. Sen. Seki Lenku Ole Kanar, MP
32. Sen. Thangwa Paul Karungo, MP
33. Sen. Wafula David Wakoli, MP
34. Sen. Wakili Hillary Kiprotich Sigei, MP
35. Sen. Wamatinga Wahome, MP

NOES

1. Sen. Muthama Agnes Kavindu, MP
2. Sen. Oketch Eddy Gicheru, MP
3. Sen. Osotsi Godfrey Atieno, MP

Clause 2, the Title and Clause 1

- agreed to;

Progress Report

Motion made:

THAT, the Committee of the Whole do report to the Senate its consideration of the Care and Protection of Child Parents Bill (Senate Bills No. 29 of 2022) and seek leave to sit again today.

(Sen. Miraj Abdillahi Abdulrahman, MP)

Before the Question was put and pursuant to Standing Order 84(1), the Acting Chairperson (Sen. Abdul Haji, MP) ruled that the Question did not affect counties;

Question put and **agreed to.**

18. **HOUSE RESUMED** – (Temporary Speaker, Sen. Veronica Maina, MP) - in the Chair
19. **THE CARE AND PROTECTION OF CHILD PARENTS BILL (SENATE BILLS NO. 29 of 2022)**

Bill reported **with** amendments;

Motion made and Question proposed: -

THAT, the House do agree with the Committee of the Whole in the said Report.

(Sen. Miraj Abdillahi Abdulrahman, MP)

There being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84(1), the Temporary Speaker (Sen. Veronica Maina, MP) ruled that the Motion does not affect counties;

Question put and agreed to.

Motion made and Question proposed: -

THAT, the Care and Protection of Child Parents Bill (Senate Bills No. 29 of 2022) be now read a Third Time.

(Sen. Miraj Abdillahi Abdulrahman, MP)

There being no Senator wishing to contribute;

The House proceeded to a Division on the Third Reading of the Bill;

The Temporary Speaker (Sen. Veronica Maina, MP), directed that electronic voting be taken pursuant to Standing Order 86(2) and that the Division bell be rung for five minutes;

Upon the expiry of five minutes, the Temporary Speaker (Sen. Veronica Maina, MP) directed that the doors be locked and the bars be drawn and asked Senators to log-in for electronic voting;

The Temporary Speaker (Sen. Veronica Maina, MP) put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 86 (5), the Temporary (Sen. Veronica Maina, MP) allowed five (5) Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes as “**Yes**”: -

1. Sen. Chesang Allan Kiprotich, MP
2. Sen. Chute Mohamed Said, MP
3. Sen. Ekomwa James Lomenen, MP
4. Sen. Nyutu Joe, MP
5. Sen. Wakili Hillary Kiprotich Sigei, MP

The results of the Division were as follows: -

AYES – 36

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Cherarkey Samson, MP
4. Sen. Cheruiyot Aaron Kipkirui, MP

5. Sen. Chesang Allan Kiprotich, MP- voted verbally
6. Sen. Chute Mohamed Said, MP- voted verbally
7. Sen. Ekomwa James Lomenen, MP- voted verbally
8. Sen. Haji Abdul Mohammed, MP
9. Sen. Kamau Joseph Githuku, MP
10. Sen. Kathuri Murungi, MP
11. Sen. Keroche Tabitha Karanja, MP
12. Sen. Khalwale Boni, MP
13. Sen. Kisang William Kipkemai, MP
14. Sen. Lelegwe Steve Ltumbesi, MP
15. Sen. Madzayo Stewart Mwachiru, MP
16. Sen. Mandago Jackson Kiplagat, MP
17. Sen. Methu John Muhia, MP
18. Sen. Mundigi Alexander Munyi, MP
19. Sen. Mungatana Danson Buya, MP
20. Sen. Murango James Kamau, MP
21. Sen. Muthama Agnes Kavindu, MP
22. Sen. Mwaruma Johnes Mwashushe, MP
23. Sen. Mwenda Gataya Mo Fire, MP
24. Sen. Mwinyihaji Mohamed Faki, MP
25. Sen. Nderitu John Kinyua, MP
26. Sen. Joe Nyutu MP - voted verbally
27. Sen. Olekina Ledama, MP
28. Sen. Osotsi Godfrey Atieno, MP
29. Sen. Recha Julius Murgor, MP
30. Sen. Roba Ali Ibrahim, MP
31. Sen. Seki Lenku Ole Kanar, MP
32. Sen. Thangwa Paul Karungo, MP
33. Sen. Wafula David Wakoli, MP
34. Sen. Wakili Hillary Kiprotich Sigei, MP- voted verbally
35. Sen. Wamatinga Wahome, MP
36. Sen. Wambua Enoch Kiio, MP

Question, agreed to.

Bill Read a Third Time and **passed**.

20. **THE AFFORDABLE HOUSING BILL (NATIONAL ASSEMBLY BILLS NO. 75 OF 2023)**

Order for Second Reading read;

Motion made –

THAT, the Affordable Housing Bill (National Assembly Bills No. 75 of 2023) be now read a Second Time.

(Senate Majority Leader)

Limitation of Debate pursuant to Standing Order 111

Motion made and Question proposed;

THAT, pursuant to Standing Order 111 (1), the Senate resolves that debate on the Affordable Housing Bill (National Assembly Bills No. 75 of 2023) shall be limited to a maximum of four minutes for each Senator speaking.

(Sen. Tabitha Keroche, MP)

And there being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84 (1), the Speaker ruled that the Motion did not affect counties.

Question put and **agreed to.**

Debate interrupted;

21. PROCEDURAL MOTION- EXTENSION OF SITTING TIME

Motion made and Question proposed;

THAT, pursuant to Standing Order 34 (4)(a), the Senate resolves that House shall extend its Sitting time until the conclusion of Order 13, the Affordable Housing Bill (National Assembly Bills No. 75 of 2023)

(Sen. (Dr.) Lelegwe Ltumbesi, MP)

And there being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84 (1), the Speaker ruled that the Motion did not affect counties.

Question put and **agreed to.**

RESOLVED ACCORDINGLY

THAT, pursuant to Standing Order 34 (4)(a), the Senate resolves that House shall extend its Sitting time until the conclusion of Order No. 13, the Affordable Housing Bill (National Assembly Bills No. 75 of 2023)

22. THE AFFORDABLE HOUSING BILL (NATIONAL ASSEMBLY BILLS NO. 75 OF 2023)

Order for Second Reading read;

Motion made and question proposed;

THAT, the Affordable Housing Bill (National Assembly Bills No. 75 of 2023)_be now Read a Second Time.

(The Senate Majority Leader)

Debate interrupted resumed;

And there being no other Senators wishing to contribute;

The Mover replied;

The Senate proceeded to a Division;

The Temporary Speaker (Sen. Wakili Hillary Sigei, MP) directed that electronic voting be taken pursuant to Standing Order 86(2) and that the Division bell be rung for five minutes;

Upon the expiry of five minutes, the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) directed that the doors be locked and the bars be drawn and asked Senators to log-in for electronic voting;

The Temporary Speaker (Sen. Wakili Hillary Sigei, MP) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) allowed four (4) Senators to record their votes verbally.

Thereupon, the Senators' votes were recorded as follows-

“AYES” -

1. Sen. Tobiko Peris Pesi, MP – voted on behalf of Kajiado County delegation
2. Sen. Wakili Hillary Sigei, MP

The results of the Division were as follows:-

AYES- 31

NOES- 6

ABSTENTION- 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Cherarkey Samson Kiprotich, MP
4. Sen. Cheruiyot Aaron Kipkirui, MP
5. Sen. Chesang Allan Kiprotich, MP
6. Sen. Chute Mohamed Said, MP
7. Sen. Ekomwa James Lomenen, MP
8. Sen. Haji Abdul Mohammed, MP
9. Sen. Kamau Joseph Githuku, MP

10. Sen. Kathuri Murungi, MP
11. Sen. Keroche Tabitha Karanja, MP
12. Sen. Khalwale Boni, MP
13. Sen. Kipkiror William Cheptumo, MP
14. Sen. Kisang William Kipkemai, MP
15. Sen. Lelegwe Steve Ltumbesi, MP
16. Sen. Mandago Jackson Kiplagat, MP
17. Sen. Muhia John Methu, MP
18. Sen. Mundigi Alexander Munyi, MP
19. Sen. Mungatana Danson Buya, MP
20. Sen. Murango James Kamau, MP
21. Sen. Mwenda Gataya Mo Fire, MP
22. Sen. Nderitu John Kinyua, MP
23. Sen. Nyutu Joe, MP
24. Sen. Ojienda Odhiambo Tom, MP
25. Sen. Recha Julius Murgor, MP
26. Sen. Roba Ali Ibrahim, MP
27. Sen. Tobiko Peris Pesi, MP – voted verbally on behalf of Kajiado County
Delegation
28. Sen. Thangwa Paul Karungo, MP
29. Sen. Wafula David Wakoli, MP
30. Sen. Wakili Hillary Sigei, MP – voted verbally
31. Sen. Wamatinga Wahome, MP

NOES

1. Sen. Crystal Asige, MP - voted verbally on behalf of Mombasa County
Delegation
2. Sen. Mogeni Erick Okong'o, MP
3. Sen. Muthama Agnes Kavindu, MP
4. Sen. Okoiti Andrew Omtatah, MP
5. Sen. Osotsi Godfrey Atieno, MP
6. Sen. Sifuna Edwin Watenya, MP

Question - **agreed to;**

Bill read a Second Time and committed to the Committee of the Whole tomorrow.

And having concluded the Business appearing as Order No 13 in the Order Paper as resolved, the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) adjourned the Senate at Eight O'clock, without Question put, pursuant to the Standing Orders.

23. **SENATE ROSE** – at Eight O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, March 12, 2024, at 2:30 p.m.*