



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (THIRD SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**TUESDAY, MARCH 5, 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 no Quorum, directed that the Bell be rung for ten minutes, pursuant to Standing Order 40;

And there being a Quorum at the expiry of the ten minutes;

The Speaker invited the Clerk to call out 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 Bungoma**

“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 Bungoma comprising Members of the County Public Accounts Committee and its Secretariat. The delegation is undertaking a benchmarking visit in the Senate.

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

<b>NAME</b>	<b>DESIGNATION</b>
1. Hon. Everton Nganga	- Chairperson

2. Hon. Timothy Chikati	- Vice Chairperson
3. Hon. Alfred Mukhanya	- Member
4. Hon. Jerusa Aleu	- Member
5. Hon. Stephen Kaiser	- Member
6. Hon. Kennedy Wanyama	- Member
7. Hon. Metrine Nangalama	- Member
8. Hon. Moureen Wafula	- Member
9. Hon. Everlyne Mutiembu	- Member
10. Hon. Everlyne Anyango	- Member
11. Mr. Oscar Sifuma	- Committee Clerk
12. Ms. Carolyn Wamalwa	- Deputy Hansard Officer
13. Mr. Ramadhan Fwamba	- Committee Clerk
14. Mr. Aggrey Makokha	- Legal Clerk
15. Mr. Kellum Chandai	- Serjeant-At-Arms
16. Mr. Mash Misiko	- Public Communication Officer

Honourable Senators,

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

I thank you.”

ii) **Actualization of the Recommendations of the National Dialogue Committee for Amendment to the Constitution**

“Honourable Senators,

As you are aware, the National Dialogue Committee was established by the National Assembly and the Senate vide a resolution passed on 16<sup>th</sup> August, 2023 and 29<sup>th</sup> August, 2023, respectively. The Committee was required to *“facilitate dialogue and consensus building and recommend appropriate constitutional, legal and policy reforms on issues of concern to the people of Kenya, in line with the Constitution and the laws of the Republic of Kenya and respecting the functional and institutional integrity of state organs.”*

The National Dialogue Committee was required to submit its report to Parliament and the leadership of the Kenya Kwanza and Azimio One Kenya Coalition on constitutional, legal and policy reforms on issues of concern to the people of Kenya. Upon conclusion of the national dialogue process, the Committee tabled its Report to Parliament for consideration.

On 21<sup>st</sup> February, 2024, the Senate adopted the Report of the Committee. Likewise, the National Assembly adopted the Report of the National Dialogue Committee on 22<sup>nd</sup> February, 2024. The Report contains various recommendations including recommendations proposing amendments of the Constitution and various statutes regarding several issues.

Honourable Senators,

At meetings held on Tuesday, 27<sup>th</sup> and Thursday, 29<sup>th</sup> February, 2024, the Speakers of the Houses of Parliament and the Leadership of both the Senate and the National Assembly deliberated on modalities for implementation of the recommendations contained in the Report of the National Dialogue Committee.

The meeting agreed that –

- a. Proposals for amendment of the Constitution to implement the recommendations of the National Dialogue Committee be referred to the Senate Standing Committee on Justice, Legal Affairs and Human Rights and the Departmental Committee on Justice and Legal Affairs of the National Assembly for their joint consideration.
- b. The following legislative proposals recommended in the Report of the Committee be introduced in the National Assembly –
  - i. The IEBC (Amendment) Bill, 2024;
  - ii. The Ethics and Anti-Corruption Commission (Amendment) Bill, 2024;
  - iii. The Leader of Opposition Bill, 2024; and
  - iv. The National Government Coordination (Amendment) Bill, 2024.
- c. The following legislative proposals recommended in the Report of the Committee be introduced in the Senate –
  - i. The Elections Offences (Amendment) Bill, 2024;
  - ii. The Elections (Amendment) Bill, 2024;
  - iii. The Statutory Instruments (Amendment) Bill, 2024; and
  - iv. The Political Parties (Amendment) Bill, 2024.
- d. The Clerks of the Houses of Parliament to communicate to other entities, the recommendations that require action by the said entities.

I take this opportunity to thank the Speaker of the National Assembly, the Leadership of the Senate and the National Assembly, for providing a clear strategy for actualization of the recommendations of the Report of the National Dialogue Committee.

Honourable Senators,

Article 256 of the Constitution requires that any proposed amendments to the Constitution shall be considered by both Houses of Parliament. In this regard and following consultation with the Leadership of the two Houses of Parliament, the proposed amendments to the Constitution and to various statutes as contained in the Report of the National Dialogue Committee now stand referred to the Standing Committee on Justice, Legal Affairs and Human Rights.

The Standing Committee, working jointly with the Departmental Committee on Justice and Legal Affairs of the National Assembly in accordance with

Standing Order 230 of the Senate and Standing Order 202A of the National Assembly, shall consider the proposed amendments to the Constitution and recommend to the Houses of Parliament the manner of actualizing the recommendations of the National Dialogue Committee relating to the proposed amendments to the Constitution.

It is also notable that the proposed amendments to the Constitution may necessitate further amendments to or enactment of new statutes. In this regard, any proposed amendments to new statute that is consequential to the proposed amendments to the Constitution, also stand referred to the two Committees for consideration.

Honourable Senators,

The need to ensure that due process in the enactment of legislation, and as provided in the Standing Orders of both Houses of Parliament cannot be gainsaid. The two Committees are therefore directed to ensure that due process in the enactment of laws is adhered to in considering the proposed amendments during the joint sittings. This matter being one of immense importance and public interest, the Committees are directed to undertake the assignment expeditiously and to submit a report within forty-five (45) days.

I thank you!”

**iii) Misconduct exhibited by Sen. Gloria Orwoba, MP on 15<sup>th</sup> February, 2024 and the Senate Minority Leader at the Sitting of the Senate held on 20<sup>th</sup> February, 2024**

“Honourable Senators,

The following Communication has been necessitated by recent developments in the Chamber relating to disorderly conduct, that require the intervention of the Speaker. Firstly, on 16<sup>th</sup> February, 2024, I received a letter from Sen. Gloria Orwoba, MP, questioning the decision of the then Temporary Speaker, Sen. Catherine Mumma, at the sitting of the Senate held on 15<sup>th</sup> February, 2024, not to allow her to raise a point of order on utterances made by the Senator for Homa Bay County.

Secondly, on 21<sup>st</sup> February, 2024, I received a letter from the Senate Minority Leader, questioning and appealing the ruling of the then Temporary Speaker, Sen. Veronicah Maina, MP, at the sitting of the Senate held on 20<sup>th</sup> February, 2024, requiring the Senate Minority Leader, Sen. Stewart Madzayo, MP, to withdraw from the Chamber pursuant to Standing Order 122(2) (a).

Honourable Senators,

Following receipt of the two letters, I undertook to study the Hansard and the live broadcasting video of the Senate proceedings of Thursday, 15<sup>th</sup> February, 2024 and on Tuesday, 20<sup>th</sup> February, 2023, to ascertain the claims made by Sen. Gloria Orwoba and the Senate Minority Leader, Sen. Stewart Madzayo, MP.

On the claim by Sen. Gloria Orwoba, MP, the brief facts are as follows:

- a. At the sitting of the Senate held on Tuesday, 15<sup>th</sup> February, 2024, the Senator for Homa Bay County, Sen. Moses Kajwang, MP, while contributing to the debate on the Water (Amendment) Bill (National Assembly Bills No. 33 of 2023) made the following remarks, and I quote,  
*“Madam Temporary Speaker, the caucus members include CECM in charge of water from Bomet and he has asked us to oppose this Bill. The CECM in charge of water from Mombasa, where Sen. Miraj allegedly comes from, has asked us to oppose it. That includes the one for Kisii where Sen. Orwoba allegedly comes. They have also asked us to oppose it.”*
- b. The comments by Sen. Moses Kajwang, MP, prompted Sen. Gloria Orwoba, MP, to rise on a Point of Order seeking the intervention of the Chair to require the Senator for Homa Bay County to withdraw the comment that Sen. Gloria Orwoba, MP, “allegedly comes from” Kisii County. The Temporary Speaker ruled Sen. Gloria Orwoba, MP, to be out of order and allowed Sen. Moses Kajwang, MP to resume his contribution on the Bill.
- c. Following the directions by the Chair, Sen. Gloria Orwoba, MP continued to consult in a disruptive manner, prompting the Senator for Nairobi City County, Sen. Edwin Sifuna, MP, to raise a point of order pursuant to Standing Order 121 (1)(a) and (c). Thereafter, the Temporary Speaker cautioned Sen. Gloria Orwoba, MP to maintain order.

Honourable Senators,

From the foregoing, the allegations by Sen. Gloria Orwoba, MP, against the Chair for “unjustly dismissed my rightfully demands which clearly exhibited bias by politicizing the issue”, I find that the allegations to be unfounded and hereby dismissed, as the then Chair rightfully dispensed with the matter.

It is worth noting that the decision of the Chair was final and thus, the letter by Sen. Gloria Orwoba, MP, was not necessary, as the Standing Orders do not provide for a mechanism to challenge or appeal the ruling of the Speaker, save for a decision on suspension of a Senator pursuant to Standing Order 127. In the event that Sen. Gloria Orwoba, MP, was dissatisfied with the directive of the Chair, there were other avenues to set her record straight, including filing a personal statement pursuant to Standing Order 58 of the Senate Standing Orders.

Honourable Senators,

Concerning the appeal by the Senate Minority Leader, Sen. Stewart Madzayo, MP; as you may recall, at the sitting of the Senate held on Tuesday, 20th February, 2024, the Senate Minority Leader, Sen. Justice (Rtd) Stewart Madzayo, MP, rose on a Point of Order, seeking the intervention of the Speaker, on the remarks made by the Senator for Nandi County, Sen. Samson Cherarkey, MP, while contributing to the Motion on the Report of the National Dialogue Committee.

In the Point of Order, the Senate Minority Leader, Sen. Stewart Madzayo, MP stated -

*“Bi. Spika wa Muda, Bunge la Seneti ni Bunge linalo heshimiwa sana na hivi sasa kwa Taifa nzima, macho yote yameelekezwa hapa. Itakuwa si heshima, mtu kuwataja viongozi, Maseneta waseme atangulishe vile anavyo ongea kisha wewe useme, hiyo ni sawa na anaweza kwenda kuketi na kwenda zake nyumbani.*

*Bi Spika wa Muda, hayo ni makosa kabisa kwa sababu hairuhusiwi katika Kanuni za Kudumu za Seneti mtu kutajwa hapa asiyekuwa ndani ya Bunge, asiyeweza kujitetea”.*

The point of order sought the intervention of the Speaker, as in the opinion of the Senate Minority Leader, Sen. Stewart Madzayo, MP, Sen. Samson Cherarkey, MP, had not adequately substantiated an earlier point of order raised by the Senator for Kitui County, Sen. Enoch Wambua, CBS, MP. The Senate Minority Leader further argued that it was inappropriate and therefore out of order, for Sen. Samson Cherarkey, MP, to adversely mention persons who were not in the Senate and therefore unable to respond to allegations being made against them.

Honourable Senators,

Following the withdrawal from the Chamber, the Senate Minority Leader, Sen. Stewart Madzayo, MP, wrote to the Speaker vide letter dated 21st February, 2024, making an appeal to the decision of the Temporary Speaker to require the Senate Minority Leader, Sen. Stewart Madzayo, MP, to exit the Chamber for the remainder of the day's sitting. Such an appeal is provided in Standing Order 127 which states -

*A Senator in respect of whom a suspension under this Part is imposed may appeal in writing to the Speaker, and the Speaker may -*

*(a) uphold the suspension as pronounced; or*

*(b) vary the decision and communicate the matter to the Senate.*

Honourable Senators,

In addressing the appeal by the Senate Minority Leader, Sen. Stewart Madzayo, MP, my review of the proceedings of the Senate on 20th February,

2024, indicates that the Senator for Kitui County, Sen. Enoch Wambua, MP, rose a point of order pursuant to Standing Order 105, requesting the intervention of the Speaker for the Senator for Nandi County, Sen. Samson Cherarkey, MP, to substantiate a statement made when he was contributing to the Motion on the Report of the National Dialogue Committee.

A request for substantiation pursuant to Standing Order 105 may be dealt with in two ways –

- a. Pursuant to Standing Order 105 (1), by the Speaker requiring a Senator to substantiate allegations instantly; or
- b. Pursuant to Standing Order 105 (2), by the Speaker requiring a Senator to substantiate allegations not later than the next sitting day.

My review of the proceedings of 20th February, 2024, indicate that the Senator for Nandi County was directed to substantiate his statement instantly, following a rejection of his request pursuant to Standing Order 105(2), to substantiate his statement at the next sitting day. Consequently, the Senator for Nandi County substantiated his claims, and the matter was thereafter closed by the Temporary Speaker, Sen. Veronicah Maina, MP, to allow debate on the substantive Motion to resume.

A reading of the Hansard indicates that it is at this point that the Senate Minority Leader, Sen. Stewart Madzayo, MP, rose on a point of order to which the Temporary Speaker ruled that the matter was closed. The Temporary Speaker thereafter, on several occasions, directed the Senate Minority Leader, Sen. Stewart Madzayo, MP, to resume his seat but he continued to interrupt debate and consult in a disruptive manner. This prompted his microphone to be switched off under the directions of the Temporary Speaker.

Having repeatedly defied the instructions of the Speaker, the Speaker thereafter directed the Senate Minority Leader, Sen. Stewart Madzayo, MP, to withdraw from the Chamber for the remainder of the day's sitting, pursuant to Standing Order 122 (2) (a).

Honourable Senators,

From the foregoing I find that the actions of the Senate Minority Leader on 20th February, 2024, to have exhibited an act of disorderly conduct. I therefore make a determination to uphold the decision to suspend the Senate Minority Leader, Sen. Stewart Madzayo MP, as pronounced by the then Temporary Speaker.

Honourable Senators,

I wish to remind you of the role of the Speaker within a legislative body. As a Presiding Officer, the Speaker is tasked with maintaining order, interpreting rules and ensuring the smooth conduct of parliamentary proceedings. The

authority of the Speaker is fundamental to the proper functioning of Parliament and plays a crucial role in upholding parliamentary procedures. The Speaker has authority to enforce parliamentary rules, decide on points of order and also has the power to suspend members for disorderly conduct and regulate debates.

Article 107 of the Constitution states –

*(1) At any sitting of a House of Parliament—*

- a) the Speaker presides;*
- b) in the absence of the Speaker, the Deputy Speaker presides; and*
- c) in the absence of the Speaker and the Deputy Speaker, another member of the House elected by the House presides.*

Further, Standing Order 20(1) states –

*(1) There shall be a panel to be known as the Speaker's Panel which shall comprise four Senators to be known, respectively, as the First, Second, Third and Fourth Panelist, who shall be entitled to exercise all the powers vested in the Chairperson of Committees of the Whole.*

The Presidium, composed of the Speaker, the Deputy Speaker and other Senators elected pursuant to Article 107 (1) (c) of the Constitution share the authority and responsibilities of the Speaker in the context of Article 107 (1) (a) and (b) of the Constitution. While the Speaker holds the primary role, the other Members of the Presidium ensures continuity and support in the absence of the Speaker and Deputy Speaker by upholding the dignity and integrity of parliamentary proceedings.

Honourable Senators,

That being said, it is crucial that we reflect on the significance of upholding the directives issued by the Speaker. The directives by the Speaker are not arbitrary, they are designed to facilitate productive debates, ensure fairness, and uphold the rules and procedures of the Senate. Disregarding the directives of the Speaker undermines the authority of the Speaker and has far-reaching consequences beyond the integrity and functionality of the institution of Parliament. Such actions contribute to the erosion of parliamentary decorum, disrupt the orderly conduct of proceedings, and create a climate of chaos within the chamber.

For avoidance of doubt, no Senator is above the rules. The Standing Orders of the Senate applies equally to all Senators.

It is paramount that all Honourable Senators adhere to the Speaker's guidance and directives as disregarding them has the potential to disrupt the proceedings of the Senate and make a mockery out of them. Further, I take this opportunity to implore Honourable Senators to engage in debates in a constructive manner, focusing on the issues at hand, steering clear of any tendency towards controversy without reasonable cause.



I thank you.”

**5. PAPERS LAID**

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

- i.) Report of the Controller of Budget (COB) on the County Governments Budget Implementation Review for the first half of Financial Year 2023/2024.
- ii.) Report of the Auditor General on Financial Statements of Elgeyo/Marakwet County Executive Car and Mortgage Revolving Fund for the year ended 30<sup>th</sup> June, 2023.
- iii.) Report of the Auditor General on the Financial Statements of the County Executive of Kakamega for the year ended 30<sup>th</sup> June, 2023
- iv.) Report of the Auditor General on the Financial Statements of the County Government of Kakamega for the year ended 30<sup>th</sup> June, 2023.
- v.) Report of the Auditor General on the Financial Statements of the County Government of Kakamega – Receiver of Revenue for the year ended 30<sup>th</sup> June, 2023.
- vi.) Report of the Auditor General on the Financial Statements of Kakamega County Dairy Development Corporation for the year ended 30<sup>th</sup> June, 2023.
- vii.) Report of the Auditor General on Financial Statements of the County Assembly of Kakamega Loans and Mortgages Fund for the year ended 30<sup>th</sup> June, 2023.
- viii.) Report of the Auditor General on Financial Statements of Kakamega County Emergency Fund for the year ended 30<sup>th</sup> June, 2023.
- ix.) Report of the Auditor General on Financial Statements of Kakamega County Microfinance Corporation for the year ended 30<sup>th</sup> June, 2023.
- x.) Report of the Auditor General on Financial Statements of Kakamega County Climate Change Fund for the year ended 30<sup>th</sup> June, 2023.
- xi.) Report of the Auditor General on Financial Statements of the County Executive of Uasin Gishu for the year ended 30<sup>th</sup> June, 2023.
- xii.) Report of the Auditor General on Financial Statements of the County Assembly of Uasin Gishu for the year ended 30<sup>th</sup> June, 2023.
- xiii.) Report of the Auditor General on Financial Statements of Uasin Gishu County Assembly Mortgage and Car Loan Scheme Fund for the year ended 30<sup>th</sup> June, 2023.

- xiv.) Report of the Auditor General on Financial Statements of the County Revenue Fund - Uasin Gishu County Government for the year ended 30<sup>th</sup> June, 2023.
- xv.) Report of the Auditor General on Financial Statements of Uasin Gishu County Bursary and Skills Development Support Fund for the year ended 30<sup>th</sup> June, 2023.
- xvi.) Report of the Auditor General on Financial Statements of Uasin Gishu County Alcoholic Drinks Control Fund for the year ended 30<sup>th</sup> June, 2023.
- xvii.) Report of the Auditor General on Financial Statements of County Government of Uasin Gishu - Receiver of Revenue for the year ended 30<sup>th</sup> June, 2023.
- xviii.) Report of the Auditor General on the Financial Statements of Uasin Gishu County Staff Mortgage and Card Loans Scheme Fund for the year ended 30<sup>th</sup> June, 2023.
- xix.) Report of the Auditor General on the Financial Statements of Uasin Gishu County Inua Biashara Fund for the year ended 30<sup>th</sup> June, 2023.
- xx.) Report of the Auditor General on the Financial Statements of Uasin Gishu County Emergency Fund for the year ended 30<sup>th</sup> June, 2023.
- xxi.) Report of the Auditor General on Financial Statements of the County Executive of Nandi for the year ended 30<sup>th</sup> June, 2023.
- xxii.) Report of the Auditor General on Financial Statements of Nandi County Executive Committee Car Loan and Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2023.
- xxiii.) Report of the Auditor General on Financial Statements of the County Government – Receiver of Revenue for the year ended 30<sup>th</sup> June, 2023.
- xxiv.) Report of the Auditor General on Financial Statements of the County Assembly of Nandi for the year ended 30<sup>th</sup> June, 2023.
- xxv.) Report of the Auditor General on Financial Statements of Nandi County Assembly Scheme Fund for the year ended 30<sup>th</sup> June, 2023.
- xxvi.) Report of the Auditor General on Financial Statements of the County Government of Nandi – County Revenue Fund for the year ended 30<sup>th</sup> June, 2023.
- xxvii.) Report of the Auditor General on Financial Statements of Nandi County Facilities Improvement Fund for the year ended 30<sup>th</sup> June, 2023.

- xxviii.) Report of the Auditor General on Financial Statements of Nandi County Alcoholic Drinks Control Fund for the year ended 30<sup>th</sup> June, 2023.
- xxix.) Report of the Auditor General on the Financial Statements of Nandi County Emergency Fund for the year ended 30<sup>th</sup> June, 2023.
- xxx.) Report of the Auditor General on the Financial Statements of Nandi County Education Fund for the year ended 30<sup>th</sup> June, 2023.
- xxxi.) Report of the Auditor General on Financial Statements of Bungoma County Assembly Car Loan and Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2023.
- xxxii.) Report of the Auditor General on Financial Statements of County Government of Kwale - County Revenue Fund for the year ended 30<sup>th</sup> June, 2023.
- xxxiii.) Report of the Auditor General on Financial Statements of Busia County (Public Officers) Revolving Fund for the year ended 30<sup>th</sup> June, 2023.
- xxxiv.) Report of the Auditor General on Financial Statements of Busia County Agricultural Development Fund for the year ended 30<sup>th</sup> June, 2023.
- xxxv.) Report of the Auditor General on Financial Statements of Busia County Co-operative Enterprise Fund for the year ended 30<sup>th</sup> June, 2023.
- xxxvi.) Report of the Auditor General on Financial Statements of the County Revenue Fund – County Government of Busia for the year ended 30<sup>th</sup> June, 2023.
- xxxvii.) Report of the Auditor General on Financial Statements of the County Executive of Mombasa for the year ended 30<sup>th</sup> June, 2023.
- xxxviii.) Report of the Auditor General on Financial Statements of the County Assembly of Mombasa for the year ended 30<sup>th</sup> June, 2023.

*(The Senate Majority Leader)*

- xxxix.) Report of the Select Committee on County Public Accounts on its consideration of the Reports of the Auditor General on the financial statements of Tharaka Nithi, Homa Bay, Kakamega, Kirinyaga, Makueni, Meru, Bomet, Murang'a, Nandi, Nyamira, Nyeri, Siaya, Vihiga, Wajir and Samburu County Executives for the financial year 2019/2020.

*(The Chairperson, County Public Accounts Committee)*

- xl.) Report of the 9<sup>th</sup> Inter-Parliamentary Union (IPU) Global Conference of Young Parliamentarians Held in Hanoi, Vietnam from 15<sup>th</sup> to 17<sup>th</sup> September, 2023

*(Sen. John Methu, MP)*

6. **NOTICE OF MOTION - REPORT OF THE PARLIAMENT OF KENYA DELEGATION TO THE 13<sup>TH</sup> PLENARY ASSEMBLY OF THE FORUM OF PARLIAMENTS OF THE MEMBER STATES OF THE INTERNATIONAL CONFERENCE ON THE GREAT LAKES REGION (FP-ICGLR), HELD IN JUBA, SOUTH SUDAN**

(Sen. Roba Ali Ibrahim, MP)

THAT, the Senate notes the Report of the Parliament of Kenya Delegation to the 13<sup>th</sup> Plenary Assembly of the Forum of Parliaments of the Member States of the International Conference on the Great Lakes Region (FP-ICGLR), held in Juba, South Sudan, laid on the table of Senate on Thursday, 7<sup>th</sup> December, 2023.

7. **NOTICE OF MOTION - REPORT OF THE SELECT COMMITTEE ON COUNTY PUBLIC ACCOUNTS ON ITS CONSIDERATION OF THE REPORTS OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF THARAKA NITHI, HOMA BAY, KAKAMEGA, KIRINYAGA, MAKUENI, MERU, BOMET, MURANG'A, NANDI, NYAMIRA, NYERI, SIAYA, VIHIGA, WAJIR AND SAMBURU COUNTY EXECUTIVES 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 Reports of the Auditor General on the Financial Statements of Tharaka Nithi, Homa Bay, Kakamega, Kirinyaga, Makueni, Meru, Bomet, Murang'a, Nandi, Nyamira, Nyeri, Siaya, Vihiga, Wajir and Samburu County Executives for the Financial Year 2019/2020 laid on the table of the Senate on Tuesday, 5<sup>th</sup> March, 2024.

8. **NOTICE OF MOTION - REPORT OF THE 9<sup>TH</sup> INTER-PARLIAMENTARY UNION (IPU) GLOBAL CONFERENCE OF YOUNG PARLIAMENTARIANS HELD IN HANOI, VIETNAM, FROM 15<sup>TH</sup> TO 17<sup>TH</sup> SEPTEMBER, 2023**

(Sen. John Methu, MP)

THAT, the Senate notes the Report of the 9<sup>th</sup> Inter-Parliamentary Union (IPU) Global Conference of Young Parliamentarians held in Hanoi, Vietnam from 15<sup>th</sup> to 17<sup>th</sup> September, 2023, laid on the table of Senate on Tuesday, 5<sup>th</sup> March, 2024.

9. **QUESTIONS AND STATEMENTS**

**Statements pursuant to Standing Order 53(1)**

- i.) The Senator for Bungoma County (Sen. David Wakoli, MP) sought a Statement from the Standing Committee on Finance and Budget regarding reservation of procurement opportunities for disadvantaged groups.
- ii.) The Senator for Bungoma County (Sen. David Wakoli, MP) sought a Statement from the Standing Committee on Trade, Industrialization and Tourism regarding the collapse of Malakisi Cotton Ginnery in Sirisia Constituency, Bungoma County.
- iii.) The Senator for Embu County (Sen. Alexander Mundigi, MP) sought a Statement from the Standing Committee on Education concerning the fate of Primary Education Certificate (P1) and Early Childhood Development Education (ECDE) teachers following the Ministry of Education guideline, prescribing a minimum qualification of a Diploma.
- iv.) Nominated Senator (Sen. Betty Montet, MP) sought a Statement from the Standing Committee on Labour and Social Welfare regarding the collection and distribution of royalties to artists.
- v.) Nominated Senator (Sen. Mariam Sheikh, MP) sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding delayed processing of passport applications in Kenya.
- vi.) Nominated Senator (Sen. Hezena Lemaletian, MP) on behalf of the Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) sought a Statement from the Standing Committee on Education regarding the payment of hardship allowance to teachers in Nyando Sub-County in Kisumu County.
- vii.) The Senator for Mandera County (Sen. Ali Ibrahim Roba, MP) sought a Statement from the Standing Committee on Roads, Transportation and Housing regarding the status of the implementation of the Horn of Africa Gateway Development Project (HOAGDP).
- viii.) The Senator for Marsabit County (Sen. Mohamed Chute, MP) sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations concerning repatriation of Kenyan refugees from Ethiopia.
- ix.) Nominated Senator (Sen. George Mbugua, MP) sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations concerning the delay in processing passports.
- x.) The Senator for Narok County (Sen. Ledama Olekina, MP) sought a Statement from the Standing Committee on Trade, Industrialization and Tourism concerning the operations of Ewaso Nyiro Tannery and Leather factory in Narok County.

10. **THE WATER (AMENDMENT) BILL, 2023 (NATIONAL ASSEMBLY BILLS NO. 33 OF 2023)**

Order read;

Motion made and Question proposed;

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

*(The Senate Majority Leader – 30.11.2024)*

Debate interrupted on Wednesday 21<sup>st</sup> February, 2024 (Afternoon Sitting) resumed on a Division;

The Speaker 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 Speaker directed that the doors be locked and the bars be drawn and asked Senators to log-in for electronic voting;

The Speaker 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 Speaker allowed two (2) Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes -

1. Sen. Joe Nyutu, MP – YES
2. Sen. Ogolla Beatrice Akinyi, MP – voted on behalf of Homa Bay County Delegation – NO

The results of the Division were as follows: -

**AYES – 25**

**NOES - 13**

**ABSTENTION – 0**

**AYES**

1. Sen. Adan Dullo Fatuma, MP
2. Sen. Cherarkey Samson, MP
3. Sen. Cheruiyot Aaron Kipkirui, MP
4. Sen. Chesang Allan Kiprotich, MP
5. Sen. Chute Mohamed Said, MP
6. Sen. Kamau Joseph Githuku, MP
7. Sen. Kathuri Murungi, MP
8. Sen. Keroche Tabitha Karanja, MP

9. Sen. Khalwale Boni, MP
10. Sen. Kisang William Kipkemai, MP
11. Sen. Lelegwe Stephen Ltumbesi, MP
12. Sen. Mandago Jackson Kiplagat, MP
13. Sen. Methu John Muhia, MP
14. Sen. Mundigi Alexander Munyi, MP
15. Sen. Mungatana Danson Buya, MP
16. Sen. Mwenda Gataya Mo Fire, MP
17. Sen. Nderitu John Kinyua, MP
18. Sen. Joe Nyutu, MP – voted verbally
19. Sen. Recha Julius Murgor, MP
20. Sen. Roba Ali Ibrahim, MP
21. Sen. Seki Lenku Ole Kanar, MP
22. Sen. Thang'wa Paul Karungo, MP
23. Sen. Wafula David Wakoli, MP
24. Sen. Wakili Hillary Kiprotich Sigei, MP
25. Sen. Wamatinga Wahome, MP

**NOES**

1. Sen. Boy Issa Juma, MP
2. Sen. Beatrice Akinyi Ogolla, MP – voted verbally on behalf of Homa Bay County Delegation
3. Sen. Madzayo Stewart Mwachiru, MP
4. Sen. Mogeni Erick Okong'o, MP
5. Sen. Muthama Agnes Kavindu, MP
6. Sen. Mwaruma Johnes Mwashushe, MP
7. Sen. Oketch Eddy Gicheru, MP
8. Sen. Okoit Andrew Omtatah, MP
9. Sen. Olekina Ledama, MP
10. Sen. Onyonka Richard Momoima, MP
11. Sen. Osotsi Godfrey Atieno, MP
12. Sen. Sifuna Edwin Watenya, MP
13. Sen. Wambua Enoch Kiio, MP

Question, agreed to;

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

11. **THE PARLIAMENTARY POWERS AND PRIVILEGES (AMENDMENT) BILL  
(SENATE BILLS NO. 37 OF 2023)**

Order read;

Motion made and Question proposed;

THAT, the Parliamentary Powers and Privileges (Amendment) Bill (Senate Bills No. 37 of 2023) be read a Second Time.

*(Sen. Godfrey Osotsi, MP – 14.02.2024)*

Debate interrupted on Thursday, 22<sup>nd</sup> February, 2024 resumed on a Division;

The Speaker 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 Speaker directed that the doors be locked and the bars be drawn and asked Senators to log-in for electronic voting;

The Speaker put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

The results of the Division were as follows: -

**AYES – 37**

**NOES – 0**

**ABSTENTION – 0**

**AYES**

1. Sen. Adan Dullo Fatuma, MP
2. Sen. Boy Issa Juma, MP
3. Sen. Cherarkey Samson, MP
4. Sen. Cheruiyot Aaron Kipkirui, MP
5. Sen. Chesang Allan Kiprotich, MP
6. Sen. Chute Mohamed Said, MP
7. Sen. Kajwang Moses Otieno, MP
8. Sen. Kamau Joseph Githuku, MP
9. Sen. Kathuri Murungi, MP
10. Sen. Keroche Tabitha Karanja, MP
11. Sen. Khalwale Boni, MP
12. Sen. Kisang William Kipkemoi, MP
13. Sen. Lelegwe Stephen Ltumbesi, MP
14. Sen. Madzayo Stewart Mwachiru, MP
15. Sen. Mandago Jackson Kiplagat, MP
16. Sen. Methu John Muhia, MP
17. Sen. Mogeni Erick Okongo, MP
18. Sen. Mundigi Alexander Munyi, MP
19. Sen. Mungatana Danson Buya, MP
20. Sen. Muthama Agnes Kavindu, MP
21. Sen. Mwaruma Johnes Mwashushe, MP
22. Sen. Mwenda Gataya Mo Fire, MP
23. Sen. Nderitu John Kinyua, MP
24. Sen. Joe Nyutu, MP
25. Sen. Oketch Eddy Gicheru, MP



- 26. Sen. Olekina Ledama, MP
- 27. Sen. Onyonka Richard Momoima, 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. Sifuna Edwin Watanya, MP
- 33. Sen. Thang'wa Paul Karungo, MP
- 34. Sen. Wafula David Wakoli, MP
- 35. Sen. Wakili Hillary Kiprotich Sigei, MP
- 36. Sen. Wamatinga Wahome, MP
- 37. Sen. Wambua Enoch Kiio, MP

Question, agreed to;

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

12. **MOTION - REPORT OF THE SELECT COMMITTEE ON COUNTY PUBLIC INVESTMENTS AND SPECIAL FUNDS ON NON-REMITTANCE OF PENSION DEDUCTIONS TO THE PENSION SCHEMES BY COUNTY GOVERNMENT ENTITIES**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Select Committee on County Public Investments and Special Funds on non-remittance of pension deductions to the Pension Schemes by County Government entities laid on the Table of the Senate on Wednesday, 14<sup>th</sup> February, 2024.

*(The Chairperson, Select Committee on County Public Investments and Special Funds – 28.02.2024)*

Debate interrupted on Thursday, 29<sup>th</sup> February, 2024 resumed on a Division;

Before the Question was put and pursuant to Standing Order 84(2), the Speaker ruled that the matter affects Counties and, therefore, voting would be by county delegations;

The Speaker 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 Speaker directed that the doors be locked and the bars be drawn and asked Senators to log-in for electronic voting;

The Speaker put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

The results of the Division were as follows: -

**AYES – 38**

**NOES – 0**

**ABSTENTION – 0**

**AYES**

1. Sen. Adan Dullo Fatuma, MP
2. Sen. Boy Issa Juma, MP
3. Sen. Cherarkey Samson, 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. Kajwang Moses Otieno, 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 Kipkemoi, MP
14. Sen. Lelegwe Stephen Ltumbesi, MP
15. Sen. Madzayo Stewart Mwachiru, MP
16. Sen. Mandago Jackson Kiplagat, MP
17. Sen. Methu John Muhia, MP
18. Sen. Mogeni Erick Okongo, MP
19. Sen. Mundigi Alexander Munyi, MP
20. Sen. Mungatana Danson Buya, MP
21. Sen. Muthama Agnes Kavindu, MP
22. Sen. Mwaruma Johnes Mwashushe, MP
23. Sen. Mwenda Gataya Mo Fire, MP
24. Sen. Nderitu John Kinyua, MP
25. Sen. Joe Nyutu, MP
26. Sen. Oketch Eddy Gicheru, MP
27. Sen. Olekina Ledama, MP
28. Sen. Onyonka Richard Momoima, MP
29. Sen. Osotsi Godfrey Atieno, MP
30. Sen. Recha Julius Murgor, MP
31. Sen. Roba Ali Ibrahim, MP
32. Sen. Seki Lenku Ole Kanar, MP
33. Sen. Sifuna Edwin Watenya, MP
34. Sen. Thang’wa Paul Karungo, MP
35. Sen. Wafula David Wakoli, MP
36. Sen. Wakili Hillary Kiprotich Sigei, MP
37. Sen. Wamatinga Wahome, MP
38. Sen. Wambua Enoch Kiio, MP

Question, agreed to.

**RESOLVED ACCORDINGLY**

THAT, the Senate adopts the Report of the Select Committee on County Public Investments and Special Funds on non-remittance of pension deductions to the Pension Schemes by County Government entities laid on the Table of the Senate on Wednesday, 14<sup>th</sup> February, 2024.

13. **THE PUBLIC SERVICE (VALUES AND PRINCIPLES) (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILLS NO. 46 OF 2022)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Public Service (Values and Principles) (Amendment) Bill (National Assembly Bills No. 46 of 2022) be read a Second Time.

*(Sen. Samson Cherarkey – 22.02.2024)*

Debate interrupted on Thursday, 29<sup>th</sup> February, 2024 resumed;

And there being no Senator wishing to contribute;

Mover replied;

Pursuant to Standing Order 66 (3), the Mover requested the Deputy Speaker to defer putting of the Question to a later date.

And the Deputy Speaker, acceding to the request, deferred putting of the Question to a later date.

14. **THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the County Boundaries Bill (Senate Bills No. 6 of 2023) be now read a Second Time.

*(Sen. Moses Kajwang', MP)*

Debate arising;

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. Catherine Mumma, MP) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

15. SENATE ROSE - at thirty minutes past Six O'clock.

**M E M O R A N D U M**

*The Speaker will take the Chair on  
Wednesday, 6<sup>th</sup> March, 2024 at 9:30 a.m.*

--X--