



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (THIRD SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, MAY 29, 2024 (AFTERNOON SITTING)**

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

The Speaker, having counted the Hon. 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 before the expiry of the ten minutes;

The Speaker 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. The 2024 National Prayer Breakfast**

“Honourable Senators,

As you are aware, the National Prayer Breakfast is an annual event in the Calendar of Parliament. It is an interdenominational prayer meeting sponsored by Members from both Houses of Parliament. The event is being coordinated by an Organizing Committee which has been working closely with the Kenya National Prayer Breakfast Coordination team. The Organizing Committee is co-chaired by Sen. Daniel Maanzo, MP and Hon. Samuel Chepkonga, MP, of the National Assembly.

The National Prayer Breakfast has been instrumental in fostering national healing, reconciliation and understanding on the challenges that face our

Country. The event will undoubtedly continue to be a uniting forum for our national ethos.

This year's National Prayer Breakfast is scheduled to be held tomorrow, Thursday, 30<sup>th</sup> May, 2024, at the Safari Park Hotel in Nairobi, from 7.00 am. The theme for the event is "Hope".

Honourable Senators,

I, therefore, take this opportunity to invite all Senators to the 21<sup>st</sup> Edition of the National Prayer Breakfast. Further details relating to the event will be given through the Office of the Clerk.

I thank you."

**ii. Joint consideration of a Petition regarding restricting county governments from hiring external law firms for legal representation in court cases by the Standing Committee on Devolution and Intergovernmental Relations and the Standing Committee on Justice, Legal Affairs and Human Rights**

"Honourable Senators,

As you may recall, at the Sitting of the Senate held on Tuesday, 30<sup>th</sup> April, 2024, I reported a Petition to the Senate by Mr. Laban Omusundi regarding restricting county governments from hiring external law firms for legal representation in court cases.

Pursuant to Standing Order 238(1), I committed the Petition to the Standing Committee on Devolution and Intergovernmental Relations for consideration.

Honourable Senators,

Subsequent to my committal of the Petition to the Standing Committee on Devolution and Intergovernmental Relations, *vide letter Ref. JLHARC/SSN/2024 (8)* dated 21<sup>st</sup> May, 2024, I received a request from the Chairperson of the Standing Committee on Justice, Legal Affairs and Human Rights for the said Committee to consider the Petition alongside the Standing Committee on Devolution and Intergovernmental Relations. The Chairperson argued that the management and operations of legal professionals is a matter that falls under the purview of the Standing Committee on Justice, Legal Affairs and Human Rights.

Honourable Senators,

From the foregoing, I reviewed the prayers contained in the Petition and established that indeed the prayers relate to *governance and management of county governments* in relation to the establishment of the Office of the

County Attorney as envisaged under Section 4 of the Office of the County Attorney Act, and the resources used to engage external counsel. This is a matter under the purview of the Standing Committee on Devolution and Intergovernmental Relations.

On the other hand, the prayers also relate to the operations and management of the legal profession in the country; in particular, the cardinal principle for a client to access legal representation of their choice. This matter broadly falls under the *organization and administration of law and justice*, which pursuant to the Fourth Schedule of the Standing Orders is a responsibility of the Standing Committee on Justice, Legal Affairs and Human Rights.

Honourable Senators,

Having considered the matter as indicated above, I hereby direct that the Petition submitted to the Senate by Mr. Laban Omusundi be considered jointly by the Standing Committee on Devolution and Intergovernmental Relations and the Standing Committee on Justice, Legal Affairs and Human Rights. For the avoidance of doubt, this communication does not affect the timelines provided for, pursuant to Standing Order 238 (2). The Committees will therefore be required to table a report on the Petition on/or before 29<sup>th</sup> June, 2024.

I thank you.”

5. **PAPERS LAID**

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

- i) Report of the Auditor General on the Financial Statements of the Municipality of Kimilili – County Government of Bungoma for the year ended 30<sup>th</sup> June, 2023.
- ii) Report of the Auditor General on the Financial Statements of Kyeni Water and Sewerage Company Limited for the year ended 30<sup>th</sup> June, 2023.
- iii) Report of the Auditor General on the Financial Statements of Nyeri Water and Sanitation Company Limited for the year ended 30<sup>th</sup> June, 2023.
- iv) Report of the Auditor General on the Financial Statements of Tavevo Water and Sewerage Company Limited for the year ended 30<sup>th</sup> June, 2023.
- v) Report of the Auditor General on the Financial Statements of Kisumu Water and Sanitation Company Limited for the year ended 30<sup>th</sup> June, 2023.

*(The Senate Majority Leader)*

- vi) Reports of the Select Committee on County Public Investments and Special Funds on its consideration of the Audit Reports for the Financial Years 2018/2019 (Volume IV), 2019/2020 (Volume V) and 2020/2021(Volume VI) of the following Water Service Companies; Busia Water and Sewerage Services Company Limited, Iten- Tambach Water and Sewerage Company Limited, Kirinyaga Water and Sanitation Company Limited, Malindi Water and Sewerage Company Limited, Mandera Water and Sewerage Company Limited, Migori Water and Sanitation Company Limited, Mombasa Water and Sanitation Company Limited, Nanyuki Water and Sanitation Company Limited and Nithi Water and Sanitation Company Limited.

*(Sen. William Kisang, MP on behalf of the Chairperson, Committee on County Public Investments and Special Funds)*

- vii) Report of the Standing Committee on Trade, Industrialization and Tourism on its consideration of the proposed amendments by the National Assembly, to the County Licensing (Uniform Procedures) Bill (Senate Bills No. 9 of 2022).

*(Sen. Esther Okenyuri, MP on behalf of the Chairperson, Standing Committee on Trade, Industrialization and Tourism)*

- viii) Report of the Standing Committee on Finance and Budget on its consideration of the County Public Finance Laws (Amendment) Bill (National Assembly Bills No. 39 of 2023).

*(The Chairperson, Standing Committee on Finance and Budget)*

6. **NOTICE OF MOTION - REPORTS OF THE SELECT COMMITTEE ON COUNTY PUBLIC INVESTMENTS AND SPECIAL FUNDS ON ITS CONSIDERATION OF THE AUDIT REPORTS OF VARIOUS WATER SERVICE COMPANIES FOR THE FINANCIAL YEARS 2018/2019, 2019/2020 AND 2020/2021**

(Sen. William Kisang on behalf of the Chairperson, Committee on County Public Investments and Special Funds)

THAT, the Senate adopts the Reports of the Select Committee on County Public Investments and Special Funds on its consideration of the Audit Reports for the Financial Years 2018/2019 (Volume IV), 2019/2020 (Volume V) and 2020/2021(Volume VI), for the following Water Service Companies:

- i) Busia Water and Sewerage Services Company Limited
- ii) Iten- Tambach Water and Sewerage Company Limited
- iii) Kirinyaga Water and Sanitation Company Limited
- iv) Malindi Water and Sewerage Company Limited

- v) Mandera Water and Sewerage Company Limited
- vi) Migori Water and Sanitation Company Limited
- vii) Mombasa Water and Sanitation Company Limited
- viii) Nanyuki Water and Sanitation Company Limited
- ix) Nithi Water and Sanitation Company Limited.

## 7. **QUESTIONS AND STATEMENTS**

### **a) Requests for Statement pursuant to Standing Order 53 (1)**

- i) The Senator for Machakos County (Sen. Agnes Muthama Kavindu, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources concerning irregular payment of land rates to Nairobi land registry for parcels of land situated in Machakos County.
- ii) The Senator for Marsabit County (Sen. Mohamed Chute, MP) sought a Statement from the Standing Committee on Labour and Social Welfare regarding alleged delay in payment of salaries to employees and interns by the County Government of Marsabit.
- iii) The Senator for Elgeyo Marakwet County (Sen. William Kisang, MP) sought a Statement from the Standing Committee on Agriculture, Livestock and Fisheries concerning the shortage of wheat seeds in the country.
- iv) The Senator for Bungoma County (Sen. David Wakoli, MP) sought a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the crop insurance scheme offered by the County Government of Bungoma to farmers in the County for the financial years 2022/2023 and 2023/2024.
- v) The Senator for Bungoma County (Sen. David Wakoli, MP) sought a Statement from the Standing Committee on Health regarding the procurement of medical insurance for employees of the County Government of Bungoma for the financial years 2022/2023 and 2023/2024.
- vi) The Senator for Bungoma County (Sen. David Wakoli, MP) sought a Statement from the Standing Committee on Labour and Social Welfare regarding alleged unfairness in the recruitment and payment of casual workers by the County Government of Bungoma.
- vii) Statement by Nominated Senator (Sen. Hamida Kibwana, MP) to the Standing Committee on National Security, Defence and Foreign Relations regarding the ongoing evictions and demolitions in Mathare and Mukuru kwa Reuben areas of Nairobi City County was dropped in the absence of the Senator.

8. **THE CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILLS NO. 17 OF 2024)**

(Sen. Crystal Asige, MP)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Justice, Legal Affairs and Human Rights.

9. **MOTION – CONSIDERATION OF THE REPORT OF THE MEDIATION COMMITTEE ON THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILLS NO. 14 OF 2024).**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Mediation Committee on the Division of Revenue Bill (National Assembly Bills No. 14 of 2024), laid on the table of the Senate on Wednesday, 29<sup>th</sup> May, 2024 and that, pursuant to Article 113(2) of the Constitution and Standing Order 167(3) of the Senate, approves the mediated version of the Bill.

*(The Co-Chairperson, Mediation Committee)*

Debate arising;

And there being no more Senators wishing to contribute;

Mover replied;

Before the Question was put and pursuant to Standing Order 84 (2), the Speaker ruled that the matter affects Counties and that 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 the five minutes, the Temporary Speaker (Sen. Veronicah Maina, MP) directed that the doors be locked and the bars drawn and asked Senators to log-in for electronic voting;

The Temporary Speaker (Sen. Veronicah 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 (Sen. Veronica Maina, MP) allowed three (3) Senators to record their votes verbally.

Thereupon, Sen. Asige Crystal Kegehi, MP, recorded her vote verbally as “ Yes” on behalf of the Mombasa County Delegation.

The results of the Division were as follows: -

AYES – 31

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
6. Sen. Chute Mohamed Said, MP
7. Sen. Ekomwa James Lomenen, MP
8. Sen. Ogolla Beatrice Akinyi, MP – voted on behalf of the Homa Bay County Delegation
9. Sen. Kathuri Murungi, MP
10. Sen. Keroche Tabitha Karanja, MP
11. Sen. Khalwale Boni, MP
12. Sen. Kipkiror William Cheptumo, MP
13. Sen. Kisang William Kipkemoi, 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. Asige Crystal Kegehi, MP – voted verbally on behalf of the Mombasa County Delegation
23. Sen. Oginga Oburu, MP
24. Sen. Oketch Eddy Gicheru, MP
25. Sen. Osotsi Godfrey Atieno, MP
26. Sen. Omar Mariam Sheikh, MP – voted on behalf of the Mandera County Delegation
27. Sen. Seki Lenku Ole Kanar, MP
28. Sen. Wakili Hillary Kiprotich Sigei, MP
29. Sen. Wafula David Wakoli, MP
30. Sen. Wamatinga Wahome, MP
31. Sen. Wambua Enoch Kiiro, MP

Question agreed to.

**RESOLVED ACCORDINGLY**

THAT, the Senate adopts the Report of the Mediation Committee on the Division of Revenue Bill (National Assembly Bills No. 14 of 2024), laid on the table of the Senate on Wednesday, 29<sup>th</sup> May, 2024, and that pursuant to Article 113(2) of the Constitution and Standing Order 167(3) of the Senate, approves the mediated version of the Bill.

10. **THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 10 OF 2024)**

Order for Second Reading read;

Motion made and Question proposed -

THAT, the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bills No. 10 of 2024) be now read a Second Time.

*(The Senate Majority Leader – 29.05.2024)*

Debate interrupted on Wednesday, 29<sup>th</sup> May, 2024 (morning sitting) resumed;

And there being no more Senators wishing to contribute;

The Senator for Kiambu County (Sen. Paul Thangwa, MP) replied on behalf of the Mover.

The Senator for Kiambu County (Sen. Paul Thangwa, MP) requested for deferment of the putting of the Question to a later date, pursuant to Standing Order 66 (3).

And the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) acceding to the request, nominated Thursday, 30<sup>th</sup> May, 2024 as the day when the Question shall be put.

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

11. **SENATE ROSE** – at thirty minutes past Six O'clock.

**MEMORANDUM**

*The Speaker will take the Chair on  
Thursday, May 30, 2024 at 2:30 p.m.*