



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (THIRD SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, AUGUST 07, 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) Status of the Multimedia Digital Congress System**

“Honourable Senators,

As Honourable Senators may be aware, in the recent past the Multimedia Digital Congress System has malfunctioned, most notably while undertaking Divisions. This has necessitated frequent re-booting of the system to ensure that plenary proceedings continue with limited interruptions. Likewise, the broadcasting equipment in the Senate has severally malfunctioned resulting in intermittent transmission of plenary proceedings with YouTube live coverage sometimes lagging in time.

The extent of malfunctions of both systems has occasioned a number of points-of-order from a number of Senators, the most recent being by Sen.

Gloria Orwoba, MP at the Sitting of the Senate held yesterday, Tuesday, 6<sup>th</sup> August, 2024.

Honourable Senators,

The concerns raised by Honourable Senators on this matter have not gone unheard. The Multimedia Digital Congress System and the Parliamentary Broadcasting equipment have over time become outdated, a situation that has been further exacerbated by the vandalism that occurred during the recent protests, where Parliament was breached. Some broadcasting equipment was damaged and now require complete replacement. The Office of the Clerk has instituted remedial measures to ensure that live broadcasting of Senate proceedings continues with limited interruptions. However, due to the damage caused, mishaps are at times unavoidable.

At the Sitting of the Senate Business Committee held on Tuesday, 30<sup>th</sup> July, 2024, the matter of transmission of Plenary proceedings was extensively discussed whereupon, the Committee noted with concern the lack of budgetary provision for the overhaul of the broadcasting system.

Honourable Senators,

In the meantime, the Office of the Clerk is directed to implement temporary measures to ensure the continuous transmission of Senate proceedings as the Parliamentary Service Commission (PSC) reviews the financial situation.

I thank you.”

**(ii) Voting Procedure in the Senate**

“Honourable Senators,

A trend has been observed in the recent past, that has made it crucial for me to address this matter to ensure that all Senators are fully informed and that the voting process in the Senate is not compromised.

As you are aware, Article 122 of the Constitution provides for voting in Parliament. Article 122 (1) states –

*“Except as otherwise provided in the Constitution, any question proposed for the decision in either House of Parliament shall be determined by a majority of the members in that House, present and voting.”*

The above provision indicates that the voting process is an important component of proceedings which serves as the mechanism through which the Senate expresses its decision on a Question. Each vote cast in this chamber carries the weight of the decisions made on behalf of the citizens of

each county and therefore, the process leading to an outcome of a vote must be beyond reproach.

Honourable Senators,

Article 123 of the Constitution, as read together with Standing Order 83 (1), provides that on election, all Senators who were registered as voters in a particular county shall collectively constitute a single delegation for purposes of voting on any matter in the Senate affecting counties and the Senator elected under Article 98 (1) (a) shall be the head of the delegation.

Standing Order 83 (2) states as follows :-

*“(2) Except as otherwise provided in the Constitution, in any matter in the Senate affecting counties—*

- (a) each county delegation shall have one vote to be cast on behalf of the county by the head of the county delegation or, in the absence of the head of the delegation, by another member of the delegation designated by the head of the delegation;*
- (b) the person who votes on behalf of a delegation shall determine whether or not to vote in support of or against the matter, after consulting the other members of the delegation; and*
- (c) the matter is carried only if it is supported by a majority of all the delegations.”*

Further, Standing Order 83 (3) provides for the designation of another member of the delegation to cast a vote on behalf of the delegation, as follows: -

*“(3) The head of a county delegation may, for purposes of paragraph (2)(a), in a letter addressed to the Speaker—*

- (a) designate another member of the delegation to cast a vote on behalf of the delegation either generally, for a specific matter or for a specific period; or*
- (b) revoke the designation under subparagraph (a).”*

Honourable Senators,

I have previously issued a Communication on the need for Senators to maintain decorum during Plenary sittings. A key aspect during the voting process is the maintenance of order and decorum. Standing Order 91 expressly provides for decorum during Division. For the avoidance of doubt, the Standing Order provides as follows: -

*“(1) No Senator shall be obliged to vote in a division, but those present and not voting shall either—*

- (a) in the case of an electronic vote, press the “Abstain” button; or*
- (b) in the case of a roll call vote, record their abstention with the Clerk.*

- (2) It shall be disorderly conduct for a Senator to fail to record his or her abstention in a division.*
- (3) A Senator shall not vote on any question in which the Senator has a pecuniary interest.*
- (4) During division, Senators shall maintain order in the Senate and shall be in their designated seats and shall remain seated until the result is announced.”*

Honourable Senators,

At the sitting of the Senate held on Tuesday, 30<sup>th</sup> July, 2024, we all witnessed repeated incidents of disorder contrary to Standing Order 91. I wish to reiterate that going forward, the Speaker will strictly enforce the provisions of Standing Order 91 and will not hesitate to invoke Standing Orders 121 on disorderly conduct, and 122 on gross disorderly conduct.

The Senate is guided accordingly.

I thank you.”

**(iii) Visiting teachers and students from Friends School Keveye Girls’, Vihiga County**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting teachers and students from Friends School Keveye Girls’ in Vihiga County. The delegation comprises four (4) teachers and forty-one (41) students, who are in the Senate for a one-day academic exposition.

Honourable 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 time for learning.

I thank you.”

**(iv) Students from the Starehe Boys’ Centre and School under the school’s Voluntary Service Scheme (VSS)**

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of students from the Starehe Boys’ Centre and School, who are undertaking a two (2)-week service in the Senate under the school’s Voluntary Service Scheme (VSS).

I request the students to stand so that they may be acknowledged in the Senate tradition.

Honourable 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 time for learning.

I thank you.”

**(v) Visiting Members of the County Assembly of Mombasa**

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of visiting Members of the County Assembly of Mombasa. The Members are in the Senate on a courtesy call to Sen. Miraj Abdillahi, MP.

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

They are:

1. Hon. Abdirahman Hussein - Member of County Assembly, Old Town Ward.
2. Hon. Patrick Mbelle - Member of County Assembly, Bamburi Ward.

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.”

**(vi) Visiting teachers and students from Mogoma Secondary School, Bomet County**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting teachers and students from Mogoma Secondary School in Bomet County. The delegation comprises six (6) teachers and sixty-eight (68) students, who are in the Senate for a one-day academic exposition.

Honourable 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 time for learning.

I thank you.”

5. **PAPERS LAID**

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

- i) The Auditor General’s Summary Report on County Governments for the Financial Year 2022/2023.

*(The Senate Majority Leader)*

- ii) Report of the Standing Committee on National Security, Defence and Foreign Relations on a Petition to the Senate by Mr. Samuel Esapar on behalf of residents of Turkana County, concerning the state of insecurity in Turkana County.

*(The Senate Majority Leader, on behalf of the Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

- iii) Report of the Standing Committee on Land, Environment and Natural Resources on its consideration of the Wildlife Conservation and Management (Amendments) Bill (Senate Bills No. 46 of 2023).
- iv) Report of the Standing Committee on Land, Environment and Natural Resources on its consideration of the Wildlife Conservation and Management (Amendments) Bill (Senate Bills No. 49 of 2023).

*(The Chairperson, Standing Committee on Land, Environment and Natural Resources)*

6. **NOTICE OF MOTION- REPORT OF THE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS ON A PETITION TO THE SENATE BY MR. SAMUEL ESAPAR ON BEHALF OF RESIDENTS OF TURKANA COUNTY, CONCERNING THE STATE OF INSECURITY IN TURKANA COUNTY**

(Sen. Fatuma Dullo, MP, on behalf of the Chairperson, Standing Committee on National Security, Defence and Foreign Relations)

THAT, the Senate adopts the Report of the Standing Committee on National Security, Defence and Foreign Relations on a Petition to the Senate by Mr. Samuel Esapar on behalf of residents of Turkana County, concerning the

state of insecurity in Turkana County, laid on the Table of the Senate on Wednesday, 7<sup>th</sup> August, 2024.

**7. QUESTIONS AND STATEMENTS**

**a) Statement pursuant to Standing Order 52(1)**

Nominated Senator (Sen. Karen Nyamu, MP) made a Statement concerning the incessant fire incidences at Toi Market, in Nairobi County.

Thereupon, the Senator informed the House that over the years, Kenya has been exposed to a variety of disasters such as fires, droughts, and terrorism among others.

The Senator pointed out that on 3<sup>rd</sup> August, 2024, traders were caught unawares by a fire outbreak in Toi Market, Kibera Constituency with the exact cause of the fire still being unknown. She stated that the market was prone to frequent fire incidences thus fuelling frustration and anger among the local communities.

The Senator also averred that inadequate access roads that hinder the rapid response by fire services contribute to the severity of these fires.

In conclusion, the Senator urged the Standing Committee on National Security, Defence and Foreign Relations in conjunction with the Standing Committee on Devolution and Intergovernmental Relations, to promote community awareness of potential fire hazards. She also urged the National and County governments to put measures in place to compensate victims of the fire for the harm and loss they suffered.

**b) Requests for Statement 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 concerning pending bills owed to contractors by the County Government of Bungoma from the year 2013 to date.
- ii) The Senator for Bomet County (Sen. Wakili Hillary Sigei, MP) sought a Statement from the Standing Committee on Health regarding stalled and abandoned health projects in Bomet County.
- iii) The Senator for Bomet County (Sen. Wakili Hillary Sigei, MP) sought a Statement from the Standing Committee on Education concerning the termination of employment for Mr. Richard Kipkemboi Arap Chebusit, an Early Childhood Development Education (ECDE) teacher and the

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Secretary of the Bomet ECDE Teachers Association, by the County Public Service Board of Bomet.

- iv) Nominated Senator (Sen. Beth Syengo, MP) sought a Statement from the Standing Committee on Education regarding alleged delay in disbursement of capitation funds to Early Childhood Development and Education (ECDE) institutions in Nairobi City County.
  - v) Nominated Senator (Sen. Beth Syengo, MP) sought a Statement from the Standing Committee on Education regarding alleged delay in disbursement of capitation funds to Technical and Vocational Education Training (TVET) institutions in Kenya.
  - vi) The Senator for Trans Nzoia County (Sen. Allan Chesang, MP) sought a Statement from the Standing Committee on Finance and Budget concerning anomalies in the payroll for the County Executive of Trans Nzoia County Government.
  - vii) The Senator for Trans Nzoia County (Sen. Allan Chesang, MP) sought a Statement from the Standing Committee on Finance and Budget regarding payments made by the County Executive of Trans Nzoia for settlement of court judgements and decrees.
8. **THE CONSTITUTION OF KENYA (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 52 OF 2023)**  
(Sen. Raphael Chimera, MP)

*(Second Reading)*  
***(Resumption of debate interrupted on Tuesday, 23<sup>rd</sup> July, 2024)***  
***(Division)***

Order deferred.

9. **THE LOCAL CONTENT BILL (SENATE BILLS NO. 50 OF 2023)**  
(The Chairperson, Standing Committee on Energy)

*(Second Reading)*  
***(Resumption of debate interrupted on Thursday, 1<sup>st</sup> August, 2024)***  
***(Division)***

Order deferred.

10. **MOTION - JOINT REPORT OF THE STANDING COMMITTEE ON HEALTH OF THE SENATE AND THE DEPARTMENTAL COMMITTEE ON HEALTH OF THE NATIONAL ASSEMBLY ON THE APPROVAL OF DR. PATRICK OMWANDA AMOTH, EBS FOR APPOINTMENT AS THE DIRECTOR GENERAL FOR HEALTH**



Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Joint Report of the Standing Committee on Health of the Senate and the Departmental Committee on Health of the National Assembly on the approval of a nominee for appointment as Director General for Health, laid on the Table of the Senate, on Thursday, 1<sup>st</sup> August, 2024, and further that, pursuant to Section 16 (2) of the Health Act (Cap. 241) and Section 8 (2) of the Public Appointments (Parliamentary Approval) Act, approves the nomination of Dr. Patrick Omwanda Amoth, EBS, for appointment as the Director General for Health.

*(The Chairperson, Standing Committee on Health – 06.08.2024)*

Debate interrupted on Tuesday, 6<sup>th</sup> August, 2024 resumed on the putting of the Question;

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.

And the Temporary Speaker (Sen. Veronica Maina, MP) having ascertained there was Quorum, pursuant to Standing Order 42 (1);  
Question put and agreed to.

**RESOLVED ACCORDINGLY**

THAT, the Senate adopts the Joint Report of the Standing Committee on Health of the Senate and the Departmental Committee on Health of the National Assembly on the approval of a nominee for appointment as Director General for Health, laid on the Table of the Senate, on Thursday, 1<sup>st</sup> August, 2024, and further that, pursuant to Section 16 (2) of the Health Act (Cap. 241) and Section 8 (2) of the Public Appointments (Parliamentary Approval) Act, approves the nomination of Dr. Patrick Omwanda Amoth, EBS, for appointment as the Director General for Health.

**11. MOTION – CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE EQUALIZATION FUND APPROPRIATION (NO. 2) BILL (SENATE BILL NO. 30 OF 2023)**

Order read;

Motion made and Question proposed;

THAT, the National Assembly amendments to the Equalization Fund Appropriation (No. 2) Bill (Senate Bills No. 30 of 2023) be now considered.

*(Sen. Tabitha Mutinda, MP, on behalf of the Chairperson, Standing Committee on Finance and Budget)*

Debate arising;

And there being no more Senators wishing to contribute;

Mover replied;

Pursuant to Standing Order 66 (3), the Mover requested for the deferment of the putting of the Question to a later date;

And the Temporary Speaker (Sen. Wakili Hillary Sigei, MP), acceding to the request, nominated Thursday, 8th August, 2024, as the day when the Question shall be put.

12. **MOTION –REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE SENATE NOMINEES, ON BEHALF OF THE COUNTY GOVERNMENTS, TO THE POSITION OF MEMBER OF THE SALARIES AND REMUNERATION COMMISSION (SRC)**

Order read;

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the Senate nominees, on behalf of the county governments, to the position of Member of the Salaries and Remuneration Commission, laid on the Table of the Senate on Tuesday, 23rd July, 2024, and further pursuant to Article 230 (2) (b) (vii) of the Constitution and section 7 (2) of the Salaries and Remuneration Commission Act, recommends Ms. Lynette Washiali Muganda and Mr. Mohamed Aden Abdi to the Cabinet Secretary for the National Treasury and Planning for transmission to His Excellency the President for consideration for appointment to the position of Member of the Salaries and Remuneration Commission.

*(The Chairperson, Standing Committee on Finance and Budget – 06.08.2024)*

Order deferred.

13. **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**

Order read;

Motion made and Question proposed;

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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 Murangá County Assemblies for the financial year 2019/2020 laid on the table of the Senate on Thursday, 7<sup>th</sup> March, 2024.

*(The Chairperson, County Public Accounts Committee – 28.02.2024)*

Debate interrupted on Wednesday, 31<sup>st</sup> July, 2024 – (Morning Sitting) resumed;

And there being no more Senators wishing to contribute;

And in the absence of the Mover, the Temporary Speaker (Sen. Veronica Maina, MP) deferred the putting of the Question to a later date.

14. **THE EARLY CHILDHOOD EDUCATION (AMENDMENT) BILL (SENATE BILLS NO. 54 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed -

THAT, the Early Childhood Education (Amendment) Bill (Senate Bills No. 54 of 2023) be now read a Second Time.

*(Sen. Eddy Oketch, MP)*

Debate arising;

And there being no more Senators wishing to contribute;

Mover replied;

Pursuant to Standing Order 66 (3), the Mover requested for the deferment of the putting of the Question to a later date;

And the Temporary Speaker (Sen. Wakili Hillary Sigei, MP), acceding to the request, nominated Thursday, 8<sup>th</sup> August, 2024, as the day when the Question shall be put.

15. **COMMITTEE OF THE WHOLE**  
**THE GAMBLING CONTROL BILL (NATIONAL ASSEMBLY BILLS NO. 70 OF 2023)**

(The Senate Majority Leader)

***(Resumption of debate interrupted on Wednesday, 15<sup>th</sup> May, 2024 –  
Afternoon Sitting)  
(Division)***

Order deferred.

16. **COMMITTEE OF THE WHOLE**  
**THE TEA (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2023)**  
(Sen. Wakili Hillary Sigei, MP)

Order deferred.

17. **COMMITTEE OF THE WHOLE**  
**THE MATERNAL, NEWBORN AND CHILD HEALTH BILL (SENATE BILLS NO. 17 OF 2023)**  
(Sen. Beatrice Ogolla, MP)

Order deferred.

18. **COMMITTEE OF THE WHOLE**  
**THE METEOROLOGY BILL (SENATE BILLS NO. 45 OF 2023)**  
(The Senate Majority Leader)

Order deferred.

19. **COMMITTEE OF THE WHOLE**  
**THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 59 OF 2022)**  
(The Senate Majority Leader)

Order deferred.

20. **COMMITTEE OF THE WHOLE**  
**THE CANCER PREVENTION AND CONTROL (AMENDMENT) (NO. 2) BILL (NATIONAL ASSEMBLY BILLS NO. 45 OF 2022)**  
(Sen. Samson Cherarkey, MP – Co- Sponsor)

Order deferred.

21. **COMMITTEE OF THE WHOLE**  
**THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 40 OF 2023)**  
(Sen. Hamida Ali Kibwana, MP)

Order deferred.

22. **THE LAND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 40 OF 2022)**  
(The Senate Majority Leader)

*(Second Reading)*

***(Resumption of debate interrupted on Thursday, 1<sup>st</sup> August, 2024)***

Order deferred.

23. **THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 46 OF 2023)**

(Sen. Johnes Mwaruma, MP)

*(Second Reading)*

Order deferred.

24. **THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 49 OF 2023)**

(Sen. Lenku Ole Kanar Seki, MP)

*(Second Reading)*

Order deferred.

25. **THE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL (SENATE BILLS NO. 53 OF 2023)**

(Sen. Mariam Sheikh Omar, MP)

*(Second Reading)*

Order deferred.

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

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

**MEMORANDUM**

*The Speaker will take the Chair on  
Thursday, August 08, 2024 at 2:30 p.m.*

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