



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (THIRD SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**THURSDAY, AUGUST 08, 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 before the expiry of the ten minutes;

The Speaker invited the Clerk to call the Orders of the day.

4. **MESSAGE FROM THE NATIONAL ASSEMBLY ON THE PASSAGE OF THE DIVISION OF REVENUE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 38 OF 2024)**

The Speaker conveyed the following Message from the National Assembly-

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 46 (3) & (4), I received the following Message from the Speaker of the National Assembly regarding the passage of the Division of Revenue (Amendment) Bill (National Assembly Bills No. 38 of 2024)

The Message dated Thursday, 8<sup>th</sup> August 2024 was received in the Office of the Clerk of the Senate on the same date.

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

*“WHEREAS, the Division of Revenue (Amendment) Bill (National Assembly Bills No. 38 of 2024) was published vide Kenya Gazette Supplement No. 143 on 17<sup>th</sup> July 2024 to provide for equitable sharing of the revised sharable revenue raised nationally for the Financial Year 2024/2025 by the national government among the national government and county governments;*

*AND WHEREAS, the National Assembly considered the said Bill and passed it without amendments on Wednesday, 7<sup>th</sup> August 2024 in the form attached hereto;*

*NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Orders 41 and 142 of the National Assembly Standing Orders, I hereby refer the Bill to the Senate for consideration.”*

Honourable Senators,

Pursuant to Standing Order No. 163 which requires that a Bill which originates in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No.144, I will in the appropriate time call the Clerk during the course of this Sitting to read the Bill a First Time.”

I thank you.”

5. **PAPERS LAID**

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

- i) Report of the Standing Committee on Energy on its inquiry into the Liquefied Petroleum Gas (LPG) explosion in Mradi Area, Embakasi, Nairobi City County.

*(Sen. (Dr.) Boni Khalwale, MP on behalf of the Chairperson, Standing Committee on Energy)*

- ii) Request by Sen. Samson Chararkey, MP, to the Director General, Parliamentary Joint Services for supply of information to aid in substantiation of his claims on various matters before the Senate.

*(Sen. Samson Cherarkey, MP)*

- iii) Statement on the business of the Senate for the week commencing Tuesday, 3<sup>rd</sup> September, 2024.

*(The Senate Majority Leader)*

6. **NOTICE OF MOTION - ALLOCATION OF SCHOLARSHIPS AND BURSARIES BY COUNTY GOVERNMENTS**

(Sen. (Prof.) Margaret Kamar, MP)

THAT AWARE THAT, the Fourth Schedule to the Constitution distributes functions and powers between the National and County Governments with paragraph 16 of part 1 of the Fourth Schedule providing that the National Government shall be responsible for university and tertiary education institutions, other institutions of research and higher learning and primary schools, secondary schools and special education institutions;

FURTHER AWARE THAT, paragraph 9 of part 2 of the Fourth Schedule to the Constitution confers to County Governments the responsibility to provide pre-primary education and other facilities such as village polytechnics, homecraft centres and childcare facilities;

CONCERNED THAT notwithstanding the provisions of the aforementioned Schedule of the Constitution, the quality of pre-primary education remains low as a result of poor infrastructure with majority of the counties paying teachers in such facilities below the gazetted minimum wage;

FURTHER CONCERNED THAT, the Report by the Office of the Controller of Budget on County Governments Budget Implementation Review for the first six months of Financial Year (FY) 2023/24 indicate that allocation to the Education Sector in all the forty-seven (47) counties range between 0.7% to 10.3% of their total budgets, and that a majority of the county governments spend a great percentage of the education sector budgets on provision of scholarships and bursaries to students in secondary and tertiary institutions, with some counties allocating up to 84% of their education budgets for such scholarships at the expense of the core mandate of providing quality preprimary education and improving infrastructure in the village polytechnics and homecraft centres;

NOW THEREFORE, THE SENATE RESOLVES THAT –

- 1) the County Governments stop funding National Government functions such as providing scholarships to students in secondary and tertiary institutions, and increase funding to pre-primary education, village polytechnics and homecraft centres for improvement of infrastructure and payment of better wages to teachers in such facilities;
- 2) the Controller of Budget ensures compliance and not approve monies to County Governments for carrying out functions of the National Government; and

- 3) the Auditor General reports on compliance status on funding of National Government functions by the County Governments in the annual reports.
7. **NOTICE OF MOTION - REPORT OF THE STANDING COMMITTEE ON ENERGY ON ITS INQUIRY INTO THE LIQUEFIED PETROLEUM GAS (LPG) EXPLOSION IN MRADI AREA, EMBAKASI, NAIROBI CITY COUNTY**  
(The Senate Majority Whip on behalf of the Chairperson, Standing Committee on Energy)

THAT, the Senate adopts the Report of the Standing Committee on Energy on its inquiry into the Liquefied Petroleum Gas (LPG) explosion in Mradi Area, Embakasi, Nairobi City County, laid on the Table of the Senate on Thursday, 8<sup>th</sup> August, 2024.

8. **QUESTIONS AND STATEMENTS**

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

Statement by the Nominated Senator (Sen. Karen Nyamu, MP) concerning the rise of cyberbullying in Kenya was **dropped** in the absence of the Senator.

**b) Requests for Statements pursuant to Standing Order 53(1)**

- i) Request for Statement by the Nominated Senator (Sen. Karen Nyamu, MP) from the Standing Committee on Health regarding measures put in place to curb the spread of Monkey Pox (MPox) in the country was **dropped** in the absence of the Senator.
- ii) The Senator for Embu County (Sen. Alexander Mundigi, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding operations at the Land Registry Office in Embu town, Embu County.
- iii) The Senator for Kirinyaga County (Sen. James Murango, MP) on behalf of the Senator for Bomet County (Sen. Wakili Hillary Sigei, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding abandoned water projects in Bomet County.
- iv) The Senator for Kirinyaga County (Sen. James Murango, MP) on behalf of the Senator for Bomet County (Sen. Wakili Hillary Sigei, MP) sought a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding stalled and abandoned agricultural infrastructure projects in Bomet County.

- v) The Senator for Nandi County (Sen. Samson Cherarkey, MP) on behalf of the Senator for Meru County (Sen. Kathuri Murungi, MP) sought a Statement from the Standing Committee on Health concerning the state of health services in Meru County following the health workers' industrial strike.
- vi) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a Statement from the Standing Committee on National Security, Defense and Foreign Relations concerning the brutalization of peaceful demonstrations by an armed gang in Kapsabet town.
- vii) Nominated Senator (Sen. Crystal Asige, MP) sought a Statement from the Standing Committee on Labour and Social Welfare regarding the performance of Team Kenya at the 2024 summer Olympic games in Paris, France.
- viii) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the unsold tea totaling to about 41% of Kenyan produced tea at the Mombasa tea Auction.

**c) Statement pursuant to Standing Order 57(1)**

The Senate Majority Leader issued a Statement on the business of the Senate for the week commencing Tuesday, 3<sup>rd</sup> September, 2024.

9. **THE DIVISION OF REVENUE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2024)**

(The Senate Majority Leader)

Order for the First Reading Read;

Bill read a First Time and committed to the Standing Committee on Finance and Budget.

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

(The Chairperson, Standing Committee on Finance and Budget)

Order read;

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

***(Resumption of debate interrupted on Wednesday, 7<sup>th</sup> August, 2024 – Afternoon Sitting)  
(Question to be put)***

Order deferred.

11. **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;

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 – 30.04.2024)*

Debate interrupted on Wednesday, 7<sup>th</sup> August, 2024 – Afternoon Sitting resumed for the Mover to reply;

Thereupon, Sen. Samson Cherarkey, MP, replied on behalf of the Mover;

Pursuant to Standing Order 66 (3), Sen. Samson Cherarkey, MP requested the Temporary Speaker (Sen. Veronica Maina, MP) to defer putting of the Question to a later date;

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

12. **THE CONSTITUTION OF KENYA (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 52 OF 2023)**

(Sen. Raphael Chimera, MP)

Order for Second reading read;

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

Order deferred.

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

Order for Second reading read;

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

Order deferred.

14. **THE EARLY CHILDHOOD EDUCATION (AMENDMENT) BILL (SENATE BILLS NO. 54 OF 2023)**  
(Sen. Eddy Oketch, MP)

Order for Second reading read;

***(Resumption of debate interrupted on Wednesday, 7<sup>th</sup> August, 2024 – Afternoon Sitting)  
(Division)***

Order deferred.

15. **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)**  
(The Chairperson, Standing Committee on Finance and Budget)

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, 23<sup>rd</sup> 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.

***(Resumption of debate interrupted on Tuesday, 6<sup>th</sup> August, 2024)***

Order deferred.

16. **THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL (SENATE BILLS NO. 12 OF 2024)**

Order for Second Reading read,

Motion made and Question proposed;

THAT, The Intergovernmental Relations (Amendment) Bill (Senate Bills No. 12 of 2024) be now read a Second Time.

*(The Senate Majority Leader)*

Debate arising;

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

17. **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  
Tuesday, September 03, 2024 at 2.30 p.m.*