



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, SEPTEMBER 19, 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 Deputy Speaker.
3. **QUORUM OF THE SENATE**

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

4. **COMMUNICATION FROM THE CHAIR – SUBSTANTIATION OF FACTS THAT A SENATOR ALLEGES TO BE TRUE**

The Deputy Speaker conveyed the following Communication from the Chair –

“Honourable Senators,

As you may recall, at the morning sitting of the Senate held yesterday, Wednesday, 18th September, 2024, I directed Sen. Peris Tobiko, MP, to substantiate utterances made in the course of her contribution on a supplementary question to the Cabinet Secretary for Roads and Transportation. The direction arose out of a point of order by the Senator for Uasin Gishu County, Sen. Jackson Mandago, MP, pursuant to Standing Order 105(2).

Standing Order 105 provides that –

“(1) A Senator shall be responsible for the accuracy of any facts that the Senator alleges to be true and may be required to substantiate any such facts instantly.

(2) If a Senator has sufficient reason to convince the Speaker that the Senator is unable to substantiate the allegations instantly, the Speaker shall require that such Senator substantiates the allegations not later than the next sitting day, failure to which the Senator shall be deemed to be disorderly within the meaning of Standing Order 121 (Disorderly conduct), unless the Senator withdraws the allegations and gives a suitable apology, if the Speaker so requires.”

Honourable Senators,

In the Point of Order by Sen. Jackson Mandago, MP, Sen. Peris Tobiko, MP, was required to substantiate the claim that...

“A rogue public servant has gone on record publicly to say that this road will never be constructed as long as the current Member of Parliament (MP) for Kajiado South, Hon. Parashina, is the MP. These utterances were made by the State House Comptroller.”

Honourable Senators,

Sen. Peris Tobiko, MP, was not able to substantiate her statements as required pursuant to Standing Order 105(1), and subsequently requested the Speaker to provide the evidence at the next sitting day in accordance with Standing Order 105 (2). Having acceded to the request, I directed that the Senator substantiates the allegations at the next sitting day.

Pursuant to Standing Order 105 (2), I now invite Sen. Peris Tobiko, MP to forthwith substantiate the claims, as raised in the Point of Order by Sen. Jackson Mandago, MP, failure to which, the Senator shall be deemed to be disorderly within the meaning of Standing Order 121. In the absence of such substantiation, the Senator will be required to withdraw the statements and apologize to the Senate.

I thank you.”

5. **PETITION**

Pursuant to Standing Order 236(2)(b), the Deputy Speaker reported a Petition to the Senate by Mr. Charles Ochola Osango, seeking the introduction of a Bill to establish standards and to regulate professionals in the hospitality industry.

Pursuant to Standing Order 238 (1), the Deputy Speaker committed the Petition to the Standing Committee on Trade, Industrialization and Tourism.

6. **PAPERS LAID**

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

- i.) Report of the Auditor General on Financial Statements of Nyandiwa Level 4 Hospital - County Government of Homa Bay for the year ended 30th June, 2022.
- ii.) Report of the Auditor General on Financial Statements of Magunda Level 4 Hospital - County Government of Homa Bay for the year ended 30th June, 2022.
- iii.) Report of the Auditor General on Financial Statements of Tom Mboya Memorial Level 4 Hospital - County Government of Homa Bay for the year ended 30th June, 2022.
- iv.) Report of the Auditor General on Financial Statements of Nyangiela Level 4 Hospital - County Government of Homa Bay for the year ended 30th June, 2022.
- v.) Report of the Auditor General on Financial Statements of Ndhiwa Level 4 Hospital - County Government of Homa Bay for the year ended 30th June, 2022.
- vi.) Report of the Auditor General on Financial Statements of Suba Sub County Hospital - County Government of Homa Bay for the year ended 30th June, 2022.
- vii.) Report of the Auditor General on Financial Statements of Mbita Level 4 Hospital - County Government of Homa Bay for the year ended 30th June, 2022.
- viii.) Report of the Auditor General on Financial Statements of Marindi Sub County Level 4 Hospital - County Government of Homa Bay for the year ended 30th June, 2022.
- ix.) Report of the Auditor General on Financial Statements of Mutituni Level 4 Hospital - County Government of Machakos for the year ended 30th June, 2022.
- x.) Report of the Auditor General on Financial Statements of Masinga Level 4 Hospital - County Government of Machakos for the year ended 30th June, 2022.

- xi.) Report of the Auditor General on Financial Statements of Mwala Level 4 Hospital - County Government of Machakos for the year ended 30th June, 2022.
- xii.) Report of the Auditor General on Financial Statements of Matuu Level 4 Hospital - County Government of Machakos for the year ended 30th June, 2022.
- xiii.) Report of the Auditor General on Financial Statements of Sondu Sub County Hospital - County Government of Kisumu for the year ended 30th June, 2022.
- xiv.) Report of the Auditor General on Financial Statements of Masogo Sub County Level 4 Hospital - County Government of Kisumu for the year ended 30th June, 2022.
- xv.) Report of the Auditor General on Financial Statements of Miranga Sub County Level 4 Hospital - County Government of Kisumu for the year ended 30th June, 2022.
- xvi.) Report of the Auditor General on Financial Statements of Rabuor Sub County Level 4 Hospital - County Government of Kisumu for the year ended 30th June, 2022.
- xvii.) Report of the Auditor General on Financial Statements of Ojola Sub County Level 4 Hospital - County Government of Kisumu for the year ended 30th June, 2022.
- xviii.) Report of the Auditor General on Financial Statements of Nyamarimba Sub County Level 4 Hospital - County Government of Siaya for the year ended 30th June, 2022.
- xix.) Report of the Auditor General on Financial Statements of Ambira Sub County Level 4 Hospital - County Government of Siaya for the year ended 30th June, 2022.
- xx.) Report of the Auditor General on Financial Statements of Sigomere Sub County Level 4 Hospital - County Government of Siaya for the year ended 30th June, 2022.
- xxi.) Report of the Auditor General on Financial Statements of Nakuru County Teaching and Referral Hospital - County Government of Nakuru for the year ended 30th June, 2022.
- xxii.) Report of the Auditor General on Financial Statements of Langa Langa Sub County Level 4 Hospital - County Government of Nakuru for the year ended 30th June, 2022.

- xxiii.) Report of the Auditor General on Financial Statements of Molo Level 4 Sub County Hospital - County Government of Nakuru for the year ended 30th June, 2022.
- xxiv.) Report of the Auditor General on Financial Statements of Gilgil Sub County Hospital - County Government of Nakuru for the year ended 30th June, 2022.
- xxv.) Report of the Auditor General on Financial Statements of Subukia Sub County Hospital - County Government of Nakuru for the year ended 30th June, 2022.
- xxvi.) Report of the Auditor General on Financial Statements of Mirugi Kariuki Sub County Level 4 Hospital - County Government of Nakuru for the year ended 30th June, 2022.
- xxvii.) Report of the Auditor General on Financial Statements of Bahati Sub County Level 4 Hospital - County Government of Nakuru for the year ended 30th June, 2022.
- xxviii.) Report of the Auditor General on Financial Statements of Olenguruone Level 4 Hospital - County Government of Nakuru for the year ended 30th June, 2022.
- xxix.) Report of the Auditor General on Financial Statements of Kabazi Sub County Level 4 Hospital - County Government of Nakuru for the year ended 30th June, 2022.
- xxx.) Report of the Auditor General on Financial Statements of Samburu County Teaching and Referral Hospital – County Government of Samburu for the year ended 30th June, 2022.
- xxxi.) Statement on the business of the Senate for the week commencing Tuesday, 24th September, 2024.

(The Senate Majority leader)

- xxxii.) Document titled “Katoa Anguruma” and a flash disk containing a recording as substantiation of claims made in the Senate on Wednesday, 18th September, 2024 (Morning Sitting).

(Sen. Peris Tobiko, MP)

7. **STATEMENTS**

a) Requests for Statements pursuant to Standing Order 53(1)

- i. Nominated Senator (Sen. Peris Tobiko, MP) sought a Statement from the Standing Committee on Justice, Legal Affairs, and Human Rights

regarding alleged abduction and disappearance of M/s. Bob Micheni Njagi, Jamil Langton and Aslam Langton.

- ii. Nominated Senator (Sen. Esther Okenyuri, MP) sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding alleged killings of residents of Bombaba Ward, Kenyena Sub-County in Kisii County.
- iii. The Senator for Machakos County (Sen. Agnes Kavindu Muthama, MP) sought a Statement from the Standing Committee on Education regarding the status of Early Childhood Development Education (ECDE) in Machakos County.
- iv. The Senator for Machakos County (Sen. Agnes Kavindu Muthama, MP) sought a Statement from the Standing Committee on Education concerning transition rates to secondary schools, universities and tertiary institutions in the country.
- v. The Senator for Uasin Gishu County (Sen. Jackson Mandago, MP) sought a Statement from the Standing Committee on Trade, Industrialization and Tourism regarding the management and operations of the New Kenya Cooperative Creameries (NKCC).
- vi. The Senator for Uasin Gishu County (Sen. Jackson Mandago, MP) sought a Statement from the Standing Committee on Finance and Budget regarding the procurement of medical insurance cover for the employees of the County Government of Uasin Gishu for the financial year 2024/2025.
- vii. The Senator for Wajir County (Sen. Mohamed Sheikh Abass, MP) sought a Statement from the Standing Committee on Labour and Social Welfare regarding unpaid allowances for members of the Wajir County Government Lands Tribunal Committee and Municipality Board.
- viii. The Senator for Wajir County (Sen. Mohamed Sheikh Abass, MP) sought a Statement from the Standing Committee on Finance and Budget regarding the status of pending bills in Wajir County Government.
- ix. The Senator for Busia County (Sen. Andrew Omtatah Okoiti, MP) sought a Statement from the Standing Committee on Education regarding the extortion of parents through illegal demands for fees for remedial classes in schools.
- x. The Senator for Marsabit County (Sen. Mohamed Chute, MP) sought a Statement from the Standing Committee on Labour and Social Welfare

regarding non-payment of gratuity to Ms. Fatuma Nur Ibrahim by the Marsabit County Government.

- xi. The Senator for Migori County (Sen. Eddy Oketch, MP) sought a Statement from the Standing Committee on Health regarding the plight of Community Health Promoters (CHPs) and Community Health Volunteers (CHVs) in Migori County.
- xii. Nominated Senator (Sen. Catherine Mumma, MP) sought a Statement from the Standing Committee on Justice, Legal Affairs and Human Rights regarding the urgent and concerning issue of alleged defilement and incestuous impregnation of a minor from Kigoto Village in Suba South Sub-County, Homa- Bay County.

b) 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, 24th September, 2024.

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

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

Order deferred.

9. **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, 23rd July, 2024)

(Division)

Order deferred.

10. **THE LOCAL CONTENT BILL (SENATE BILLS NO. 50 OF 2023)**

(The Chairperson, Standing Committee on Energy)

(Second Reading)

(Resumption of debate interrupted on Thursday, 1st August, 2024)

(Division)

Order deferred.

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

(Sen. Eddy Oketch, MP)

(Second Reading)

***(Resumption of debate interrupted on Wednesday, 7th August, 2024 –
Afternoon Sitting)***

(Division)

Order deferred.

12. **THE LAND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 40 OF 2022)**

(The Senate Majority Leader)

(Second Reading)

***(Resumption of debate interrupted on Tuesday, 17th September,
2024)***

(Division)

Order deferred.

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

(The Senate Majority Leader)

(Second Reading)

***(Resumption of debate interrupted on Tuesday, 17th September,
2024)***

(Division)

Order deferred.

14. **THE ENERGY (AMENDMENT) BILL (SENATE BILLS NO. 42 OF 2023)**
(Sen. Edwin Sifuna, MP)

(Second Reading)

(Resumption of debate interrupted on Tuesday 17th September, 2024)

(Division)

Order deferred.

15. **THE NATIONAL DISASTER RISK MANAGEMENT BILL (NATIONAL ASSEMBLY BILLS NO. 24 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, The National Disaster Risk Management Bill (National Assembly Bills No. 24 of 2023) be now read a Second Time.

(The Senate Majority Leader- 18.09.2024)

Debate interrupted on Wednesday, 18th September, 2024 – *(Afternoon sitting)* resumed;

And there being no other Senator wishing to contribute;

Mover replied;

Pursuant to Standing Order 66 (3), the Mover requested the requested the Temporary Speaker (Sen. Catherine Mumma, MP) to defer putting of the Question to a later date;

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

16. **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.**

(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, 7th August, 2024.

Order read;

Order deferred.

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

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Division of Revenue Bill (National Assembly Bills No. 38 of 2023) be now read a Second Time.

(The Senate Majority Leader)

Debate arising;

Quorum of the Senate

Rising on a Point of Order pursuant to Standing Order 41(1), the Senator for Makueni County (Sen. Maanzo Daniel, MP), drew the attention of the Temporary Speaker (Sen. Hillary Sigei, MP) to the fact that there was no quorum in the Senate.

And the Temporary Speaker (Sen. Hillary Sigei, MP) having counted the Senators present and confirmed that there was no quorum in the House, ordered the quorum bell to be rung for ten minutes.

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

Debate interrupted resumed;

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

18. **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 24, 2024 at 2.30 p.m.*

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