



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, JULY 30, 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 to 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 out the Orders of the Day.

4. **COMMUNICATION FROM THE CHAIR – VISITING DELEGATION FROM THE MINISTRY OF JUSTICE OF THE REPUBLIC OF NAMIBIA**

The Speaker conveyed the following communication from the Chair –

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of a delegation from the Ministry of Justice of the Republic of Namibia. The delegation is in the Senate for a benchmarking visit.

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

1. Ms. Felicity Owoses
2. Ms. Naemi Angula

Chief Legislative Drafter
Deputy Chief Legislative Drafter

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.”

5. **MESSAGE FROM THE NATIONAL ASSEMBLY – DECISION OF THE NATIONAL ASSEMBLY ON THE SENATE AMENDMENTS TO THE NATIONAL RATING BILL (NATIONAL ASSEMBLY BILLS NO. 55 OF 2022)**

The Speaker conveyed the following Message from the National Assembly –

“Honourable Senators,

I wish to report to the Senate that I have, pursuant to Standing Order 46(3), received the following Message from the Speaker of the National Assembly regarding the decision of the National Assembly on the Senate Amendments to the National Rating Bill (National Assembly Bills No. 55 of 2022).

The Message, dated Wednesday, 24th July, 2024, was received in the Office of the Clerk of the Senate on the same date.

Pursuant to Standing Order 46(4), I now report the Message –

“PURSUANT to the provisions of Standing Order 41(1) and 148(b), I hereby convey the following Message from the National Assembly –

WHEREAS, on 11th October, 2023, the National Assembly passed the National Rating Bill (National Assembly Bills No. 55 of 2022) with amendments, and thereafter referred it to the Senate for consideration in accordance with Article 110(4) of the Constitution;

AND WHEREAS, on 9th May, 2024, the Senate considered and passed the said Bill with further amendments and referred it back to the National Assembly for consideration;

FURTHER WHEREAS, on 12th June, 2024, the National Assembly considered and rejected the Senate's amendments to the Bill, the effect of which the Bill is referred to a mediation committee in accordance with the provisions of Article 112(2)(b) of the Constitution;

NOW THEREFORE, in accordance with the provisions of Article 112 of the Constitution and Standing Orders 41(1) and 148(b), I hereby convey the said decision of the National Assembly to the Senate and seek the appointment of nine (9) Senators to a Mediation Committee to consider the Bill in accordance with Article 113 of the Constitution.”

Honourable Senators,

Consequent to the said decision, the Speaker of the National Assembly appointed the following Members of the National Assembly to the Mediation

Committee to consider the Bill in accordance with Article 113 of the Constitution

-

- 1) Hon. Joash Nyamoko, MP;
- 2) Hon. Jayne Kihara, MP;
- 3) Hon. Josses Lelmengit, MP;
- 4) Hon. Joseph Gitari, MP;
- 5) Hon. Mathias Robi, MP;
- 6) Hon. Paul Katana, MP;
- 7) Hon. (Eng.) Thuddeus Nzambia, MP;
- 8) Hon. Zamzam Mohamed, MP; and
- 9) Hon. Fatuma Jehow, MP.

Honourable Senators,

Pursuant to the provisions of Standing Order 166 (2) of the Senate, and in consultation with the Senate Majority Leader and Senate Minority Leader, I will, at an appropriate time, appoint Senators to the Mediation Committee.

I thank you.”

6. **PAPER LAID**

The following Paper was laid on the Table of the Senate –

Report of the Select Committee on Delegated Legislation on the consideration of the Physical and Land Use Planning (Planning Fees) (Amendment) Regulations, Legal Notice No. 72 of 2024; the Land (Amendment) Regulations, Legal Notice No. 74 of 2024; and the Land Registration (General) (Amendment) Regulations, Legal Notice No. 77 of 2024.

(The Chairperson, Select Committee on Delegated Legislation)

7. **NOTICE OF MOTION – REPORT OF THE SELECT COMMITTEE ON DELEGATED LEGISLATION ON THE CONSIDERATION OF THE PHYSICAL AND LAND USE PLANNING (PLANNING FEES) (AMENDMENT) REGULATIONS, LEGAL NOTICE NO. 72 OF 2024; THE LAND (AMENDMENT) REGULATIONS, LEGAL NOTICE NO. 74 OF 2024; AND THE LAND REGISTRATION (GENERAL) (AMENDMENT) REGULATIONS, LEGAL NOTICE NO. 77 OF 2024**

(The Chairperson, Committee on Delegated Legislation)

THAT, the Senate adopts the Report of the Select Committee on Delegated Legislation on the consideration of the Physical and Land Use Planning (Planning Fees) (Amendment) Regulations, Legal Notice No. 72 of 2024; the Land (Amendment) Regulations, Legal Notice No. 74 of 2024; and the Land Registration (General) (Amendment) Regulations, Legal Notice No. 77 of 2024 laid on the Table of the Senate on Tuesday, 30th July, 2024 and, pursuant to Section 18 of the Statutory Instruments Act and Standing Order 195 (4)(b), the Senate resolves to annul –

- i) the Physical and Land Use Planning (Planning Fees) (Amendment) Regulations, Legal Notice No. 72 of 2024;
- ii) the Land (Amendment) Regulations, Legal Notice No. 74 of 2024; and
- iii) the Land Registration (General) (Amendment) Regulations, Legal Notice No. 77 of 2024.

8. **NOTICE OF MOTION - EXTENSION OF TIME FOR CONSIDERATION OF THE VALUERS (FORMS AND FEES) (AMENDMENT) RULES, 2024 (LEGAL NOTICE NO. 69 OF 2024, THE SURVEY (AMENDMENT) REGULATIONS, 2024 (LEGAL NOTICE NO. 71 OF 2024) AND THE LAND ADJUDICATION (AMENDMENT) REGULATIONS, 2024 (LEGAL NOTICE NO. 76 OF 2024)**
(The Chairperson, Committee on Delegated Legislation)

THAT, WHEREAS the Committee on Delegated Legislation is established under standing order 195(1) of the Senate Standing Orders and is mandated to scrutinize statutory instruments laid before the Senate;

RECALLING that on 2nd May, 2024, the Valuers (Forms and Fees) (Amendment) Rules, 2024 (Legal Notice No. 69 of 2024), the Survey (Amendment) Regulations, 2024 (Legal Notice No. 71 of 2024) and the Land Adjudication (Amendment) Regulations, 2024 (Legal Notice No. 76 of 2024) were laid in the Senate and referred to the Committee on Delegated Legislation for consideration and scrutiny, pursuant to section 12(1) of the Statutory Instruments Act, Cap. 2A and standing order 195(3) of the Senate Standing Orders;

NOTING that these statutory instruments seek to amend the Valuers (Forms and Fees) Rules, 1987, the Survey Regulations, 1994 and the Land Adjudication Regulations, 1970, respectively, which, pursuant to section 21(1) of the Statutory Instruments Act, expired;

FURTHER NOTING that in course of considering the statutory instruments, the Committee was informed that an order had been issued by the High Court in *Machakos Petition No. E002 of 2024 Innocent Musumbi Kimanathi vs the Attorney General and the National Assembly* suspending the expiry of the statutory instruments contained in the Statutory Instruments (Exemption from Expiry) Regulations, 2022 (Legal Notice No. 218 of 2022) and further suspending the operation of section 21(1) of the Statutory Instruments Act, Cap. 2A;

APPRECIATING that under section 15(2) of the Statutory Instruments Act, Cap. 2A, the Committee is required to make a report on the statutory instruments within twenty-eight sitting days after the date of referral of the instruments by the Senate and that with regard to the three statutory instruments, the time lapses on 30th July, 2024;

FURTHER APPRECIATING that in light of the court order issued by the High Court in Machakos, the Committee requires additional time in order to conclusively interrogate the matter and to scrutinize the statutory instruments;

NOW THEREFORE, pursuant to section 15(3) of the Statutory Instruments Act, Cap. 2A, the Senate resolves to extend the timeline for consideration of the Valuers (Forms and Fees) (Amendment) Rules, 2024 (Legal Notice No. 69 of 2024), the Survey (Amendment) Regulations, 2024 (Legal Notice No. 71 of 2024) and the Land Adjudication (Amendment) Regulations, 2024 (Legal Notice No. 76 of 2024) by twenty-one days in order to enable the Committee to conclusively consider and scrutinize the statutory instruments.

9. **QUESTIONS AND STATEMENTS**

a) Statements pursuant to Standing Order 52(1)

- i) The Senator for Turkana County (Sen. James Lomenen, MP) made a statement regarding the need for affirmative action to increase the representation of marginalized and underrepresented communities in the Public Service.

Thereupon, the Senator noted that, despite the efforts by the Public Service Commission to improve inclusivity and proportional representation to ensure that marginalized groups have access to employment opportunities, marginalized communities including the Konso, Dahalo, Makonde, Aweer, Wayuu, Elmolo, Ogaden, Suba, Dorobo, Njemps, Taveta, Burji, Borana, Gabbra, Rendille, Garreh, Daasanach, Somali, Sakuye, Maasai, Turkana, Samburu, and Pokot remained significantly underrepresented in the Public Service.

The Senator called for urgent corrective measures including the review of employment policies, establishment of clear affirmative action targets, promotion of the active participation of individuals from marginalized and underrepresented communities and the development of robust mechanisms for monitoring and reporting on the progress of affirmative action initiatives to maintain transparency and accountability

- ii) The Senator for Turkana County (Sen. James Lomenen, MP) made a statement regarding the need to recruit additional National Police Reservists (NPRs) in the banditry-prone areas of Turkana County.

Thereupon, the Senator noted that the areas have, regrettably, been overrun by lawless bandits who orchestrate numerous tragic raids against residents and commit heinous killings, forcing residents to flee their homesteads for safer areas.

The Senator stated that, despite commendable efforts and decisive action by the Ministry of Interior and National Administration, a critical inadequacy of NPRS persisted in Turkana County, particularly along the international borders and the internal borders with Samburu, Baringo and West Pokot counties.

The Senator concluded by calling for the recruitment of additional NPRs and the implementation of other strategic measures to effectively and permanently address the menace of banditry in the region.

b) Request for Statements pursuant to Standing Order 53(1)

- i) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the operations of Samruddha Resources Kenya Limited in Kishushe, Wundanyi Sub-County, Taita Taveta County.
- ii) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a Statement from the Standing Committee on Finance and Budget regarding the bank accounts operated by the Taita Taveta County Government.
- iii) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a Statement from the Standing Committee on Information, Communication and Technology regarding the alleged inflammatory statements, misinformation, and fake news circulating across different social media platforms in Kenya.
- iv) The Senator for Kakamega County (Sen. (Dr.) Boni Khalwale, MP) sought a Statement from the Standing Committee on Finance and Budget concerning alleged non-use of the fifty-cent and one-shilling coins in trading activities in the country.
- v) Nominated Senator (Sen. George Mbugua, MP) sought a Statement from the Standing Committee on Roads, Transportation and Housing regarding approval of building plans by the County Government of Mombasa.

10. **THE HOUSES OF PARLIAMENT (BICAMERAL RELATIONS) BILL (NATIONAL ASSEMBLY BILLS NO. 44 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Houses of Parliament (Bicameral Relations) Bill (National Assembly Bills No. 44 of 2023) be read a Second Time.

(The Senate Majority Leader – 09.05.2024)

Debate interrupted on Tuesday, 28th May, 2024 resumed on a Division;

The Speaker directed that electronic voting be taken and that the Division bell be rung for five minutes, pursuant to Standing Order 86 (2);

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 – 26

NOES – 1

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Boy Issa Juma, MP
4. Sen. Cherarkey Samson, MP
5. Sen. Cheruiyot Aaron Kipkirui, MP
6. Sen. Chesang Allan Kiprotich, MP
7. Sen. Ekomwa James Lomenen, MP
8. Sen. Ogolla Beatrice Akinyi, MP – voted on behalf of Homabay County Delegation
9. Sen. Kamau Joseph Githuku, MP
10. Sen. Kathuri Murungi, MP
11. Sen. Khalwale Boni, MP
12. Sen. Kisang William Kipkemoi, MP
13. Sen. Lelegwe Steve Ltumbesi, MP
14. Sen. Mandago Jackson Kiplagat, MP
15. Sen. Methu John Muhia, MP
16. Sen. Mwaruma Johnes Mwashushe, MP
17. Sen. Mwenda Gataya Mo Fire, MP
18. Sen. Mwinyihaji Mohamed Faki, MP
19. Sen. Nderitu John Kinyua, MP
20. Sen. Oginga Oburu, MP
21. Sen. Okoiti Andrew Omtatah, MP
22. Sen. Onyonka Richard Momoima, MP
23. Sen. Osotsi Godfrey Atieno, MP
24. Sen. Seki Lenku Ole Kanar, MP
25. Sen. Sifuna Edwine Watanya, MP
26. Sen. Wamatinga Wahome, MP

NOES

Sen. Maanzo Daniel Kitonga, MP

Question, **agreed to.**

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

11. **THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 40 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Public Finance Management (Amendment) Bill (Senate Bills No. 40 of 2023) be now read a Second Time.

(Sen. Hamida Kibwana, MP - 28.05.2024)

Debate interrupted on Thursday, 30th May, 2024 resumed on a Division;

The Speaker directed that electronic voting be taken and that the Division bell be rung for five minutes, pursuant to Standing Order 86 (2);

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 – 27

NOES – 0

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Boy Issa Juma, MP
4. Sen. Cherarkey Samson, MP
5. Sen. Cheruiyot Aaron Kipkirui, MP
6. Sen. Chesang Allan Kiprotich, MP
7. Sen. Ekomwa James Lomenen, MP
8. Sen. Ogolla Beatrice Akinyi, MP – voted on behalf of Homabay County Delegation
9. Sen. Kamau Joseph Githuku, MP
10. Sen. Kathuri Murungi, MP
11. Sen. Khalwale Boni, MP
12. Sen. Kisang William Kipkemoi, MP
13. Sen. Lelegwe Steve Ltumbesi, MP
14. Sen. Maanzo Daniel Kitonga, MP
15. Sen. Mandago Jackson Kiplagat, MP
16. Sen. Methu John Muhia, MP
17. Sen. Mwaruma Johnes Mwashushe, MP
18. Sen. Mwenda Gataya Mo Fire, MP
19. Sen. Mwinyihaji Mohamed Faki, MP
20. Sen. Nderitu John Kinyua, MP
21. Sen. Oginga Oburu, MP
22. Sen. Okoiti Andrew Omtatah, MP
23. Sen. Onyonka Richard Momoima, MP
24. Sen. Osotsi Godfrey Atieno, MP
25. Sen. Seki Lenku Ole Kanar, MP
26. Sen. Sifuna Edwine Watanya, MP
27. Sen. Wamatinga Wahome, MP

Question, **agreed to.**

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

12. **THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 41 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Street Vendors (Protection of Livelihood) Bill (Senate Bills No. 41 of 2023) be now read a Second Time.

(Sen. Esther Okenyuri, MP – 11.07.2024)

Debate interrupted on Thursday, 11th July, 2024 resumed on a Division;

The Speaker directed that electronic voting be taken and that the Division bell be rung for five minutes, pursuant to Standing Order 86 (2);

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 provisions of Standing Order 86 (5), the Speaker allowed one (1) Senator to record his vote verbally.

Thereupon, the following Senator recorded his vote as “**Yes**” –

Sen. Onyonka Richard Momoima, MP

The results of the Division were as follows:-

AYES – 27

NOES – 0

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Boy Issa Juma, MP
4. Sen. Cherarkey Samson, MP
5. Sen. Cheruiyot Aaron Kipkirui, MP
6. Sen. Chesang Allan Kiprotich, MP
7. Sen. Ekomwa James Lomenen, MP
8. Sen. Ogolla Beatrice Akinyi, MP – voted on behalf of Homabay County Delegation

9. Sen. Kamau Joseph Githuku, MP
10. Sen. Kathuri Murungi, MP
11. Sen. Khalwale Boni, MP
12. Sen. Kisang William Kipkemoi, MP
13. Sen. Lelegwe Steve Ltumbesi, MP
14. Sen. Maanzo Daniel Kitonga, MP
15. Sen. Mandago Jackson Kiplagat, MP
16. Sen. Methu John Muhia, MP
17. Sen. Mwaruma Johnes Mwashushe, MP
18. Sen. Mwenda Gataya Mo Fire, MP
19. Sen. Mwinyihaji Mohamed Faki, MP
20. Sen. Nderitu John Kinyua, MP
21. Sen. Oginga Oburu, MP
22. Sen. Okoiti Andrew Omtatah, MP
23. Sen. Onyonka Richard Momoima– voted verbally
24. Sen. Osotsi Godfrey Atieno, MP
25. Sen. Seki Lenku Ole Kanar, MP
26. Sen. Sifuna Edwine Watanya, MP
27. Sen. Wamatinga Wahome, MP

Question, **agreed to.**

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

13. **THE LAW OF SUCCESSION (AMENDMENT) BILL (SENATE BILLS NO. 20 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed;

That, the Law of Succession (Amendment) Bill (Senate Bills No. 20 of 2023) be now read a Second Time.

(Sen. Veronica Maina, MP – 16.07.2024)

Debate interrupted on Tuesday, 16th July, 2024 resumed on a Division;

The Speaker directed that electronic voting be taken and that the Division bell be rung for five minutes, pursuant to Standing Order 86 (2);

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, Sen. Ekomwa James Lomenen, MP claimed confusion in the course of the electronic vote he had

recorded pursuant to provisions of Standing Order 89, and thus requested the Speaker to allow him to vote again;

The Speaker having confirmed the confusion, and noted that the error could not be corrected otherwise, directed that electronic voting be taken pursuant to Standing Order 89;

Before the results of the repeated Division were announced and pursuant to provisions of Standing Order 86 (5), the Speaker allowed two (2) Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes –

1. Sen. Osotsi Godfrey Atieno, MP– voted **“Yes”**
2. Sen. Okoiti Andrew Omtatah, MP – voted **“No”**

The results of the Division were as follows:-

AYES – 23

NOES – 4

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Boy Issa Juma, MP
4. Sen. Cherarkey Samson, MP
5. Sen. Cheruiyot Aaron Kipkirui, MP
6. Sen. Chesang Allan Kiprotich, MP
7. Sen. Ekomwa James Lomenen, MP
8. Sen. Ogolla Beatrice Akinyi, MP – voted on behalf of Homabay County Delegation
9. Sen. Kamau Joseph Githuku, MP
10. Sen. Kathuri Murungi, MP
11. Sen. Khalwale Boni, MP
12. Sen. Kisang William Kipkemoi, MP
13. Sen. Lelegwe Steve Ltumbesi, MP
14. Sen. Mandago Jackson Kiplagat, MP
15. Sen. Methu John Muhia, MP
16. Sen. Mwaruma Johnes Mwashushe, MP
17. Sen. Mwenda Gataya Mo Fire, MP
18. Sen. Nderitu John Kinyua, MP
19. Sen. Oginga Oburu, MP
20. Sen. Onyonka Richard Momoima
21. Sen. Osotsi Godfrey Atieno, MP – voted verbally
22. Sen. Sifuna Edwine Watanya, MP
23. Sen. Wamatinga Wahome, MP

NOES

1. Sen. Maanzo Daniel Kitonga, MP

2. Sen. Mwinyihaji Mohamed Faki, MP
3. Sen. Okoiti Andrew Omtatah, MP – voted verbally
4. Sen. Seki Lenku Ole Kanar, MP

Question **negatived.**

14. **THE PUBLIC TRANSPORT (MOTORCYCLE REGULATION) BILL (SENATE BILLS NO. 38 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Public Transport (Motorcycle Regulation) Bill (Senate Bills No. 38 of 2023) be now read a Second Time.

(Sen. (Dr.) Boni Khalwale, MP – 14.05.2024)

Debate interrupted on Tuesday, 23rd July, 2024 resumed on a Division;

The Temporary Speaker (Sen. Veronica Maina, MP) directed that electronic voting be taken and that the Division bell be rung for five minutes, pursuant to Standing Order 86 (2);

Upon the expiry of five minutes, the Temporary Speaker (Sen. Veronica Maina, MP) directed that the doors be locked and the bars be drawn and asked Senators to log-in for electronic voting;

The Temporary Speaker (Sen. Veronica 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 one (1) Senator to record his vote verbally.

Thereupon, the following Senator recorded his vote as “**Yes**” –

Sen. Cheruiyot Aaron Kipkirui, MP

The results of the Division were as follows:-

AYES – 27

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 – voted verbally
5. Sen. Ekomwa James Lomenen, MP

6. Sen. Haji Abdul Mohammed, MP
7. Sen. Ogolla Beatrice Akinyi, MP – voted on behalf of Homabay County Delegation
8. Sen. Kamau Joseph Githuku, MP
9. Sen. Kathuri Murungi, MP
10. Sen. Khalwale Boni, MP
11. Sen. Kisang William Kipkemoi, MP
12. Sen. Lelegwe Steve Ltumbesi, MP
13. Sen. Maanzo Daniel Kitonga, MP
14. Sen. Mandago Jackson Kiplagat, MP
15. Sen. Methu John Muhia, MP
16. Sen. Mogeni Erick Okong’o, MP
17. Sen. Mundigi Alexander Munyi, MP
18. Sen. Mwaruma Johnes Mwashushe, MP
19. Sen. Mwenda Gataya Mo Fire, MP
20. Sen. Mwinyihaji Mohamed Faki, MP
21. Sen. Oginga Oburu, MP
22. Sen. Osotsi Godfrey Atieno, MP
23. Sen. Roba Ali Ibrahim, MP
24. Sen. Seki Lenku Ole Kanar, MP
25. Sen. Sifuna Edwin Watenya, MP
26. Sen. Thang’wa Paul Karungo, MP
27. Sen. Wamatinga Wahome, MP

Question, **agreed to.**

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

15. **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 read;

Order deferred.

16. **THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL (SENATE BILLS NO. 55 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed;

That, the Fire and Rescue Services Professionals Bill (Senate Bills No. 55 of 2023) be now read a Second Time.

(Sen. Abass Sheikh, MP – 24.07.2024)

Debate interrupted on Wednesday, 24th July, 2024 (Afternoon Sitting) resumed on a Division;

The Temporary Speaker (Sen. Veronica Maina, MP) directed that electronic voting be taken and that the Division bell be rung for five minutes, pursuant to Standing Order 86 (2);

Upon the expiry of five minutes, the Temporary Speaker (Sen. Veronica Maina, MP) directed that the doors be locked and the bars be drawn and asked Senators to log-in for electronic voting;

The Temporary Speaker (Sen. Veronica 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, the following Senators recorded their votes as **“Yes”** –

1. Sen. Cheruiyot Aaron Kipkirui, MP
2. Sen. Kamau Joseph Githuku, MP
3. Sen. Thang’wa Paul Karungo, MP

The results of the Division were as follows:-

AYES – 27

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 – voted verbally
5. Sen. Ekomwa James Lomenen, MP
6. Sen. Haji Abdul Mohammed, MP
7. Sen. Ogolla Beatrice Akinyi, MP - voted on behalf of Homabay County Delegation
8. Sen. Kamau Joseph Githuku, MP – voted verbally
9. Sen. Kathuri Murungi, MP
10. Sen. Khalwale Boni, MP
11. Sen. Kisang William Kipkemoi, MP
12. Sen. Lelegwe Steve Ltumbesi, MP
13. Sen. Maanzo Daniel Kitonga, MP
14. Sen. Mandago Jackson Kiplagat, MP
15. Sen. Methu John Muhia, MP
16. Sen. Mogeni, Erick Okong’o, MP
17. Sen. Mundigi Alexander Munyi, MP
18. Sen. Mwaruma Johnes Mwashushe, MP

19. Sen. Mwenda Gataya Mo Fire, MP
20. Sen. Mwinyihaji Mohamed Faki, MP
21. Sen. Oginga Oburu, MP
22. Sen. Osotsi Godfrey Atieno, MP
23. Sen. Roba Ali Ibrahim, MP
24. Sen. Seki Lenku Ole Kanar, MP
25. Sen. Sifuna Edwin Watenya, MP
26. Sen. Thang'wa, Paul Karungo, MP – voted verbally
27. Sen. Wamatinga Wahome, MP

Question, **agreed to.**

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

17. **MOTION - REPORT OF THE SELECT COMMITTEE ON DELEGATED LEGISLATION ON ITS CONSIDERATION OF THE SOCIAL HEALTH INSURANCE (GENERAL) REGULATIONS, 2024 AND THE SOCIAL HEALTH INSURANCE (TRIBUNAL PROCEDURE) RULES, 2024**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Select Committee on Delegated Legislation on its consideration of the Social Health Insurance (General) Regulations, 2024 and the Social Health Insurance (Tribunal Procedure) Rules, 2024, laid on the Table of the Senate on Tuesday, 2nd July, 2024; and that pursuant to Section 18 of the Statutory Instruments Act, the Senate resolves to annul -

- i. the Social Health Insurance (General) Regulations, 2024 (Legal Notice No. 49 of 2024); and
- ii. the Social Health Insurance (Tribunal Procedure) Rules, 2024 (Legal Notice No. 48 of 2024).

(The Chairperson, Select Committee on Delegated Legislation – 10.07.2024)

Debate interrupted on Wednesday, 10th July, 2024 (Afternoon Sitting) resumed on a Division;

Before the Question was put and pursuant to Standing Order 84 (1), the Temporary Speaker (Sen. Veronica Maina, MP) ruled that the matter affects Counties and that voting would be by County Delegations;

The Temporary Speaker (Sen. Veronica Maina, MP) directed that electronic voting be taken and that the Division bell be rung for five minutes, pursuant to Standing Order 86 (2);

Upon the expiry of five minutes, the Temporary Speaker (Sen. Veronica Maina, MP) directed that the doors be locked and the bars be drawn and asked Senators to log-in for electronic voting;

The Temporary Speaker (Sen. Veronica 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, an error was noted in the Division list to the effect that Sen. Haji Abdul Mohammed, MP had recorded his vote twice;

The Temporary Speaker (Sen. Veronica Maina, MP) having confirmed the error and noted that the error could not be corrected otherwise, directed that electronic voting be taken pursuant to Standing Order 89;

Before the results on the repeated Division were announced and pursuant to provisions of Standing Order 86 (5), the Temporary Speaker (Sen. Veronica Maina, MP) allowed one (1) Senator to record his vote verbally.

Thereupon, the following Senator recorded his vote as “**Yes**” –

Sen. Wambua Enoch Kiio, MP

The results of the Division were as follows:-

AYES – 21

NOES – 7

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Cherarkey Samson, MP
4. Sen. Ekomwa James Lomenen, MP
5. Sen. Haji Abdul Mohammed, MP
6. Sen. Ogolla Beatrice Akinyi, MP
7. Sen. Kamau Joseph Githuku, MP
8. Sen. Khalwale Boni, MP
9. Sen. Kisang William Kipkemoi, MP
10. Sen. Maanzo Daniel Kitonga, MP
11. Sen. Mogeni Erick Okong’o, MP
12. Sen. Mwaruma Johnes Mwashushe, MP
13. Sen. Mwenda Gataya Mo Fire, MP
14. Sen. Mwinyihaji Mohamed Faki, MP
15. Sen. Oginga Oburu, MP
16. Sen. Osotsi Godfrey Atieno, MP
17. Sen. Seki Lenku Ole Kanar, MP
18. Sen. Sifuna Edwin Watanya, MP
19. Sen. Thang’wa Paul Karungo, MP
20. Sen. Wamatinga Wahome, MP
21. Sen. Wambua Enoch Kiio, MP – voted verbally

NOES

1. Sen. Cheruiyot Aaron Kipkirui, MP
2. Sen. Kathuri Murungi, MP
3. Sen. Lelegwe Steve Ltumbesi, MP
4. Sen. Mandago Jackson Kiplagat, MP
5. Sen. Methu John Muhia, MP
6. Sen. Mundigi Alexander Munyi, MP
7. Sen. Roba Ali Ibrahim, MP

Question **negatived.**

18. **MOTION - REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE STATUS OF IMPLEMENTATION OF PROJECTS FUNDED BY THE CONDITIONAL GRANT FOR THE CONSTRUCTION OF COUNTY HEADQUARTERS**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the status of implementation of projects funded by the Conditional Grant for the construction of County Headquarters, laid on the Table of the Senate on Thursday, 28th March, 2024.

*(The Vice Chairperson, Standing Committee on Finance and Budget –
22.05.2024 - Afternoon Sitting)*

Debate interrupted on Thursday, 18th July, 2024 resumed on a Division;

Before the Question was put and pursuant to Standing Order 84 (1), the Temporary Speaker (Sen. Veronica Maina, MP) ruled that the matter affects Counties and that voting would be by County Delegations;

The Temporary Speaker (Sen. Veronica Maina, MP) directed that electronic voting be taken and that the Division bell be rung for five minutes, pursuant to Standing Order 86 (2);

Upon the expiry of five minutes, the Temporary Speaker (Sen. Veronica Maina, MP) directed that the doors be locked and the bars be drawn and asked Senators to log-in for electronic voting;

The Temporary Speaker (Sen. Veronica 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 one (1) Senator to record his vote verbally.

Thereupon, the following Senator recorded his vote as “Yes” –

Sen. Oginga Oburu, MP

The results of the Division were as follows:-

AYES – 26

NOES – 0

ABSTENTION – 0

AYES

1. Sen. Adan Dullo Fatuma, MP
2. Sen. Cherarkey Samson, MP
3. Sen. Cheruiyot Aaron Kipkirui, MP
4. Sen. Ekomwa James Lomenen, MP
5. Sen. Haji Abdul Mohammed, MP
6. Sen. Ogolla Beatrice Akinyi, MP - voted on behalf of Homabay County Delegation
7. Sen. Kamau Joseph Githuku, MP
8. Sen. Kathuri Murungi, MP
9. Sen. Khalwale Boni, MP
10. Sen. Kisang William Kipkemoi, MP
11. Sen. Lelegwe Steve Ltumbesi, MP
12. Sen. Maanzo Daniel Kitonga, MP
13. Sen. Mandago Jackson Kiplagat, MP
14. Sen. Methu John Muhia, MP
15. Sen. Mogeni Erick Okong’o, MP
16. Sen. Mundigi Alexander Munyi, MP
17. Sen. Mwaruma Johnes Mwashushe, MP
18. Sen. Mwenda Gataya Mo Fire, MP
19. Sen. Mwinyihaji Mohamed Faki, MP
20. Sen. Oginga Oburu, MP – voted verbally
21. Sen. Osotsi Godfrey Atieno, MP
22. Sen. Roba Ali Ibrahim, MP
23. Sen. Seki Lenku Ole Kanar, MP
24. Sen. Sifuna Edwin Watanya, MP
25. Sen. Thang’wa, Paul Karungo, MP
26. Sen. Wamatinga Wahome, MP

Question, **agreed to.**

RESOLVED ACCORDINGLY

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the status of implementation of projects funded by the Conditional Grant for the construction of County Headquarters, laid on the Table of the Senate on Thursday, 28th March, 2024.

19. **MOTION - EXTENSION OF TIME FOR CONSIDERATION OF THE VALUERS (FORMS AND FEES) (AMENDMENT) RULES, 2024 (LEGAL NOTICE NO. 69 OF 2024), THE SURVEY (AMENDMENT) REGULATIONS, 2024 (LEGAL NOTICE NO. 71 OF 2024) AND THE LAND ADJUDICATION (AMENDMENT) REGULATIONS, 2024 (LEGAL NOTICE NO. 76 OF 2024)**

Order read;

Motion made and Question proposed;

THAT, WHEREAS the Committee on Delegated Legislation is established under standing order 195(1) of the Senate Standing Orders and is mandated to scrutinize statutory instruments laid before the Senate;

RECALLING that on 2nd May, 2024, the Valuers (Forms and Fees) (Amendment) Rules, 2024 (Legal Notice No. 69 of 2024), the Survey (Amendment) Regulations, 2024 (Legal Notice No. 71 of 2024) and the Land Adjudication (Amendment) Regulations, 2024 (Legal Notice No. 76 of 2024) were laid in the Senate and referred to the Committee on Delegated Legislation for consideration and scrutiny, pursuant to section 12(1) of the Statutory Instruments Act, Cap. 2A and Standing Order 195(3) of the Senate Standing Orders;

NOTING that these statutory instruments seek to amend the Valuers (Forms and Fees) Rules, 1987, the Survey Regulations, 1994 and the Land Adjudication Regulations, 1970, respectively, which, pursuant to section 21(1) of the Statutory Instruments Act, expired;

FURTHER NOTING that in course of considering the statutory instruments, the Committee was informed that an order had been issued by the High Court in *Machakos Petition No. E002 of 2024 Innocent Musumbi Kimanathi vs the Attorney General and the National Assembly* suspending the expiry of the statutory instruments contained in the Statutory Instruments (Exemption from Expiry) Regulations, 2022 (Legal Notice No. 218 of 2022) and further suspending the operation of section 21(1) of the Statutory Instruments Act, Cap. 2A;

APPRECIATING that under section 15(2) of the Statutory Instruments Act, Cap. 2A, the Committee is required to make a report on the statutory instruments within twenty-eight sitting days after the date of referral of the instruments by the Senate and that with regard to the three statutory instruments, the time lapses on 30th July, 2024;

FURTHER APPRECIATING that in light of the court order issued by the High Court in Machakos, the Committee requires additional time in order to conclusively interrogate the matter and to scrutinize the statutory instruments;

NOW THEREFORE, pursuant to section 15(3) of the Statutory Instruments Act, Cap. 2A, the Senate resolves to extend the timeline for consideration of the Valuers (Forms and Fees) (Amendment) Rules, 2024 (Legal Notice No. 69 of 2024), the Survey (Amendment) Regulations, 2024 (Legal Notice No. 71 of 2024)

and the Land Adjudication (Amendment) Regulations, 2024 (Legal Notice No. 76 of 2024) by twenty-one days in order to enable the Committee to conclusively consider and scrutinize the statutory instruments.

(The Chairperson, Committee on Delegated on Legislation)

Debate arising;

And there being no more Senators wishing to contribute;

Mover replied;

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

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

20. **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)

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.

Order read;

Order deferred.

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

(The Chairperson, Standing Committee on Energy)

(Second Reading)

(Resumption of debate interrupted on Thursday, 25th July, 2024

Order read;

Order deferred.

22. **QUORUM IN THE SENATE**

Raising a point of order pursuant to Standing Order 41 (1), Nominated Senator (Sen. Betty Montet, MP) drew the attention of the Temporary Speaker (Sen. Abdul Haji, MP) to the fact that there was no quorum in the House;

And the Temporary Speaker (Sen. Abdul Haji, MP) having counted the Senators present and confirming that there was no quorum, caused the Bell to be rung for ten minutes;

And there being no Quorum after the expiry of ten minutes, the Temporary Speaker (Sen. Abdul Haji, MP) adjourned the Senate at five minutes past six O'clock, without Question put, pursuant to the Standing Orders.

23. **SENATE ROSE** – at five minutes past six O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Wednesday, July 31, 2024 at 9:30 a.m.*

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