



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (THIRD SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**THURSDAY, OCTOBER 24, 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 out the Orders of the day.

4. **MESSAGES**

The Speaker conveyed the following Messages from the National Assembly-

**(a) Approval of the mediated version of the Water (Amendment) Bill  
(National Assembly Bills No. 33 of 2023)**

“Honourable Senators,

I wish to report to the Senate that I have, pursuant to Standing Order 46 (3), received the following Message from the National Assembly regarding the approval of the Mediated Version of the Water (Amendment) Bill (National Assembly Bills No. 33 of 2023).

The Message, dated Tuesday, 22<sup>nd</sup> October, 2024, was received in the Office of the Clerk of the Senate on Wednesday, 23<sup>rd</sup> October, 2024.

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

*“PURSUANT to the provisions of Standing Orders 41 (1) and 150 (4)(b) of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly —*

*WHEREAS, the Water (Amendment) Bill (National Assembly Bill No. 33 of 2023) which was published vide Kenya Gazette Supplement No. 108 of 4<sup>th</sup> July 2023 as a Bill seeking to amend the Water Act, 2016 to provide for public private partnerships arrangements, was considered and passed by the National Assembly on 7<sup>th</sup> March 2024 and thereafter referred to the Senate for consideration in accordance with the provisions of Article 110 (4) of the Constitution;*

*AND WHEREAS, the Senate considered and passed the Bill with amendments which upon reconsideration by the National Assembly, were rejected on Thursday, 30<sup>th</sup> April 2024, consequently committing the Bill to a mediation committee in accordance with the provisions of Article 112 of the Constitution;*

*FURTHER WHEREAS, in accordance with the provisions of Article 113 (2) of the Constitution and Standing Order 150, the National Assembly considered and approved the mediated version of the Water (Amendment) Bill (National Assembly Bill No. 33 of 2023) on Wednesday, 16<sup>th</sup> October 2024 and in the form agreed to by the Mediation Committee on the Bill;*

*NOW THEREFORE, in accordance with the provisions of Standing Order 150 (4)(b) the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.”*

Honourable Senators,

As you may recall, during the sitting of the Senate on Tuesday, 22<sup>nd</sup> October, 2024, Sen. Beatrice Ogola, MP, on behalf of the Vice-Chairperson of the Mediation Committee, laid on the Table of the Senate the Report of the Mediation Committee on the Water (Amendment) Bill (National Assembly Bills No. 33 of 2023) and soon thereafter, gave notice of a Motion for the adoption of the Report and the approval of the Mediated Version of the Bill.

The Vice-Chairperson of the Mediation Committee will, at an appointed time, move the Motion for the adoption of the Report and the approval of the Mediated Version of the Bill, as listed in the Order Paper.

The House is guided accordingly.

I thank you.”

**(b) Approval of the mediated version of the Sugar Bill (National Assembly Bills No. 34 Of 2022)**

“Honourable Senators,

I wish to report to the Senate that I have, pursuant to Standing Order 46 (3), received the following Message from the National Assembly regarding the approval of the Mediated Version of the Sugar Bill (National Assembly Bills No. 34 of 2022).

The Message, dated Tuesday, 22nd October, 2024, was received in the Office of the Clerk of the Senate on Wednesday, 23rd October, 2024.

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

“PURSUANT to the provisions of Standing Orders 41 (1) and 150 (4)(b) of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly—

WHEREAS, the Sugar Bill (National Assembly Bill No. 34 of 2022) which was published vide Kenya Gazette Supplement No. 150 of 6th October 2022 as a Bill seeking to reinstate provisions of the Sugar Act, 2001 that was repealed through the enactment of the Crops Act, 2013; to re-establish the Kenya Sugar Board; to reinvigorate the sugar sector through re-establishment of the Sugar Development Levy and the Sugar Development Fund; and to establish the Kenya Sugar Research Institute, was considered and passed by the National Assembly on 27th September 2023 and thereafter referred to the Senate for consideration in accordance with the provisions of Article 110 (4) of the Constitution;

AND WHEREAS, the Senate considered and passed the Bill with amendments which upon reconsideration by the National Assembly, were rejected on Thursday, 1st August 2024, consequently committing the Bill to a mediation committee in accordance with the provisions of Article 112 of the Constitution;

FURTHER WHEREAS, in accordance with the provisions of Article 113 (2) of the Constitution and Standing Order 150, the National Assembly considered and approved the mediated version of the Sugar Bill (National Assembly Bill No. 34 of 2022) on Friday, 18th October 2024 and in the form agreed to by the Mediation Committee on the Bill;

NOW THEREFORE, in accordance with the provisions of Standing Order 150 (4) (b) the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.”

Honourable Senators,

As you may recall, during the sitting of the Senate on Tuesday, 22nd October, 2024, Sen. David Wakoli, MP, on behalf of the Vice-Chairperson of the Mediation Committee, laid on the Table of the Senate the Report

of the Mediation Committee on the Sugar Bill (National Assembly Bills No. 34 of 2022) and soon thereafter, gave notice and moved a Motion for the adoption of the Report and the approval of the Mediated Version of the Bill.

Debate on the Motion will resume and be dispensed with in the usual manner.

The House is guided accordingly.

I thank you.”

**(c) Decision of the National Assembly on the Senate amendments to the Division of Revenue (Amendment) Bill (National Assembly Bill No. 38 of 2024).**

“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 Division of Revenue (Amendment) Bill (National Assembly Bill No. 38 of 2024).

The Message, dated Tuesday, 22<sup>nd</sup> October, 2024, was received in the Office of the Clerk of the Senate on Wednesday, 23<sup>rd</sup> October, 2024.

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

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

*WHEREAS, on Wednesday, 7<sup>th</sup> August 2024, the National Assembly passed the Division of Revenue (Amendment) Bill (National Assembly Bill No. 38 of 2024) and thereafter referred the Bill to the Senate for consideration in accordance with Article 110(4) of the Constitution;*

*AND WHEREAS, on Thursday, 3<sup>rd</sup> October 2024, the Senate considered and passed the said Bill with amendments and referred it back to the National Assembly in accordance with the provisions of Article 112(1) of the Constitution;*

*FURTHER WHEREAS, on Wednesday, 16<sup>th</sup> October 2024, the National Assembly negatived a Motion on consideration of the Senate amendments to the Division of Revenue (Amendment) Bill, 2024*

*thereby committing it 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) of the National Assembly Standing Orders, 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 contentious Clauses in accordance with Article 113 of the Constitution –

- (1) Hon. Ndindi Nyoro, CBS, MP;
- (2) Hon. Mary Emaase, MP;
- (3) Hon. (Dr.) John Chikati, MP;
- (4) Hon. David Ochieng, CBS, MP;
- (5) Hon. David Kiplagat, MP;
- (6) Hon. (Dr.) Otiende Amollo, SC, MP;
- (7) Hon. Fatuma Jehow; MP
- (8) Hon. (Dr.) Makali Mulu, MP; and
- (9) Hon. (Dr.) Ojiambo Oundo, 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.”

## 5. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair -

### **(a) Visiting teachers and students from Ruby Kraft Adventist School in Homa Bay County**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, visiting teachers and students from Ruby Kraft Adventist School in Homa-Bay County. The delegation comprises fourteen (14)

teachers and one hundred and eight (108) 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 visit.

I thank you.”

**(b) Visiting teachers and students from Kalyong’wet Secondary School in Kericho County**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, visiting teachers and students from Kalyong’wet Secondary School in Kericho County. The delegation comprises two (2) teachers and fourteen (14) 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 visit.

I thank you.”

**6. PAPERS LAID**

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

- i) The 3<sup>rd</sup> Annual Report on the state of Public Private Partnerships (PPPs) by the National Treasury and Economic Planning for the financial year 2023/2024.
- ii) Statement on the business of the Senate for the week commencing Tuesday, 29<sup>th</sup> October, 2024.

*(The Senate Majority Whip)*

**7. QUESTIONS & STATEMENTS**

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

- i) Nominated Senator (Sen. Hamida Kibwana, MP) sought a Statement from the Standing Committee on Health regarding the state of

facilities and services at the Mama Lucy Kibaki Hospital in Nairobi City County.

- ii) Nominated Senator (Sen. Hamida Kibwana, MP) sought a Statement from the Standing Committee on Education concerning the lack of a dedicated prayer room for muslim students at the Moi Girls High School in Kibra Constituency, Nairobi City County.
- iii) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a Statement from the Standing Committee on Devolution and Intergovernmental Relations regarding the alteration of the Taita Taveta County and Kajiado County boundary.
- iv) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a Statement from the Standing Committee on Lands, Environment and Natural Resources regarding the operations of (Taita-Taveta-Voi) TAVEVO Water Company in Taita Taveta County.
- v) Request for Statement by the Senator for Kisii County (Sen. Richard Onyonka, MP) from the Standing Committee on Health regarding the state of Nairobi Funeral Home (formerly City Mortuary) was **dropped** in the absence of the Senator.
- vi) Request for Statement by the Senator for Kisii County (Sen. Richard Onyonka, MP) from the Standing Committee on Agriculture, Livestock and Fisheries regarding the status of implementation of the Edible Oil Crops Promotion Project by the Agriculture and Food Authority (AFA) was **dropped** in the absence of the Senator.
- vii) Nominated Senator (Sen. Beatrice Ogolla, MP) on behalf of the Senator for Trans Nzoia County (Sen. Allan Chesang, MP) sought a Statement from the Standing Committee on Finance and Budget concerning the opening and operation of multiple bank accounts by the County Executive of Trans Nzoia.
- viii) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a Statement from the Standing Committee on Education regarding the indefinite closure of Moi University in Uasin Gishu County.
- ix) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a Statement from the Standing Committee on Information, Communication and Technology concerning the status of digitization of government services.

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

The Senate Majority Whip issued a Statement on the business of the Senate for the week commencing Tuesday, 29<sup>th</sup> October, 2024.

8. **THE STREET NAMING AND PROPERTY ADDRESSING SYSTEM BILL (SENATE BILLS NO. 43 OF 2024)**

(Sen. Fatuma Dullo, MP)

Order for First Reading read;

Bill read a First time and committed to the Standing Committee on Roads, Transportation and Housing.

9. **MOTION - REPORT OF THE MEDIATION COMMITTEE ON THE SUGAR BILL (NATIONAL ASSEMBLY BILLS NO. 34 OF 2022)**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Mediation Committee on the Sugar Bill (National Assembly Bills No. 34 of 2022), laid on the table of the Senate on Tuesday, 22<sup>nd</sup> October, 2024, and further that pursuant to Article 113 (2) of the Constitution and Standing Order 167 (3) of the Senate, approves the mediated version of the Bill.

*(Sen. David Wakoli, MP on behalf of the Vice- Chairperson, Mediation Committee – 22.10.2024)*

Debate interrupted on Wednesday, 23<sup>rd</sup> October, 2024 (Afternoon sitting) resumed for the Mover to reply;

Thereupon, Sen. Boni Khalwale, MP on behalf of the Mover replied;

Before the Question was put and pursuant to Standing Order 84(1), the Speaker ruled that the Motion affects counties.

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

Upon the expiry of 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. Cherarkey Samson , MP
4. Sen. Cheruiyot Aaron Kipkirui, MP
5. Sen. Chute Mohammed Said, MP
6. Sen. Ogolla Beatrice Akinyi, MP – voted on behalf of the Homa Bay County Delegation
7. Sen. Kamau Joseph Githuku, MP
8. Sen. Keroche Tabitha Karanja, MP
9. Sen. Khalwale Boni, MP
10. Sen. Kipkiror William Cheptumo, MP
11. Sen. Kisang William Kipkemoi, MP
12. Sen. Madzayo Stewart Mwachiru, MP
13. Sen. Mandago Jackson Kiplagat, MP
14. Sen. Methu John Muhia, MP
15. Sen. Mogeni Erick Okong’o, MP
16. Sen. Mwenda Gataya Mo Fire, MP
17. Sen. Mungatana Danson Buya, MP
18. Sen. Mwaruma Johnes Mwashushe, MP
19. Sen. Mwinyihaji Mohamed Faki, MP
20. Sen. Oketch Eddy Gicheru, MP
21. Sen. Olekina Ledama, MP
22. Sen. Osotsi Godfrey Atieno, MP
23. Sen. Recha Julius Murgor, MP
24. Sen. Omar Mariam Sheikh, MP – voted on behalf of the Mandera County Delegation
25. Sen. Seki Lenku Ole Kanar, MP
26. Sen. Sifuna Edwin Watanya, MP
27. Sen. Wamatinga Wahome, MP

Question, agreed to;

**RESOLVED ACCORDINGLY**

THAT, the Senate adopts the Report of the Mediation Committee on the Sugar Bill (National Assembly Bills No. 34 of 2022), laid on the table of the Senate on Tuesday, 22<sup>nd</sup> October, 2024, and further that pursuant to Article 113 (2) of the Constitution and Standing Order 167 (3) of the Senate, approves the mediated version of the Bill.

10. **SUSPENSION OF A SENATOR FOR DISORDELY CONDUCT PURSUANT TO STANDING ORDER 121 (1)**

Pursuant to Standing Order 121 (2), the Speaker ordered the Senator for Kakamega County (Sen. (Dr.) Boni Khalwale, MP), to withdraw from the precincts of the Senate for the remainder of the sitting day for disorderly conduct.

Thereupon, the Senator withdrew from the Chamber.

11. **MOTION - REPORT OF THE MEDIATION COMMITTEE ON THE WATER (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 33 OF 2023)**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Mediation Committee on the Water (Amendment) Bill (National Assembly Bills No. 33 of 2023), laid on the table of the Senate on Tuesday, 22<sup>nd</sup> October, 2024, and further that pursuant to Article 113 (2) of the Constitution and Standing Order 167 (3) of the Senate, approves the mediated version of the Bill.

*(The Vice-Chairperson, Mediation Committee)*

Debate arising;

**Quorum of the Senate**

Rising on a Point of Order pursuant to Standing Order 41, nominated Senator (Sen. Hamida Kibwana, MP) drew the attention of the Temporary Speaker (Sen. Veronica Maina, MP) to the fact that there was no quorum in the Senate;

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

And there being quorum before the expiry of the ten minutes;

Debate interrupted on the Motion resumed;

And the time being twenty six minutes past six O'clock, the Temporary Speaker (Sen. Veronica Maina, MP) interrupted proceedings and adjourned the Senate pursuant to Standing Order 34, without Question put.

12. **SENATE ROSE** - at twenty six minutes past six O'clock.

**M E M O R A N D U M**

*The Speaker will take the Chair on  
Tuesday, October 29, 2024 at 2.30 p.m.*