



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, OCTOBER 01, 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. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair –

(a) **Invitation to all Senators to a meeting of the Standing Committee on Finance with the Controller of Budget on the status of implementation of the Resolution of the Senate on pending bills in the counties**

“Honourable Senators,

During the sitting of the Senate held on 28th March, 2024, the Senator for Narok County, Sen. Ledama Olekina, MP moved a Motion Status of pending bills in counties. The resolution was passed by the Senate on 9th May, 2024, calling for action on the pending Bills in the counties. Pursuant to Standing Order 225 (1), the resolution was communicated to the relevant government agencies, including the Controller of Budget, for implementation.

Standing Order 225 (2) requires that within sixty (60) days of a resolution being conveyed to the relevant Cabinet Secretary, independent Commission or holder of an independent office such persons shall provide a report to the relevant Committee of the Senate, in accordance with Articles 153(4)(b) and 254(2) of the Constitution.

At the sitting of the Senate held on 8th August, 2024, the matter of implementation of the resolution of the Senate on pending bills in the counties arose, where a number of Senators expressed concerns at the slow pace of implementation of measures to address the matter. I, therefore, directed the Standing Committee on Finance and Budget to schedule a meeting with the Controller of Budget and the Cabinet Secretary for the National Treasury and Economic Planning and invite all Senators to apprise and deliberate, with a view to finding a lasting solution on pending bills.

Honourable Senators,

It is against this background and pursuant to Standing Order 228 (4) (j), as read together with Standing Order 225 (2), that the Standing Committee on Finance and Budget has scheduled a meeting with the Controller of Budget on Thursday, 3rd October, 2024, to deliberate on the status of implementation of the Senate resolution on the pending bills in the counties

The meeting will take place at the Mini-Chamber, County Hall, First Floor, Parliament Buildings, Nairobi from 9.30 am.

Honourable Senators,

Through this Communication, the Committee has extended an invitation to all Senators to participate in this meeting.

I thank you.”

(b) Recommittal of a Petition submitted by Mr. Japheth J. Makokha regarding the introduction of an amendment to the County Governments Act on the mandate of county governors

“Honourable Senators,

As you may recall, at the Sitting of the Senate held on Tuesday, 14th May, 2024, I reported a Petition by Mr. Japheth J. Makokha requesting the Senate to amend to Section 32(3) of the County Governments Act, on the mandate of County Governors assigning portfolio of a county executive committee member to the Deputy Governors. Pursuant to Standing Order 238(1), I then committed the Petition to the Standing Committee on Justice, Legal Affairs and Human Rights for consideration.

Honourable Senators,

Subsequent to the committal of the Petition to the Standing Committee on Justice, Legal Affairs and Human Rights, vide letter Ref. JLHARC/SSN/2024 (10) dated 24th September, 2024, I received a request from the Chairperson of the Standing Committee on Justice, Legal Affairs and Human Rights to redirect the Petition to the Standing Committee on Devolution and Intergovernmental Relations.

In the letter, the Chairperson stated that during the consideration of the Petition by the Standing Committee on Justice, Legal Affairs and Human Rights, the Committee observed that the subject of relations between county governors and their deputies, as well as the mandates and functions of deputy governors was under active consideration by the Standing Committee on Devolution and Intergovernmental Relations. The Chairperson further observed that the Standing Committee on Devolution and Intergovernmental Relations was also in the process of considering a legislative proposal seeking to amend Section 32 of the County Governments Act, to provide for definitive roles for the office of the Deputy Governor.

Honourable Senators,

Having considered the matter as requested by the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights, I hereby re-direct the Petition submitted by Mr. Japheth J. Makokha to the Standing Committee on Devolution and Intergovernmental Relations. The Committee will be required to table a report on the Petition in not more than sixty calendar days from today, 1st October, 2024, pursuant to Standing Order 238.

I thank you.”

5. **PAPERS**

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

- i) Report of the Auditor General on Financial Statements of Rabai Sub-County Level 4 Hospital - County Government of Kilifi for the nine (9) months period ended 30th June, 2023.
- ii) Report of the Auditor General on Financial Statements of Mariakani Sub-County Level 4 Hospital - County Government of Kilifi for the year ended 30th June, 2023.
- iii) Report of the Auditor General on Financial Statements of Bamba Sub-County Level 4 Hospital - County Government of Kilifi for the year ended 30th June, 2023.
- iv) Report of the Auditor General on Financial Statements of Isebania Sub-County Hospital - County Government of Migori for the year ended 30th June, 2023.
- v) Report of the Auditor General on Financial Statements of Uriri Hospital - County Government of Migori for the year ended 30th June, 2023.
- vi) Report of the Auditor General on Financial Statements of Macalder Sub-County Hospital - County Government of Migori for the year ended 30th June, 2023.

- vii) Report of the Auditor General on Financial Statements of Kehancha Sub-County Hospital - County Government of Migori for the year ended 30th June, 2023.
- viii) Report of the Auditor General on Financial Statements of Migori County Referral Hospital - County Government of Migori for the year ended 30th June, 2023.
- ix) Report of the Auditor General on Financial Statements of Ntimaru Sub-County Hospital - County Government of Migori for the year ended 30th June, 2023.
- x) Report of the Auditor General on Financial Statements of Karungu Sub-County Hospital - County Government of Migori for the year ended 30th June, 2023.
- xi) Report of the Auditor General on Financial Statements of Nyamaraga Level 4 Hospital - County Government of Migori for the year ended 30th June, 2023.
- xii) Report of the Auditor General on Financial Statements of Bondo Level 4 Hospital - County Government of Siaya for the year ended 30th June, 2023.
- xiii) Report of the Auditor General on Financial Statements of Longisa County Referral Level 4 Hospital - County Government of Bomet for the year ended 30th June, 2023.
- xiv) Report of the Auditor General on Financial Statements of Marigat Sub-County Level 4 Hospital - County Government of Baringo for the year ended 30th June, 2023.
- xv) Report of the Auditor General on Financial Statements of Kabartonjo Level 4 Hospital - County Government of Baringo for the year ended 30th June, 2023.
- xvi) Report of the Auditor General on Financial Statements of Chemolingot Sub-County Level 4 Hospital - County Government of Baringo for the year ended 30th June, 2023.
- xvii) Report of the Auditor General on Financial Statements of Fort Ternan Sub-County Level 4 Hospital - County Government of Kericho for the year ended 30th June, 2023.
- xviii) Report of the Auditor General on Financial Statements of Kipkelion Sub-County Level 4 Hospital - County Government of Kericho for the year ended 30th June, 2023.

- xix) Report of the Auditor General on Financial Statements of Kapsabet County Referral Hospital - County Government of Nandi for the year ended 30th June, 2023.
- xx) Report of the Auditor General on Financial Statements of Vihiga County Referral Hospital - County Government of Vihiga for the year ended 30th June, 2023.
- xxi) Report of the Auditor General on Financial Statements of Kacheliba Sub-County Level 4 Hospital - County Government of West Pokot for the year ended 30th June, 2023.
- xxii) Report of the Auditor General on Financial Statements of Kapenguria County Referral Hospital - County Government of West Pokot for the year ended 30th June, 2023.
- xxiii) Report of the Auditor General on Financial Statements of Cheptais Level 4 Hospital - County Government of Bungoma for the year ended 30th June, 2023.
- xxiv) Report of the Auditor General on Financial Statements of Banisa Sub-County Level 4 Hospital - County Government of Mandera for the year ended 30th June, 2023.
- xxv) Report of the Auditor General on Financial Statements of Elwak Sub-County Level 4 Hospital - County Government of Mandera for the year ended 30th June, 2023.
- xxvi) Report of the Auditor General on Financial Statements of Kutulo Sub-County Level 4 Hospital - County Government of Mandera for the year ended 30th June, 2023.
- xxvii) Report of the Auditor General on Financial Statements of Garissa County Level 5 Referral and Teaching Hospital - County Government of Garissa for the year ended 30th June, 2023.
- xxviii) Report of the Auditor General on Financial Statements of Murang'a Level 5 Hospital - County Government of Murang'a for the year ended 30th June, 2023.
- xxix) Report of the Auditor General on Financial Statements of Homa Bay County Teaching and Referral Hospital - County Government of Homa Bay for the year ended 30th June, 2023.
- xxx) Report of the Auditor General on Financial Statements of Ndhiwa Level 4 Hospital - County Government of Homa Bay for the year ended 30th June, 2023.

- xxxix) Report of the Auditor General on Financial Statements of Ogongo Level 4 Hospital - County Government of Homa Bay for the year ended 30th June, 2023.
- xxxixii) Report of the Auditor General on Financial Statements of Mbita Level 4 Hospital - County Government of Homa Bay for the year ended 30th June, 2023.
- xxxixiii) Report of the Auditor General on Financial Statements of Kendu Bay Sub-County Hospital - County Government of Homa Bay for the year ended 30th June, 2023.
- xxxixiv) Report of the Auditor General on Financial Statements of Magunga Level 4 Hospital - County Government of Homa Bay for the year ended 30th June, 2023.
- xxxixv) Report of the Auditor General on Financial Statements of Kitui County Referral Level 4 Hospital - County Government of Kitui for the year ended 30th June, 2023.
- xxxixvi) Report of the Auditor General on Financial Statements of Gatundu Level 5 Hospital - County Government of Kiambu for the year ended 30th June, 2023.
- xxxixvii) Report of the Auditor General on Financial Statements of Keringet Level 4 Sub County Hospital - County Government of Nakuru for the year ended 30th June, 2023.
- xxxixviii) Report of the Auditor General on Financial Statements of Kabazi Sub-County Hospital - County Government of Nakuru for the year ended 30th June, 2023.
- xxxixix) Report of the Auditor General on Financial Statements of Esani Sub-County Hospital - County Government of Nyamira for the year ended 30th June, 2023.
- xl) Report of the Auditor General on Financial Statements of Ekerenyo Sub-County Level 4 Hospital - County Government of Nyamira for the year ended 30th June, 2023.
- xli) Report of the Auditor General on Financial Statements of Kijauri Sub-County Level 4 Hospital - County Government of Nyamira for the year ended 30th June, 2023.
- xlii) Report of the Auditor General on Financial Statements of Nyamira County Referral Hospital - County Government of Nyamira for the year ended 30th June, 2023.

- xliv) Report of the Auditor General on Financial Statements of Nyamusi Sub-County Level 4 Hospital - County Government of Nyamira for the year ended 30th June, 2023.

(Sen. Tabitha Mutinda, MP on behalf of the Senate Majority Leader)

- xliv) Report of the Standing Committee on Labour and Social Welfare on its consideration of the County Assemblies Pensions Scheme Bill (Senate Bills No. 14 of 2024).

- xlvi) Report of the Standing Committee on Labour and Social Welfare on the inquiry on the welfare of workers in the Export Processing Zones (EPZs) in Mombasa and Kilifi Counties.

(The Chairperson, Standing Committee on Labour and Social Welfare)

- xlvi) Report of the Standing Committee on Devolution and Intergovernmental Relations on a Statement sought by Sen. David Wakoli, MP, regarding the state of markets in Bungoma County.

- xlvi) Report of the Standing Committee on Devolution and Intergovernmental Relations on a Statement sought by Sen. Godfrey Osotsi, MP, regarding the state of markets in Vihiga County.

- xlvi) Report of the Standing Committee on Devolution and Intergovernmental Relations on an inquiry into alleged security concerns raised by Hon. Philomenah Kapkory, the Deputy Governor of Trans Nzoia County.

(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

6. **NOTICE OF MOTION – REPORT OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE ON AN INQUIRY INTO THE WELFARE OF WORKERS IN EXPORT PROCESSING ZONES (EPZS) IN MOMBASA AND KILIFI COUNTIES.**

(Sen. Miraj Abdillahi Abdulrahman, MP on behalf of the Chairperson, Standing Committee of Labour and Social Welfare)

THAT, the Senate adopts the Report of the Standing Committee on Labour and Social Welfare on an inquiry into the plight of workers in the Export Processing Zones (EPZs) in Mombasa and Kilifi Counties, laid on the Table of the Senate on Tuesday, 1st October, 2024.

7. **NOTICE OF MOTION – REPORT OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS ON ITS INQUIRY INTO PERSONAL SECURITY CONCERNS RAISED BY HON. PHILOMENA KAPKORY, DEPUTY GOVERNOR, TRANS NZOIA COUNTY**

(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

THAT, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations on its inquiry into the allegations on personal security concerns raised by Hon. Philomena Kapkory, Deputy Governor, Trans Nzoia County laid on the Table of the Senate on Tuesday, 1st October, 2024.

8. **NOTICE OF MOTION – REPORTS OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS ON ITS INQUIRY INTO THE STATE OF MARKETS IN VIHIGA AND BUNGOMA COUNTIES ARISING FROM STATEMENTS SOUGHT BY SEN. GODFREY OSOTSI, MP AND SEN. DAVID WAKOLI, MP**

(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

THAT, the Senate adopts Reports of the Standing Committee on Devolution and Intergovernmental Relations on its inquiry into the state of markets in Vihiga and Bungoma counties arising from statements sought by Sen. Godfrey Osotsi, MP and Sen. David Wafula Wakoli, MP laid on the Table of the Senate on Tuesday, 1st October, 2024.

9. **STATEMENTS**

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

- i) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a Statement from the Standing Committee on Labour and Social Welfare regarding claims of mismanagement of employment, human resource and payroll matters in Nandi County.
- ii) The Senator for Nairobi City County (Sen. Edwin Sifuna, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the alleged grabbing of public utility and private lands in parts of Nairobi City County.
- iii) The Senator for Embu County (Sen. Alexander Mundigi, MP) on behalf of the Senator for Kirinyaga County (Sen. James Murango, MP) sought a Statement from the Standing Committee on Education concerning the ongoing industrial action by the academic and non-academic members of staff in public universities in Kenya.
- iv) Request for a Statement by the Senator for Nyandarua County (Sen. John Methu, MP) from the Standing Committee on Energy regarding the change of location of power lines and poles along the Njabini – Olkalou road during the upgrading of the road to bitumen standards was **dropped** in the absence of the Senator.
- v) The Senator for Kisii County (Sen. Richard Onyonka, MP) sought a Statement from the Standing Committee on Agriculture, Livestock and Fisheries concerning the status and management of the Agricultural Development Corporation (ADC) farms in Kenya.

- vi) Nominated Senator (Sen. Hezena Lemaletian, MP) sought a Statement from the Standing Committee on Finance and Budget regarding the persistent failure by Government entities to reserve at least thirty percent of their procurement budgetary allocations in every financial year for the youth, women and persons with disability, as mandated by law.

(b) Statements pursuant to Standing Order 56 (1) (b)

- i) A Statement relating to the activities of the Standing Committee on Land, Environment and Natural Resources for the period, April to August, 2024 was **dropped** in the absence of the Chairperson.
- ii) The Chairperson, Standing Committee on National Cohesion, Equal Opportunity and Regional Integration made a Statement relating to the activities of the Committee for the period, April to August, 2024.
- iii) The Senator for Isiolo County (Sen. Fatuma Dullo, MP) on behalf of the Chairperson, Standing Committee on National Security, Defence and Foreign Relations made a Statement relating to the activities of the Committee for the period, April to August, 2024.

10. **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**

Order read;

Motion made and Question proposed;

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.

(The Chairperson, Standing Committee on National Security, Defence and Foreign Relations – 26.09.2024)

Debate interrupted on Thursday, 26th September, 2024, resumed for the Question to be put;

Before the Question was put and pursuant to Standing Order 84(1), the Speaker ruled that the Motion does not affect counties;

And the Speaker having ascertained that there was Quorum, pursuant to Standing Order 42 (1);

Question put and **agreed to.**

RESOLVED ACCORDINGLY

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.

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

(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 25th September, 2024 – Afternoon Sitting)
(Division)

Order deferred.

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

(Sen. Mariam Sheikh Omar, MP)

(Second Reading)

(Resumption of debate interrupted on Thursday, 26th September, 2024)
(Division)

Order deferred.

13. **MOTION – REPORT OF THE JOINT SITTINGS OF THE DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING OF THE NATIONAL ASSEMBLY, AND THE STANDING COMMITTEE ON FINANCE AND BUDGET OF THE SENATE, ON THE APPROVAL HEARING OF MR. DAVID KIBET KEMEI, NOMINEE FOR APPOINTMENT TO THE POSITION OF DIRECTOR-GENERAL OF THE COMPETITION AUTHORITY**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Joint Sittings of the Departmental Committee on Finance and National Planning of the National Assembly and the Standing Committee on Finance and Budget of the Senate, on the approval hearing of Mr. David Kibet Kemei, nominee for appointment as the Director-General of the Competition Authority, laid on the Table of the Senate on Thursday, 26th September 2024; and that pursuant to Section 12(1)

of the Competition Act and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, the Senate **approves** the nomination of **Mr. David Kibet Kemei** for appointment as the Director-General of the Competition Authority.

(Vice-Chairperson, Standing Committee on Finance and Budget)

Debate arising;

Quorum of the Senate

Rising on a Point of Order pursuant to Standing Order 41(1), Nominated Senator (Sen. Hamida Kibwana, MP), drew the attention of the Temporary Speaker (Sen. Abdul Haji, MP) to the fact that there was no quorum in the Senate.

And the Temporary Speaker (Sen. Abdul Haji, MP), having counted the Senators present and confirming that there was no quorum in the House, ordered the quorum 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 forty-two minutes past Five O'clock pursuant to Standing Order 41(2) without Question put.

14. **SENATE ROSE** - at forty-two minutes past five O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Wednesday, October 02, 2024 at 9.30 a.m.*

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