

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 19th November, 2024

*The House met in the Senate Chamber,
Parliament Buildings, at 2.30 p.m.*

[The Speaker (Hon. Kingi) in the Chair]

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Clerk, do we have quorum? Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

Hon. Senators, we do have quorum now. So, we will proceed with the day's business. Clerk, proceed to call the first Order.

PAPERS LAID

REPORT ON STATE OF THE JUDICIARY AND ADMINISTRATION OF JUSTICE

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, Tuesday, 19th November, 2024-

The state of the Judiciary and Administration of Justice Report for Financial Year 2023/2024.

(Sen. Cheruiyot laid the document on the Table)

The Speaker (Hon. Kingi): The next one is by the Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries, or any Member of that committee.

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REPORT ON CONSIDERATION OF NATIONAL ASSEMBLY
AMENDMENTS TO THE COTTON INDUSTRY DEVELOPMENT BILL
(SENATE BILLS NO. OF 2023)

Sen. Wamatinga: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, Tuesday, 19th November, 2024-

Report of the Standing Committee on Agriculture, Livestock and Fisheries on its consideration of the National Assembly Amendments to the Cotton Industry Development Bill (Senate Bills No.5 of 2023).

(Sen. Wamatinga laid the document on the Table)

The Speaker (Hon. Kingi): The next one is by the Chairperson of the Standing Committee on National Security, Defence and Foreign Relations, or any Member of the committee to proceed.

REPORT ON CONSIDERATION OF NATIONAL DISASTER RISK
MANAGEMENT BILL (NATIONAL ASSEMBLY No.24 OF 2023)

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, Tuesday, 19th November, 2024-

Report of the Standing Committee on National Security, Defence and Foreign Relations on its consideration of the National Disaster Risk Management Bill (National Assembly Bills No.24 of 2023).

(Sen. Cheruiyot laid the document on the Table)

(Sen. Cherarkey consulted loudly)

The Speaker (Hon. Kingi): Order, Senator for Nandi.
Let us go to the next Order.

NOTICES OF MOTIONS

CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS
TO THE COTTON INDUSTRY DEVELOPMENT BILL
(SENATE BILLS No.5 OF 2023)

Sen. (Dr.) Murango: Mr. Speaker, Sir, I beg to give the following Notice of Motion-

THAT, the National Assembly amendments to the Cotton Industry Development Bill (Senate Bills No. 5 of 2023) be now considered.

I thank you.

The Speaker (Hon. Kingi): Proceed, Senate Majority Leader.

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APPROVAL OF NOMINATION OF SEN. WAHOME
WAMATINGA, MP, FOR APPOINTMENT TO THE PSC

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to give the following Notice of Motion-

THAT, pursuant to the provisions of Article 127(2)(c)(i) of the Constitution, the Senate approves the nomination of Sen. Wahome Wamatinga, MP, for appointment to the Parliamentary Service Commission to fill the vacancy occasioned by the resignation of Sen. John Nderitu Kinyua, MP.

The Speaker (Hon. Kingi): Let us go to the next Order.

(Loud consultations)

Order, hon. Senators. Clerk, call out the next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

The Speaker (Hon. Kingi): We will start with Statements pursuant to Standing Order No.53(1).

Senator for Nandi, you may proceed.

QUALITY AND STANDARDS OF CEMENT IN THE KENYAN MARKET

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order 53(1) to seek a statement from the Standing Committee on Trade, Industrialization and Tourism regarding the quality and standards of cement in the Kenyan market.

In the statement, the Committee should-

(1) Report the compliance of cement produced in Kenya with Kenyan Bureau (KEBS) Standards, KSEAS 18-1, outlining the adherence levels of all cement manufacturers to these standards.

(2) Present a report on the findings of the recent market surveillance operation conducted by Kenyan Bureau of Standards on the quality of cement in Kenya, specifically addressing the reasons behind the non-implementation of quality assurance recommendations, particularly regarding the cement in the 32.5 megapascal (MPA) category, which accounts to approximately 85 per cent of the total cement production in the country.

(3) Detail the actions taken against unscrupulous cement manufacturers and smugglers who have compromised cement quality, leading to the collapse of buildings and loss of lives, including details of any enforcement measures, despite having clear

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data on quality breaches where buildings have been collapsing in various towns and centres across the country.

(4) Clarify where the Weights and Measures Department and the Kenya Anti-Counterfeit Authority failed in their responsibilities in monitoring compliance and ensuring consumer protection under the Consumer Protection Authority, thereby contributing to the poor quality of concrete and cement used in construction and compromising the safety of buildings.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Hon. Karen Nyamu, please proceed. Is Sen. Nyamu not in the House? That statement is dropped.

INSECURITY IN EASTLEIGH ESTATE

(Statement dropped)

Sen. Richard Onyonka, please proceed. Is Sen. Onyonka not in the House? That statement is dropped.

ALLEGED DELAY IN DISBURSING PENSION TO RETIRED KEMRI EMPLOYEES

(Statement dropped)

(Interruption of Statements)

Hon. Senators, before I allow comments on the statement by the Senator for Nandi County, allow me to make this Communication.

(Several Senators stood at their places)

Take your seats Hon. Senators.

COMMUNICATION FROM THE CHAIR

STATE OF THE NATION ADDRESS

Hon. Senators, Article 132(1)(b) mandates the President to address a Special Sitting of Parliament once every year.

Article 132(1)(c) also requires the President once every year to do the following-

(1) Report in an address to the nation on all measures taken and progress achieved in the realization of the national values referred to Article 10.

(2) Publish in the Gazette the details of the measures and progress under (1).

(3) Submit a report for debate to the National Assembly on the progress made in fulfilling the international obligations of the Republic.

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Further, Article 247 of the Constitution requires the National Security Council to report annually to Parliament on the state of security of Kenya.

Ordinarily, this report is submitted to Parliament during the address of the President by the President, referred to under Article 132(1)(b) and tabled in the Houses of Parliament.

Vide the letter reference number EOP/CAB.26/4AVol. 4(178), dated 9th September, 2024, the Chief of Staff and Head of Public Service inform the Speakers of the Houses of Parliament of the intention of His Excellency the President to deliver an address to Parliament in accordance with Article 132(1)(b) and (c) of the Constitution.

The Chief of Staff and Head of Public Service further requested the Speakers' concurrence to schedule the State of the National address on Thursday, 7th November, 2024 or Thursday 14th November, 2024 at 2.30 p.m.

Hon. Senators, following consultations between the Speakers of the Houses of Parliament and the Executive Office of the President, it was agreed that the State of the Nation address will be held on Thursday, 21st November, 2024.

I, therefore, take this opportunity to welcome all hon. Senators to this very important event that will take place in the National Assembly Chamber, from 2.30 p.m.

A team of officers has been appointed by the Clerks to coordinate the event. Further details on the Special Sitting will be communicated in due course.

I thank you, hon. Senators.

Next Order.

Well, I can see one Member on the dashboard.

Sen. Tabitha Mutinda, please proceed.

(Resumption of Statements)

Sen. Tabitha Mutinda: Thank you, Mr. Speaker, Sir. I would like to contribute to the statement by Sen. Cherarkey in regards to the standard of the cement quality in this country. This is a key issue since housing is one of the basic needs. The cement factor plays a key role.

If the agencies that are allowed and mandated to ensure quality standards are adhered, specifically KeBS, indicate that we have unscrupulous business people bringing in substandard cement into the country, then they jeopardise the standards that have been set by the National Construction Authority (NCA) as far as the standard of housing in this country is concerned.

Mr. Speaker, Sir, one of the manifestos for the Kenya Kwanza Government is the housing project. Therefore, noting that there are issues with the standard of the cement in the country is a concerning issue. So, it is high time that a committee is mandated to embark and give this House feedback as to why we have substandard cement. At the same time, in the market, the cost of cement is very high.

Right, now cement is retailing at Kshs850. The cost has gone very high. If the cost is high and still we are being informed that the same cement is not up to the standards, then it worries us as a country as to the kind of structures that we will have in future.

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We have seen buildings in Nairobi City County collapsing. Is this the cause? The KeBS should ensure the set standards are adhered to.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Okoiti Omtatah.

Sen. Okiya Omtatah: Thank you, Mr. Speaker. Sir. I rise to contribute to the statement by Sen. Cherarkey, the great from Nandi County.

The quality of cement is important and should not be compromised because cement is shelter. It is everything we have in terms of building homes that are lasting and urbanization, especially in Kenya, where the next frontier is urbanization as a way of combating poverty. We need good quality cement at affordable prices.

Mr. Speaker, Sir, this statement comes at a very opportune time for us. I hope that the committee that will look into it will dig in and ferret out whoever is behind cement that does not meet the standards that have been set by the KeBS. These standards are regularly revised and they are up to date. The least any businessman can do to this country is to ensure adherence to the KeBS standards.

We have seen buildings collapsing in this country as my fellow Senator who has contributed before me has stated. That is mostly not because of poor design, but poor materials. There might be a problem with workmanship, but materials are key.

We must make sure that we have the right material. In this country, when constructions are going on, some contractors have to import cement from their homeland. I always wondered why the Chinese come with their own cement to do certain projects in this country. Is it that the cement made in Kenya is substandard or are our standards not to international levels?

Mr. Speaker, Sir, if there are standards that need to be set to achieve higher quality cement that can do specialised jobs like underwater construction and so on, then we need to have those standards set. We do not have to import cement when we have enough raw material to manufacture whatever cement we require.

Another important thing is that if the standards are upheld to make sure that the cement in Kenya; be it imported or locally made, meets the international standards. This is the only way we will be in a position to get ourselves into the regional and even international market as net exporters of cement. This is an area of growth and job creation. Therefore, this country needs to focus on this area if we aim to be a manufacturing country.

It is with cement that skyscrapers are constructed. When I walk around Kenyatta International Convention Centre (KICC), I do not see a crack. However, when you look at some modern buildings, they already have cracks. You wonder whether it is the quality of cement. More so, the Bunge Tower is already cracked. Was it the quality of cement? Did they bring in some substandard cement or what was it?

We need to get this thing answered well and in a timely manner. Going forward, when you go to a shop in any part of this country to buy cement, we want to buy cement that is certified and suitable for modern construction.

If you look at the Raila Odinga, or is it Mbagathi Highway, although I still do not know which is the correct name for it, I will consult Sen. Cherarkey *baadaye*--- You will find that road was done using cement. For those of us who use it, that road has remained

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steady for a long time. It was supposed to be a pilot project. We do not know whether the issue was shelved or not. Therefore, we may need to move away from bitumen and embrace more cement in our roads. This is so that we build proper roads.

I am also aware of the fact that heavy trucks that are known for damaging our roads are not using Mbagathi Road. Nonetheless, it is a road that has withstood time. Subsequently, the quality of cement is a very important point for me and for this Republic.

Mr. Speaker, Sir, I support that statement. As I contribute, I pray that the committee to which it has been committed, does thorough work, beginning with establishing whether our standards are up to scratch. There will be no point of holding it to a standard that is not up to scratch. Let us hold our standards to the best in the world. Let them pass muster, check and see whether the cement we have is up to those standards.

With those few remarks, I support the statement.

(Applause)

The Speaker (Hon. Kingi): Hon. Senators, the 15 minutes allowable under our Standing Orders have long been expended, therefore, we will rest the interventions there. Now, Hon. Wakili Sigei, you had a statement under Standing Order No.52. Proceed.

INEFFICIENCIES, MISMANAGEMENT AND CORRUPTION
AT LONGISA COUNTY REFERRAL HOSPITAL IN BOMET COUNTY

Sen. Wakili Sigei: Thank you, Mr. Speaker, Sir. I thank you for graciously allowing me to read this statement that I had earlier on been left out.

I rise to seek for a statement on the critical inefficiencies, mismanagement and corruption at Longisa County Referral Hospital in Bomet County and the Bomet County Health System.

Mr. Speaker, Sir, this statement is pursuant to Standing Order No.53 (1).

The level of inefficiency and management resulted in the tragic avoidable death at the County Referral Hospital on Sunday, the 10th of November, 2024, of one baby Diana Chepngeno, a three-year-old girl from Koitabai Village in Bomet County who had suffered severe venom-induced injuries from a bee sting.

It is claimed that the hospital staff demanded Kshs5,000 from the family; an illegal fee disguised as a prerequisite for accessing crucial hospital services before they could provide the urgent medical care that was needed. This is not an isolated incident and is a blatant display of the rot of corruption that has plagued the county's service delivery system.

It should be noted that during a recent appearance before the Senate County Public Investments and Special Funds Committee (CPISFC), the Governor of Bomet boasted of Longisa Hospital's capacity, asserting that it operates effectively as a Level 5 facility. The governor's confident statements sharply contrast with the harsh reality faced

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by patients and raise questions about the true state of health care services at the said hospital and the county at large.

In the statement, the Committee should—

(1) Explain the circumstances that led to the tragic death of baby Diana Chepngeno at Longisa County Referral Hospital.

(2) State the disciplinary actions taken by the Kenya Medical Practitioners and Dentists Council (KMPDC) against those found culpable for negligence and gross misconduct that resulted in the tragic death of baby Chepngeno, outlining other steps taken to ensure that such incidences are not witnessed again in the future.

(3) Assess the adequacy and effectiveness of the Bomet County Emergency Response Protocols, indicating the availability and cost of the ambulance services for health emergencies.

(4) Outline steps taken to address identified systemic challenges within Bomet County's health care system, assessing the training, preparedness and professionalism of health care staff, particularly during medical emergencies.

(5) Lastly, evaluate the utilisation of resources allocated to the health sector in Bomet County.

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, you may proceed. The Senate Majority Leader, you may proceed.

MOTION

APPROVAL OF NOMINATION OF SEN. WAHOME
WAMATINGA, MP, FOR APPOINTMENT TO THE PSC

Sen. (Dr.) Khalwale: Would you like me to move it for you, Sir.

(Laughter)

The Senate Majority Leader (Sen. Cheruiyot): I do not trust the Senator for Kakamega with certain assignments, but he is a good man.

(Laughter)

Mr. Speaker, Sir, I beg to request to move this Motion, which is the appointment of a Member of Parliament (MP) to the Parliamentary Service Commission (PSC).

THAT pursuant to the provisions of Article 127 (c)(1) of the Constitution, the Senate approves the nomination of Sen. Wahome Wamatinga, MP, for the appointment to the Parliamentary Service Commission (PSC), to fill the vacancy occasioned by the resignation of Sen. John Nderitu Kinyua.

Mr. Speaker, Sir, this is a very straightforward matter. We had already conversed who our representatives are in PSC. Given that one of our colleagues has resigned from this position, we are requesting the House to simply replace him with Sen. Wahome Wamatinga. Therefore, I do not intend to speak long on this matter. It is a very

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straightforward matter. I request the Leader of Minority, Sen. Stewart Madzayo to second.

Sen. Madzayo: Thank you, Mr. Speaker, Sir, I beg to second.

The Speaker (Hon. Kingi): Hon. Senators, I will now propose the question.

(Question proposed)

Hon. Senators, the Floor is open for debate, but this is procedural. With your concurrence, if you allow me, I will proceed to put the question.

(Several Senators spoke off the record)

Thank you, hon. Senators. Since this is a matter that does not concern counties, it will be a voice vote. I will proceed to put the question.

(Question put and agreed to)

Clerk, you may proceed to call the next Order.

BILL

Second Reading

THE COUNTY GOVERNMENTS ELECTION LAWS
(AMENDMENT) BILL (SENATE BILLS NO.2 OF 2024)

(Sen. Chrystal Asige on 23.10.2024)

(Resumption of debate interrupted on 29.10.2024)

(Division)

Serjeant-at-Arms, kindly ring the Quorum Bell for five minutes.

(The Quorum Bell was rung)

Hon. Senators, kindly take your seats.

Serjeant-at-Arms, kindly close the doors and draw the bar.

(The Bars were drawn and Doors closed)

Hon. Senators, we will proceed with Division on Order No.9. So, I will proceed to put the question. Voting will be done electronically.

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Hon. Senators, pull out the delegates' cards from the units. Serjeant-at-Arms, kindly pick any unattended cards from the units.

Serjeant-at-Arms, are you done? Good, now hon Senators, you may now log back into the delegate unit and vote from now.

Sen. Nyutu, proceed to the Dispatch Box and cast your vote.

Sen. Beth Syengo, take your seat.

DIVISION

ELECTRONIC VOTING

(Question, that the County Governments Elections Laws (Amendment) Bill (Senate Bills No.2 of 2024) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Ali Roba, Mandera County; Sen. Boy, Kwale County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Lomenen, Turkana County; Sen. Kisang', Elgeyo Marakwet County; Sen. Madzayo, Kilifi County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Embu County; Sen. (Dr) Murango, Kirinyaga County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

NOES: Nil

The Speaker (Hon. Kingi): Hon. Senators, the results of the division are as follows-

AYES: 26

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 26 votes to Nil)

(The Bill was read a Second Time and committed to a Committee of the Whole tomorrow)

BILL

Second Reading

THE COUNTY PUBLIC FINANCE LAWS (AMENDMENT)

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BILL (SENATE BILLS NO.39 OF 2023)

(Sen. Cheruiyot on 29.10.2024)

(Resumption of debate interrupted on 12.11.2024)

(Division)

The Speaker (Hon. Kingi): Hon. Senators, I now put the Question on Order No.10.

Can the system be made ready for voting?

You may now proceed to vote, Hon. Senators.

DIVISION

ELECTRONIC VOTING

(Question, that the County Public Finance Laws (Amendment) Bill (Senate Bills No.39 of 2023) be now Read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Ali Roba, Mandera County; Sen. Boy Issa, Kwale County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo Marakwet County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Dr. Murango, Kiyinyaga County; Sen. Murgo, West Pokot County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

NOES: Nil

The Speaker (Hon. Kingi): Hon. Senators, the results of the Division are as follows.

AYES: 26

NOES: 0

ABSTENTION: 0

The "Ayes" have it.

(Question carried by 26 votes to Nil)

(The Bill was read a Second time and committed to a Committee of the Whole tomorrow)

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BILL*Second Reading*

THE ELECTIONS (AMENDMENT) (No.2)
BILL (SENATE BILLS NO.29 OF 2024)

(Sen. Cheruiyot on 29.10.2024)

(Resumption of debate interrupted on 14.11.2024)

(Division)

The Speaker (Hon. Kingi): May the system be ready for voting.

(The Senators proceeded to vote)

The Senator for Nandi County and the Senate Majority Leader, please proceed to the Dispatch Table and vote.

*(Sen. Cherarkey and Sen. Cheruiyot
proceeded to register their vote)*

DIVISION

ELECTRONIC VOTING

*(Question, that the Elections (Amendment) (No.2) Bill
(Senate Bills No.29 of 2024) be now Read a Second Time, put
and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Abass, Wajir County; Sen. Ali Roba, Mandera County; Sen. Boy Issa, Kwale County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo Marakwet County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Dr. Murango, Kiyinyaga County; Sen. Murgo, West Pokot County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; Sen. Wambua, Kitui County.

NOES: Nil

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The Speaker (Hon. Kingi): Hon. Senators, the results of the Division are as follows.

AYES: 26

NOES: 0

ABSTENTION: 0

The “Ayes” have it.

(Question carried by 26 votes to Nil)

(The Bill was read a Second time and committed to a Committee of the Whole tomorrow)

MOTION

ADOPTION OF MEDIATION COMMITTEE REPORT ON THE WATER
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO.33 OF 2023)

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, 22nd 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. Cheruiyot on 30.11.2023)

(Resumption of debate interrupted on 12.11.2024)

(Division)

The Speaker (Hon. Kingi): In order to bring clarity, a yes vote means you are approving the mediated version of the Bill. That is what the committee recommended to the House. So, let us be very clear on how we will be voting.

(There was a technical hitch)

Clerk, where is the system?

(The Clerk-at-the-Table consulted with the Speaker)

[The Speaker (Hon. Kingi) left the Chair]

[The Temporary Speaker (Sen. Wakili Sigei) in the Chair]

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The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, you can now proceed to vote.

(The Senators proceeded to vote)

DIVISION

ELECTRONIC VOTING

(Question, 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, 22nd October 2024 (Afternoon Sitting) and further that, pursuant to Article 113 (2) of the Constitution and Standing Order No.167(3) of the Senate, approves the Mediated Version of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Ali Roba, Mandera County; Sen. Boy; Kwale County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo Marakwet County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

NOES: Nil

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, these are the results of the Division.

AYES: 26

NOES: Nil

ABSTENTION: Nil

The "Ayes" have it.

(Question carried by 26 votes to Nil)

Hon. Members, I now put the Question on Order No.13.

MOTION

ADOPTION OF REPORT OF THE MEDIATION COMMITTEE
ON THE NATIONAL RATING BILL (NATIONAL ASSEMBLY
BILLS NO.55 OF 2022)

THAT, the Senate adopts the Report of the Mediation Committee on the National Rating Bill (National Assembly Bills No. 55 of 2022), laid on the table of the Senate on Wednesday, 30th 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. Ogola on 12.11.2024)

(Resumption of debate interrupted on 12.11.2024)

(Division)

Hon. Senators, you may now proceed to cast your vote.

(The Senators proceeded to vote)

Senate Majority Leader, Sen. (Dr.) Khalwale, Sen. (Dr.) Murango and the Senator for Nandi, Sen. Cherarkey, proceeded to the Dispatch Table and voted manually.

Sen. (Dr.) Murango, I directed that you proceed to the Dispatch Table to cast your vote.

DIVISION

ELECTRONIC VOTING

(Question, that the Senate adopts the Report of the Mediation Committee on the National Rating Bill(National Assembly Bills No. 55 of 2022), laid on the table of the Senate on Wednesday, 30th 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, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Ali Roba, Mandera County; Sen. Boy, Kwale County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo Marakwet County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen.

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Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

NOES: Nil

The Temporary Speaker (Sen. Wakili Sigei): Now, hon. Members these are the results of the vote –

AYES: 26

NOES: 0

ABSENTION: 0

The “Ayes” have it.

(Question carried by 26 votes to Nil)

Hon. Senators, we still have one Order, No.14. Please, proceed to vote.

MOTION

ADOPTION OF REPORT ON CONSIDERATION OF AUDIT REPORTS OF VARIOUS WATER SERVICE PROVIDERS

THAT, the Senate adopts the Reports of the Select Committee on County Public Investments and Special Funds on its consideration of the Audit Reports for the year ended, 30th June, 2019, 30th June, 2020 and 30th June, 2021 of the following Water Service Providers-

- (i) Amatsi Water Services Company Limited - Vihiga County;
- (ii) Bomet Water Company Limited – Bomet County;
- (iii)Gusii Water and Sanitation Company Limited - Kisii/Nyamira Counties;
- (iv)Kisumu Water and Sanitation Company Limited -Kisumu County;
- (v) Kwale Water and Sewerage Company Limited - Kwale County; and
- (vi)Nyeri Water and Sanitation Company Limited - Nyeri County.

and the Audit Report of the Wajir Water and Sewerage Company Limited for the year ended 30th June, 2021, laid on the Table of the Senate on Thursday, 23rd November, 2023.

(Sen. Osotsi on 23.10.2023)

(Resumption of debate interrupted on 13.11.2024 - Afternoon Sitting)

(Division)

(Voting in progress)

Senate Majority Leader, please resume your seat.

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(Sen. Cheruiyot resumed his seat)

DIVISION

ELECTRONIC VOTING

(Question, that the Senate adopts the Reports of the Select Committee on County Public Investments and Special Funds on its consideration of the Audit Reports for the year ended, 30th June 2019, 30th June, 2020 and 30th June, 2021 of the following Water Service Providers - Amatsi Water Services Company Limited - Vihiga County; Bomet Water Company Limited – Bomet County; Gusii Water and Sanitation Company Limited – Kisii/Nyamira Counties; Kisumu Water and Sanitation Company Limited –Kisumu County; Kwale Water and Sewerage Company Limited – Kwale County; and Nyeri Water and Sanitation Company Limited – Nyeri County and the Audit Report of the Wajir Water and Sewerage Company Limited for the year ended 30th June 2021, laid on the Table of the Senate on Thursday, 23rd November 2023, put and the Senate proceeded to vote by county delegations)

AYES: Sen. Abass, Wajir County; Sen. Ali Roba, Mandera County; Sen. Boy, Kwale County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang’a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo Marakwet County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

NOES: Nil

The Temporary Speaker (Sen. Wakili Sigei): Now, hon. Members, these are the results of the vote –

AYES: 26

NOES: 0

ABSENTION: 0

The “Ayes” have it.

(Question carried by 26 votes to Nil)

Serjeant-at-Arms, you may now draw the Bar and open the Door.

(The Bar was drawn and the Doors closed)

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Hon. Senators, we are proceeding to read the next order, that is on Bills that are on the Committee of the Whole.

Clerk, kindly read out Order Nos.15, 16, 17 and 18.

COMMITTEE OF THE WHOLE

(Order for Committee read)

[The Temporary Speaker (Sen. Wakili Sigei) left the Chair]

IN THE COMMITTEE

[The Temporary Chairperson (Sen. Wakili Sigei) in the Chair]

THE METEOROLOGY BILL (SENATE BILLS NO.45 OF 2023)

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Senators, we are now in the Committee of the Whole to consider the Meteorology Bill (Senate Bills No.45 of 2023) and we are going straight to voting.

Serjeant-at-Arms, kindly ring the Division Bell for five minutes.

(The Division Bell was rung)

Hon. Members, kindly resume your seats so that we go directly to voting.

Serjeant-at-Arms, kindly draw the bars and close the doors.

(The Bar was drawn and the Doors closed)

Serjeant-at-Arms, kindly pull out the unattended cards from the delegate units.

Hon. Members, you may now log back into your delegate units. I now put the Question on the New Clauses, that New Clauses 8A, 8B and 8C, be now read a Second Time.

Please proceed to vote.

(Voting in progress)

Sen. Wamatinga, Sen. Tabitha, please proceed to vote.

(Voting in progress)

Sen. Mwenda Gataya, please, proceed to the Dispatch Box and vote.

(Sen. Gataya Mo Fire approached the Dispatch Box and voted)

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(Voting in progress)

Let us proceed to the second set of clauses with amendments.
I put the Question that Clauses 3, 7, 36, 37, 40 and the Second Schedule be amended as proposed.

Hon. Senators, please proceed to cast your vote.

(Voting in progress)

Sen. Fatuma Dullo, please approach the Dispatch Box.

(Sen. Dullo approached the Dispatch Box)

Hon. Senators, we are now progressing to the third Division on all clauses. I now put the question. Hon. Senators, you may now proceed to vote.

(Voting in Progress)

Now, Hon. Members, we are declaring the results of the first division.

DIVISION

ELECTRONIC VOTING

(Question, that New Clauses 8A, 8B and 8C be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Boy, Kwale County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka-Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo-Marakwet County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mungatana, MGH, Tana River County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Ogola, Homa Bay County; Sen. Murgor, West Pokot County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi County; Sen. Tabitha Keroche, Nakuru County; Sen. (Prof.) Tom Ojienda Odhiambo, SC Kisumu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County and Sen. Wambua, Kitui County.

NOES: Nil.

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Senators, the results of the Division are as follows:

AYES: 28

NOES: Nil

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ABSTENTION: Nil

The “Ayes” have it.

(Question carried by 28 votes to Nil)

(Question, that Clauses 3, 7, 36, 37, 40 and the Second Schedule be amended as proposed, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Boy, Kwale County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang’a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo Marakwet County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mungatana, MGH, Tana River County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Ogola, Homa Bay County; Sen. Murgor, West Pokot County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi County Sen. Tabitha Keroche, Nakuru County; Sen. (Prof.) Tom Ojienda Odhiambo, SC Kisumu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County and Sen. Wambua, Kitui County.

NOES: Nil.

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Senators, Hon. Senators, these are the results of the second Division-

AYES: 28

NOES: Nil

ABSTENTION: Nil

The “Ayes” have it.

(Question carried by 28 votes to Nil)

Lastly, the Third Division on the on the Meteorology Bill, 2023.

(Question that , Clauses 3 (as amended) 4, 5, 6, 7 (as amended) 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 29, 30, 31, 32, 33, 34, 35, 36 (as amended) 38, 39, 40 (as amended) 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, New Clause 8 A, New Clause 8B, New Clause 8C, the First Schedule, the Second Schedule (as amended), the Third Schedule, the Second Schedule (as amended), the Third Schedule, Clause 2, the Title and Clause 1 be part of the Bill put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Boy, Kwale County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka-Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang’a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo-Marakwet County; Sen. Lomenen,

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Turkana County; Sen. Madzayo, Kilifi County; Sen. Mungatana, MGH, Tana River County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Ogola, Homa Bay County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi County; Sen. Tabitha Keroche, Nakuru County; Sen. (Prof.) Tom Ojienda Odhiambo, SC Kisumu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; Sen. Wambua, Kitui County.

NOES: Nil.

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Senators, the results of the Division are as follows -

AYES: 27

NOES: Nil

ABSTENTION: Nil

The “Ayes” have it.

(Question carried by 27 votes to Nil)

THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT)
BILL (NATIONAL ASSEMBLY BILLS NO.59 OF 2022)

The Temporary Chairperson (Sen. Wakili Sigei): Now, Hon. Senators we are proceeding to the next Bill, which is the National Construction Authority (Amendment) Bill (National Assembly Bills No.59 of 2022) division. I will proceed to put the first question on New Clause 1A.

You may proceed to vote.

(Voting in progress)

Sen. Wafula, proceed to vote. Sen. Tabitha Keroche, proceed to the Dispatch Box. We are proceeding to call all clauses and I put the question.

Hon. Senators, proceed to vote.

(Voting in progress)

Sen. Cherarkey, proceed to the Dispatch Box.

DIVISION

ELECTRONIC VOTING

*(Question, that New Clause 1A be now read a Second Time,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Abass, Wajir County; Sen. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo-Marakwet County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mungatana, Tana River County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Ogola, Homa Bay County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi County; Sen. Tabitha Keroche, Nakuru County; Sen. (Prof.) Tom Ojienda Odhiambo, SC, Kisumu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

NOES: Nil

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Members, I will now report on the results of the voting on the National Construction Authority (Amendment) Bill (National Assembly Bills No.50 of 2022).

AYES: 26

NOES: Nil

ABSENTION: Nil

The "Ayes" have it.

(Question carried by 26 votes to Nil)

DIVISION

ELECTRONIC VOTING

(Question, that Clause 2, New Clause 1A, the Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. Cherarkey, Nandi County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka-Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo-Marakwet County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mungatana, Tana River County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Ogola, Homa Bay County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi County; Sen. Tabitha Keroche, Nakuru County; Sen. (Prof.) Tom Ojienda Odhiambo, SC, Kisumu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County ; and, Sen. Wambua, Kitui County.

NOES: Nil

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Members, I will now report on the results of the voting on the second Division.

AYES: 27

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NOES: Nil

ABSENTION: Nil

The “Ayes” have it.

(Question carried by 27 votes to Nil)

THE CANCER PREVENTION AND CONTROL (AMENDMENT)
(No.2) BILL (NATIONAL ASSEMBLY BILLS NO.45 OF 2022)

The Temporary Chairperson (Wakili Sigei): Hon. Members, the next division is on The Cancer Prevention and Control (Amendment) (No.2) Bill (National Assembly Bills No.45 of 2022).

The questions are displayed.

(Voting in progress)

Hon. Senators, continue voting. Sen. Wafula Wakoli, approach the Dispatch Box. Sen. Chute and Sen. Abass, approach the Dispatch Box as well. Sen. Chute, please proceed to vote.

DIVISION

ELECTRONIC VOTING

*(Question, that Clause 2 be amended as proposed, put
and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Abass, Wajir County; Sen. Ali Roba, Mandera County; Sen. Boy, Kwale County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka-Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang’a County; Sen. (Dr.) Khalwale, Kakamega; Sen. Kisang, Elgeyo-Marakwet County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mungatana, MGH, Tana River County; Sen. Murgor, West Pokot County; Sen. (Dr) Murango, Kirinyaga County; Sen. Ogola, Homa Bay County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Tabitha Keroche, Nakuru County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

NOES: Nil

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Senators, the results of the division are as follows-

AYES: 27

NOES: Nil

ABSTENTION: Nil

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(Question carried by 27 votes to Nil)

DIVISION

ELECTRONIC VOTING

(Question, that Clause 2 (as amended), Clause 3, Clause 4, The Title and Clause 1 be part of the Bill, put and the Senate Proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Ali Roba, Mandera County; Sen. Boy, Kwale County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka-Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. (Dr.) Khalwale, Kakamega; Sen. Kisang, Elgeyo-Marakwet County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mungatana, MGH, Tana River County; Sen. Murgor, West Pokot County; Sen. (Dr) Murango, Kirinyaga County; Sen. Ogola, Homa Bay County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Tabitha Keroche, Nakuru County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Senators, the results of the division are as follows-

AYES: 27

NOES: Nil

ABSTENTION: Nil

(Question carried by 27 votes to Nil)

THE ELECTION OFFENCES (AMENDMENT) (No.2) BILL (SENATE BILLS NO. 28 OF 2024)

The Temporary Chairperson (Sen. Wakili Sigei): We now proceed to Election Offences (Amendment) (No.2) Bill (Senate Bills No.28 of 2024).

Hon. Senators, I will now put the question. You may now proceed to vote.

(Voting in progress)

Sen. Wakoli Wafula, please approach the Dispatch Box and vote manually.

(Voting in progress)

Hon. Members, we now go to the last Division on all clauses. Hon. Senators, please proceed to vote.

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(Voting in progress)

DIVISION

ELECTRONIC VOTING

*(Question, that New Clauses 3 and 4 be now read a Second Time,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Abass, Wajir County; Sen. Boy; Kwale County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo Marakwet County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mungatana, MGH, Tana River County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Ogola, Homa Bay County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Tabitha Keroche, Nakuru County; Sen. (Prof.) Tom Odhiambo Ojienda, SC, Kisumu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

NOES: Nil

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Senators, these are the results of the Division.

AYES: 27

NOES: Nil

ABSTENTION: Nil

The "Ayes" have it.

(Question carried by 27 votes to Nil)

DIVISION

ELECTRONIC VOTING

*(Question, that Clause 2 be amended as proposed, put
and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Abass, Wajir County; Sen. Boy; Kwale County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka-Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo-Marakwet County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mungatana, MGH, Tana River County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen.

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Ogola, Homa Bay County; Sen. Oketch Gicheru, Mogori County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Tabitha Keroche, Nakuru County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

NOES: Nil

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Senators, these are the results of the Division.

AYES: 27

NOES: Nil

ABSTENTION: Nil

The “Ayes” have it.

(Question carried by 27 votes to Nil)

DIVISION

ELECTRONIC VOTING

(Question, that Clause 2 (as amended), New Clause 3, New Clause 4, the Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Boy, Kwale County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang’a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo-Marakwet County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mungatana, MGH, Tana River County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Tabitha Keroche, Nakuru County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County and Sen. Wambua, Kitui County.

NOES: Nil

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, these are the results of the Division.

AYES: 27

NOES: Nil

ABSTENTION: Nil

The “Ayes” have it.

(Question carried by 27 votes to Nil)

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Hon. Members, we are now going to report to the Senate its consideration on the four Bills: The Meteorology Bill (Senate Bills No.45 of 2023), the National Construction Authority (Amendment) Bill (National Assembly Bills No.59 of 2022), the Cancer Prevention and Control (Amendment) (No.2) Bill (National Assembly Bills No.45 of 2022) and the Election Offences (Amendment) (No.2) Bill (Senate Bills No.28 of 2024).

I call the Senate Majority Leader to move for the Committee to report to the House its consideration of the Meteorology Bill (Senate Bills No.45 of 2023).

THE METEOROLOGY BILL (SENATE BILLS NO.45 OF 2023)

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairman, Sir, I beg to move that the Committee do report to the Senate its consideration of the Meteorology Bill (Senate Bills No.45 of 2023) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

The Temporary Chairperson (Sen. Wakili Sigei): We will proceed to report to the House consideration of the National Construction Authority (Amendment) Bill (National Assembly Bills No.59 of 2022).

Proceed, Mover.

THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT)
BILL (NATIONAL ASSEMBLY BILLS NO.59 OF 2022)

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairman, Sir, I beg to move that the Committee of the Whole do report to the Senate its consideration of the National Construction Authority (Amendment) Bill (National Assembly Bills No.59 of 2022) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

THE CANCER PREVENTION AND CONTROL (AMENDMENT) (NO.2)
BILL (NATIONAL ASSEMBLY BILLS NO.45 OF 2022)

The Temporary Chairperson (Sen. Wakili Sigei): Mover, proceed.

Sen. Cherarkey: Mr. Temporary Chairman, Sir, I beg to move that the Committee of the Whole do report to the Senate its consideration of the Cancer Prevention and Control (Amendment) (No.2) (National Assembly Bill No.45 of 2022) and its approval thereof with amendments.

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(Question proposed)

(Question put and agreed to)

THE ELECTION OFFENCES (AMENDMENT)
(NO.2) BILL (SENATE BILLS NO.28 OF 2024)

The Temporary Chairperson (Sen. Wakili Sigei): Mover, proceed.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, Sir, I beg to move that the Committee of the Whole do report to the Senate its consideration of the Election Offences (Amendment) (No.2) Bill (Senate Bill No.28 of 2024) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House Resumed)

[The Temporary Speaker (Sen. Veronica Maina) in the Chair]

CONSIDERATION OF REPORTS

THE METEOROLOGY BILL (SENATE BILLS NO.45 OF 2023)

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, let us have the Chairperson.

Sen. Wakili Sigei: Thank you, Madam Temporary Speaker. I beg to report that the Committee of the Whole has considered the Meteorology Bill (Senate Bill No.45 of 2023) and its approval thereof with amendments.

The Senate Majority Leader (Sen. Cheruiyot): Madam Temporary Speaker, I beg to move that the House do agree with the Committee on the said reports.

I request Sen. Eddie Oketch to second.

Sen. Oketch Gicheru: I second.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Eddie.

(Question proposed)

(Question put and agreed to)

Sen. Wakili Sigei, please, resume your seat.

(Sen. Wakili Sigei resumed his seat)

I call upon the Mover of the Meteorology Bill (Senate Bills No.45 of 2023).

The Senate Majority Leader (Sen. Cheruiyot): Madam Temporary Speaker, I beg to Move that The Meteorology Bill (Senate Bill No.45 of 2023) be now read a Third Time. I request the Senator for Nairobi to second.

Sen. Sifuna: Madam Temporary Speaker, I beg to second.

(Question proposed)

The Temporary Speaker (Sen. Veronica Maina): Division will be at the end.

THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT)
BILL (NATIONAL ASSEMBLY BILLS NO.59 OF 2022)

The Temporary Speaker (Sen. Veronica Maina): I call upon the Chairperson to Report on The National Construction Authority (Amendment) Bill (National Assembly Bills No.59 of 2022).

Sen. Wakili Sigei: Thank you, Madam Temporary Speaker. I beg to report that the Committee of the Whole has considered The National Construction Authority (Amendment) Bill (National Assembly Bills No.59 of 2022) and its approval thereof with amendments.

The Temporary Speaker (Sen. Veronica Maina): I call upon the Mover, the Senate Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Madam Temporary Speaker, I beg to move that the House do agree with the Committee on the said report. I request Sen. Osotsi to second.

The Temporary Speaker (Sen. Veronica Maina): Sen. Osotsi, proceed. He did not second. I want to hear his voice.

Sen. Osotsi: Madam Temporary Speaker, I second.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. Veronica Maina): I call upon the Mover.

The Senate Majority Leader (Sen. Cheruiyot): Madam Temporary Speaker, I beg to move that The National Construction Authority (Amendment) Bill (National Assembly Bills No.59 of 2022) be now read a Third Time. I request Sen. Madzayo to second.

The Senate Minority Leader (Sen. Madzayo): Madam Temporary Speaker, I beg to second.

(Question proposed)

The Temporary Speaker (Sen. Veronica Maina): Division will be at the end.

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Hon. Senators, we are moving to the third Bill - The Cancer Prevention and Control Amendment (No.2) Bill (National Assembly Bills No.45 of 2022).

I call upon the Chairperson to report on The Cancer Prevention and Control Amendment (No.2) Bill (National Assembly Bills No.45 of 2022).

THE CANCER PREVENTION AND CONTROL (AMENDMENT)
(No.2) BILL (NATIONAL ASSEMBLY BILLS NO.45 OF 2022)

Sen. Wakili Sigei: Thank you, Madam Temporary Speaker. I beg to report that the Committee of the Whole has considered The Cancer Prevention and Control Amendment (No.2) Bill (National Assembly Bills No.45 of 2022) and its approval thereof with amendments.

The Temporary Speaker (Sen. Veronica Maina): I call upon the Sen. Cherarkey to move.

Sen. Cherarkey: Madam Temporary Speaker, I beg to move that the House do agree with the Committee on the said report. I request Sen. Lomenen to second.

The Temporary Speaker (Sen. Veronica Maina): Sen. Lomenen, proceed.

Sen. Lomenen: Madam Temporary Speaker, I second.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. Veronica Maina): I call upon the Mover.

Sen. Cheruiyot: Madam Temporary Speaker, I beg to Move that The Cancer Prevention and Control Amendment (No.2) Bill (National Assembly Bills No.45 of 2022) be read a Third Time. I request Sen. Githuku to second.

Sen. Githuku: Madam Temporary Speaker, I beg to second.

(Question proposed)

The Temporary Speaker (Sen. Veronica Maina): Division will be at the end.

I call upon the Chairperson to report on The Election Offences (Amendment) (No.2) Bill (Senate Bills No.28 of 2024)

THE ELECTION OFFENCES (AMENDMENT)
(No.2) BILL (SENATE BILLS NO.28 OF 2024)

Sen. Wakili Sigei: Thank you, Madam Temporary Speaker. I beg to report that the Committee of the Whole has considered The Election Offences (Amendment) (No.2) Bill (Senate Bills No.28 of 2024) and its approval thereof with amendments.

The Temporary Speaker (Sen. Veronica Maina): I call upon the Mover, Senate Majority Leader.

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The Senate Majority Leader (Sen. Cheruiyot): Madam Temporary Speaker, I beg to move that the House do agree with the Committee on the said report. I request Sen. Wambua to second.

The Temporary Speaker (Sen. Veronica Maina): Sen. Wambua, proceed.

Sen. Wambua: Madam Temporary Speaker, I second.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. Veronica Maina): I call upon the Mover.

The Senate Majority Leader (Sen. Cheruiyot): Madam Temporary Speaker, I beg to move that The Election Offences (Amendment) (No.2) Bill (Senate Bills No.28 of 2024) be read a Third Time. I request Sen. Faki to second.

Sen. Faki: Madam Temporary Speaker, I second.

(Question proposed)

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, the Division will be at the end.

*(The Clerk-at-the-Table consulted
with the Temporary Speaker)*

Hon. Senators, we are now going to Division. We humbly request you to not walk out. The Division Bell will be rung for three minutes. I request Senators in the Lounge and those within the precincts of Parliament to come into the Chamber so that they can vote. Kindly do not walk out.

Serjeant-at-Arms, kindly ring the Division Bell.

(The Division Bell was rung)

Hon. Senators, the three minutes are over. Serjeant-at-Arms, kindly ring the Division Bell for another two minutes.

(The Division Bell was rung)

Serjeant-at-Arms, kindly close the Doors and draw the Bar.

(The Doors were closed and the Bar drawn)

Hon. Senators, we are now proceeding to Division. Sen. Sifuna, Sen. Cherarkey and Sen. Mundigi, please resume your seats. Sen. (Dr.) Khalwale also on the animated conversation. Sen. Tabitha Mutinda, kindly resume your seat.

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(Several hon. Senators sat at their places)

Clerks-at-the-Table, are we ready for the Division on the Meteorology Bill (Senate Bills No.45 of 2023)? Then let us proceed.

Hon. Senators, are you logged in? Please log out and log in again. Serjeant-at-Arms, kindly remove all unattended cards. Hon. Senators, we are now ready.

Hon. Senators, we are verifying that the numbers are okay before we proceed. After voting on each, I will announce all the results at the end of the four Divisions.

Serjeant-at-Arms, kindly assist Sen. Betty Montet and others who need their cards. Proceed to vote.

(Voting in progress)

Sen. Lomenen and Sen. Madzayo, please come and vote manually, assisted by the Clerks.

(Sen. Lomenen and Sen. Madzayo approached the Dispatch Box)

(Voting in progress)

Sen. Mundigi, please come and vote manually.

Hon. Senators, we are continuing to the next Division on The National Construction Authority Amendment Bill (National Assembly Bills No. 59 of 2022).

Please ensure that you are logged in. We are now ready to vote.

You may proceed.

(Voting in progress)

Let us verify the numbers.

Sen. Keroche, Sen. (Dr.) Khalwale, the Senate Majority Leader and Sen. Cherarkey, you need assistance to vote manually.

The Senate Majority Leader, you are an assisted voter for this Bill. Please approach the Clerk for assistance.

(Sen. Cheruiyot approached the Dispatch Box)

Sen. Cherarkey, you need to vote for this Bill. Please approach the Clerk for assistance.

(Sen. Cherarkey approached the Dispatch Box)

Hon. Senators, we are proceeding to the next Division.

(Sen. Cherarkey stood at his place)

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Sen. Cherarkey, please resume your seat.

We are proceeding to Division on the Cancer prevention and Control Amendment No.2 Bill (National Assembly Bills No.45 of 2022).

Please make sure that you are logged in, ready to vote.

You may proceed.

(Voting in progress)

Please verify the numbers and that all Members have voted. Sen. Ogola and Sen. (Prof.) Tom Ojienda Odhiambo, please come and be assisted to vote. Sen. Ogola, you need assistance in voting. Approach the Clerk.

*(Sen. Ogola and Sen. (Prof.) Tom Ojienda Odhiambo
approached the Dispatch Box)*

We still have one more Division, so Senators do not exit. Hon. Sen. Mandago, have you voted in this last Division? Approach the Dispatch Box for this last Division, please. Kindly, proceed quickly so that we move to the final Division.

(Sen. Mandago approached the Dispatch Box)

We have one more Division as there were four Divisions. We have done three. Hon. Senators, we are moving to the final Division on the Election Offences (Amendment) (No.2) Bill (Senate Bills No. 28 OF 2024). Please log in. We are now ready to vote. You may proceed.

(Voting in progress)

Sen. (Prof.) Tom Ojienda Odhiambo, the Senator for Kisumu County, approach the Dispatch Box once again for assistance in voting. Sen. Wafula, the Senator for Bungoma, approach the Clerk for assistance in voting.

*(Sen. (Prof.) Tom Ojienda Odhiambo and Sen. Wafula
approached the Dispatch Box)*

THIRD READINGS

THE METEOROLOGY BILL (SENATE BILLS No.45 OF 2023)

DIVISION

ELECTRONIC VOTING

(Question, that the Meteorology Bill (Senate Bills No.45 of 2023) be read a Third Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Boy, Kwale County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo Marakwet County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mandago, Uasin Gishu County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Oburu, Siaya County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi County; Sen. Tabitha Keroche, Nakuru County; Sen. (Prof.) Tom Ojienda Odhiambo, SC, Kisumu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

NOES: Nil.

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, these are the results of the Division that we have just done on the Meteorology Bill (Senate Bills No. 45 of 2023)-

AYES: 28

ABSTENTION: Nil

NOES: Nil

The “Ayes” have it.

(Question carried by 28 votes to Nil)

(The Bill was accordingly read a Third Time and passed)

THE NATIONAL CONSTRUCTION AUTHORITY
(AMENDMENT) BILL (NATIONAL ASSEMBLY
BILLS No.59 OF 2022)

DIVISION

ELECTRONIC VOTING

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(Question, that the National Construction Authority (Amendment) Bill (National Assembly Bills No.59 of 2022) be read a Third Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Boy, Kwale County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo Marakwet County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mandago, Uasin Gishu County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Oburu, Siaya County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi County; Sen. Tabitha Keroche, Nakuru County; Sen. (Prof.) Tom Ojienda Odhiambo, SC Kisumu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

NOES: Nil.

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, these are the results of Division on the National Construction Authority (Amendment) Bill (National Assembly Bills No.59 of 2022), the results of the Division are as follows-

AYES: 28

NOES: Nil

ABSTENTION: Nil

The “Ayes” have it.

(Question carried by 28 votes to Nil)

(The Bill was accordingly read a Third Time and passed)

Hon. Senators, these are the results of the Division on the Cancer Prevention and Control (Amendment) (No.2) Bill (National Assembly Bills No.45 of 2022).

(Sen. Tabitha Keroche entered the Chamber)

Sen. Tabitha Keroche, can you resume your seat, please? You cannot be walking when the Speaker is on her seat.

(Sen. Mumma consulted Sen. (Dr.) Khalwale)

Sen. Mumma, take your seat.

(Sen. Mumma sat in her place)

(Sen. Githuku stood in his place)

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Sen. Githuku, the Senator for Lamu County, take your seat, please.

(Sen. Githuku sat in his place)

THE CANCER PREVENTION AND CONTROL (AMENDMENT) (NO.2)
BILL (NATIONAL ASSEMBLY BILLS NO.45 OF 2022)

DIVISION

ELECTRONIC VOTING

(Question, that the Cancer Prevention and Control (Amendment) (No.2) Bill (National Assembly Bills No.45 of 2022) be read a Third Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Boy, Kwale County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo Marakwet County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mandago, Uasin Gishu County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Oburu, Siaya County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi County; Sen. Tabitha Keroche, Nakuru County; Sen. (Prof.) Tom Ojienda Odhiambo, SC, Kisumu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

NOES: Nil

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, the results of the Division are as follows-

AYES: 28

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 28 votes to Nil)

(The Bill was accordingly read a Third Time and passed)

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THE ELECTION OFFENCES (AMENDMENT) (No.2) BILL
(SENATE BILLS No.28 OF 2024)

DIVISION

ELECTRONIC VOTING

(Question, that the Election Offences (Amendment) (No.2) Bill (Senate Bills No.28 of 2024) be read a Third Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Boy, Kwale County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo Marakwet County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mandago, Uasin Gishu County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Oburu, Siaya County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi County; Sen. Tabitha Keroche, Nakuru County; Sen. (Prof.) Tom Ojienda Odhiambo, SC, Kisumu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

NOES: Nil

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, the results of the Division are as follows-

AYES: 28

NOES: Nil

ABSENTIONS: Nil

The “Ayes” have it.

(Question carried by 28 votes to Nil)

(The Bill was accordingly read a Third Time and passed)

Hon. Senators, that is the end of the four Divisions. We will go back to the Committee of the Whole to do certain amendments in respect of Order Nos. 20, 21, 22 and 24.

Serjeant-at-Arms, you may draw the Bars and open the Doors.

(The Bars were drawn and the Doors opened)

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COMMITTEE OF THE WHOLE

(Orders for Committee read)

[The Temporary Speaker (Sen. Veronica Maina) left the Chair]

IN THE COMMITTEE

[The Temporary Chairperson (Sen. Wakili Sigei) in the Chair]

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

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Members, let us resume our seats. We are going into the Committee of the Whole on the Fire and Rescue Services Professionals Bill (Senate Bills No. 55 of 2023).

The Chairperson of the Standing Committee on National Security, Defence and Foreign Relations, Sen. Cheptumo or any Member of that Committee.

Clause 3

Sen. Veronica Maina: Mr. Temporary Chairman, Sir, I beg to move- THAT the Bill be amended by deleting Clause 3 and substituting therefor the following new clause-

Objects of the Act

3. The objects of this Act are to-

- (a) provide a framework for standards for professional practice and their enforcement;
- (b) facilitate the delivery of quality fire and rescue professional services;
- (c) promote the delivery of quality professional training and education for fire and rescue service professionals;
- (d) protect the public from unethical professional practice in fire and rescue services; and,
- (e) promote realization of the right to the highest attainable standard of health for every person in relation to prevention, response and mitigation of unintentional injuries resulting from fire, accidents, emergencies, disasters and calamities.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 4

Sen. Veronica Maina: Mr. Temporary Chairman, Sir, I beg to move-

THAT the Bill be amended in clause 4 –

- (a) by deleting the heading to Part II and substituting therefor the following new heading—
PART II – ADMINISTRATION
- (b) in subclause (1) by inserting the word “professionals” immediately after the words “and rescue services”.

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(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 5

Sen. Veronica Maina: Mr. Temporary Chairman, Sir, I beg to move-

THAT the Bill be amended by deleting clause 5 and substituting therefor the following new clause-

Composition of the Board

5. (1) The Board shall comprise of -

- (a) a non-executive chairperson appointed by the President;
 - (b) the Principal Secretary in the Ministry responsible for matters relating to fire and rescue services or their representative appointed in writing by the Principal Secretary;
 - (c) the Principal Secretary in the Ministry responsible for finance or ‘ their representative appointed in writing by the Principal Secretary;
 - (d) the Principal Secretary in the Ministry responsible for technical and vocational education and training or their representative appointed in writing by the Principal Secretary;
 - (e) three persons nominated by the Council of County Governors;
 - (f) two persons nominated by the association representing the largest number of professional firefighters in Kenya, one of whom shall be a representative of volunteer firefighters in Kenya;
 - (g) one person nominated by the umbrella body of emergency responders in Kenya;
 - (h) one person representing private sector organizations in Kenya; and
 - (i) the registrar who shall be an ex-officio member and who shall have no vote.
- (2) The persons nominated under subsection (1) (e), (f), (g) and (h) above shall be appointed by the Cabinet Secretary by notice in the Gazette.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 6

Sen. Veronica Maina: Mr. Temporary Chairman, Sir, I beg to move-

THAT the Bill be amended in clause 6 by deleting the words “and it may establish branches in other counties” appearing immediately after the words “be in Nairobi”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 7

Sen. Veronica Maina: Mr. Temporary Chairman, Sir, I beg to move-

THAT the Bill be amended in clause 7 by –

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- (a) renumbering the existing introductory phrase as sub-clause (1); and
- (a) inserting the following new sub clause (2) immediately after paragraph (n) –
- (2) collaborate with each county government in the performance of its functions.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clauses 8 - 13

*(Question, that Clauses 8, 9, 10, 11, 12 and 13
be part of the Bill, proposed)*

Division will be at the end.

Clause 14

Sen. Veronica Maina: Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 14 of the Bill be amended by deleting subclause (4) and substituting therefor the following subclause –

- (4) A person shall not be appointed as a Registrar unless such person –
- (a) is registered as a fire and rescue services professional under this Act;
- (b) is in good professional standing;
- (c) has at least a degree from a university recognized in Kenya in fire management or fire and rescue management, disaster management, engineering, operations, logistics, medicine, para-medicine, sociology, law, psychology, project management, safety and security, environment, health and safety, architecture, physical planning, or any other relevant qualification;
- (d) has at least ten years' experience in the field of fire and rescue;
- (e) has at least five years' experience in leadership in the public or private sector; and,
- (f) has knowledge and experience in policy formulation; (g) meets the requirements of Chapter Six of the Constitution.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 15

(Question, that Clause 15 be part of the Bill, proposed)

Division will be at the end.

Clause 16

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Sen. Veronica Maina: Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 16 of the Bill be amended in subclause (1) by deleting the words “carrying on” appearing immediately after the words “the course of” and substituting thereof with words “carrying out”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 17

Sen. Veronica Maina: Mr. Temporary Chairman, Sir, I beg to move-
THAT the Bill be amended by deleting clause 17 and substituting therefor the following new clause –

Registration of Fire and Rescue Services Professionals

17. (1) A person shall not practice as a fire and rescue service professional, manage a fire and rescue services consulting firm or provide fire and rescue consultancy and advisory services unless they are registered in accordance with this Act.

(2) In this section, practice as a fire and rescue service professional includes

– (a) providing fire and rescue professional services such as fire prevention, operating fire equipment for purposes of extinguishing fire where such a process requires a rescue professional, fire investigation, fire risk assessment, audit and inspection or rescue operation;

(b) carrying out or holding oneself as a fire and rescue service professional; or

(c) certifying or authorizing any process where a fire and rescue service professional is required under any law or administrative procedure to certify or authorize.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 18

Sen. Veronica Maina: Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 18 of the Bill be amended by deleting paragraph (b) and replacing it with the following –

(c) has undertaken and received practical and experiential learning in fire and rescue service practice for a period of at least one year in a recognized institution.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will at the end.

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Clause 19

(Question, that Clause 19 be part of the Bill, proposed)

Division will be at the end.

I invite the Chairperson, Standing Committee on National Security, Defense and Foreign Relations to move the proposed amendments.

Clause 20

Sen. Veronica Maina: Mr. Temporary Chairperson, I beg to move—
THAT the Bill be amended in Clause 22 by inserting the following new proviso immediately after sub-clause (7) —
Provided that any person or entity that intends to carry on the business of a fire and rescue service consulting firm or fire brigade firm shall apply for and obtain a trade licence from the respective County Government.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clauses 21 - 28

(Question, that Clauses 21, 22, 23, 24, 25, 26, 27 and 28 be part of the Bill, proposed)

Division will be at the end.

I invite Sen. Abass to move his proposed amendment.

Clause 29

Sen. Abass: Mr. Temporary Chairperson, Sir, I beg to move—
THAT Clause 29 of the Bill be amended —
(a) in subclause (1) by deleting the words “five hundred thousand shillings or to imprisonment for a term not exceeding five” appearing immediately after the words “not more than” and substituting therefor the words “two hundred thousand shilling or to imprisonment for a term not exceeding three”;
(b) in subclause (2) by deleting the words “one million” appearing immediately after the words “not less than” and substituting therefor the words “five hundred thousand”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 30

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(Question, that Clause 30 be part of the Bill, proposed)

Division will be at the end.

I invite Sen. Abass to move his proposed amendment.

Clause 31

Sen. Abass: Mr. Temporary Chairperson, Sir, I beg to move-

THAT Clause 31 of the Bill be amended by deleting the words “two million shillings or to imprisonment for a term not exceeding five years” appearing immediately after the words “conviction to a fine of” and substituting therefor the words “one million shillings or to imprisonment for a term not exceeding three.”

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clauses 32 – 35

(Question, that Clauses 32, 33, 34 and 35 be part of the Bill, proposed)

Division will be at the end.

I invite the Chairperson Standing Committee on National Security, Defense and Foreign Relations to move the proposed amendments.

Clause 36

Sen. Veronica Maina: Mr. Temporary Chairperson, Sir, I beg to move-

THAT Clause 36 of the Bill be amended in subclause (2) by deleting paragraph (f) and substituting therefor the following new paragraph—

(f) the training of fire and rescue services professionals.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

I invite the Chairperson, Standing Committee on National Security, Defense and Foreign Relations, to move the proposed amendment.

Clause 37

Sen. Veronica Maina: Mr. Temporary Chairperson, Sir, I beg to move-

THAT the Bill be amended by deleting Clause 37 and substituting therefor the following new clause—

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37. (1) A person who prior to the date of commencement of this Act was practicing as a fire and rescue service practitioner and does not hold the prescribed academic qualifications for registration under this Act shall, within one year of the commencement of the Act, comply with the requirements of this Act.

(2) A person who prior to the date of commencement of this Act was practicing as a fire and rescue service practitioner and holds the required academic qualifications under this Act shall apply for registration by the Board within one year of coming into force of this Act.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end

The Schedule

(Question, that the Schedule be part of the Bill, proposed)

Division will be at the end.

I invite the Chairperson of the Standing Committee on National Security, Defense and Foreign Relations to move the proposed amendments.

Clause 2

Sen. Veronica Maina: Mr. Temporary Chairperson, Sir, I beg to move-
THAT the Bill be amended in Clause 2 by –

(a) deleting the definition of “fire and rescue services consulting firm” and substituting therefor the following new definition –

“fire and rescue services consulting firm” means a private organization or company registered by the Board and licensed by the County Governments to engage in the business of provision of consultancy and advisory services pertaining to fire and rescue services

(b) deleting the definition of the word “fire brigade”

(c) deleting the definition of the words “fire and rescue services professional” and substituting therefor the following new definition.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

I invite the Chairperson Standing Committee on National Security, Defense and Foreign Relations to move the proposed amendment.

Long Title

Sen. Veronica Maina: Mr. Temporary Chairperson, Sir, I beg to move-

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THAT the Bill be amended by deleting the long title and substituting therefor the following new title –

AN ACT of Parliament to provide for the promotion, development and regulation of the fire and rescue service profession, to provide for the establishment of institutional and regulatory framework for representation, participation, training and regulation of fire and rescue service professional practice, and for connected purposes.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 1

(Question, that Clause 1 be part of the Bill, proposed)

Division will be at the end.

Hon. Senators, having concluded canvassing of the clauses without amendments under the Fire and Rescue Services Professional Bill (Senate Bills No. 55 of 2023), we now proceed to deal with the Houses of Parliament (Bicameral Relations) Bill (National Assembly Bills No. 44 of 2023).

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

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Senators, we are proposing to consider the Houses of Parliament (Bicameral Relations) Bill (National Assembly Bills No. 44 of 2023).

I call upon the Senate Majority Leader to move the proposed amendments.

Clause 3

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, Sir, I beg to move-

THAT the Bill be amended by deleting Clause 3 and substituting therefor with the following new clause –

3. The object of this Act is to provide –
- (d) a framework for determining the nature of a Bill; and
 - (e) for the procedure for determining whether a Bill concerns counties.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

I call upon the Senate Majority Leader to move the proposed amendments.

Clause 4

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The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, Sir, I beg to move-

- THAT the Bill be amended—
- (a) by deleting the heading to Part II appearing immediately before clause 4; and
 - (b) by deleting clause 4

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end. I call upon the Senate Majority Leader to move the proposed amendments.

Clause 5

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, Sir, I beg to move-

THAT the Bill be amended by deleting clause 5.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end. I call upon the Senate Majority Leader to move the proposed amendments.

Clause 6

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, Sir, I beg to move-

- THAT the Bill be amended -
- (a) by deleting the words “of a question” appearing immediately after the words “joint resolution” in the heading to Part III; and
 - (b) by deleting clause 6 and substituting therefor the following new clauses—

6. (1) Before a Bill is read a First Time in the House originating the Bill, the Speaker of that House shall, pursuant to Article 110(3) of the Constitution, invite the Speaker of the other House to jointly resolve the question on whether the Bill is —

- (a) a Bill concerning counties; and
- (b) a special or an ordinary Bill.

(2) The Speaker to whom the request is sent under subsection (1) shall respond to the request within a period of seven days from the date of receipt of the request.

(3) Where the Speakers fail to agree on the nature of a Bill, each Speaker shall, within seven days from the date of receipt of the response under subsection (2), appoint three members from amongst members of the respective House to constitute an advisory team to assist the Speakers resolve the question under subsection (1).

(4) The advisory team shall, within fourteen days from the date of the first sitting, prepare and submit its advisory on the question under subsection (1) to the Speakers.

(5) The Speakers shall, within seven days from the date of receipt of the advisory under subsection (4), resolve the question under subsection (1).

(6) Where the Speakers, having taken into account the advisory of the advisory team, fail to agree on the question under subsection (1), the Bill shall not be introduced in either House of Parliament.

6A. (1) The Speakers shall, in making a determination under section 6(1) and (2), take into account the criteria set out under sections 7 and 7A.

(2) The advisory team shall, in assisting the Speakers under section 6(4), take into account the criteria set out under sections 7 and 7A.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.
I call upon the Senate Majority Leader to move the proposed amendments.

Clause 7

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, Sir, I beg to move-

THAT the Bill be amended by deleting Clause 7 and substituting therefor the following new clauses –

7. (1) A Bill is a Bill containing provisions affecting the functions of a county government under Article 110(1)(a) of the Constitution if the Bill –

- (a) directly or indirectly affects the operations of the county governments;
- (b) will have a direct or indirect impact on the functions of county governments under Part 2 of the Fourth Schedule to the Constitution;
- (c) would have an impact on the exercise by any person upon whom a function or power is conferred under the Bill on any institution or office of the county government, the finances of the county government or the property held by or vested in the county government;
- (d) contains provisions which the county governments are required to implement or are binding on county governments;
- (e) confers a function or power on a person that would affect the exercise of the functions and the powers of the county governments under the Fourth Schedule to the Constitution;
- (f) seeks to transfer a function or power between the National Government and the county governments under Article 187 of the Constitution;
- (g) that affects the ability of the Senate to carry out its functions under Article 96 of the Constitution; or
- (h) provides for any other matter that would directly or indirectly affect the functions and powers of the county governments.

(2) A Bill is a Bill affecting the finances of a county government under Article 110(1)(c) of the Constitution if –

- (a) the Bill provides for –
- (i) the equitable sharing of revenue under Article 202(1) of the Constitution;

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- (ii) the additional allocation of funds from the National Government's share of revenue to county governments under Article 202(2) of the Constitution;
- (iii) the additional allocation of funds to county governments under Article 190(1) of the Constitution including proceeds of loans and grants from development partners;
- (iv) a matter relating to the appropriation and administration of the Equalisation Fund under Article 204 of the Constitution;
- (v) the sharing of revenue or any financial matter concerning county governments as contemplated in Article 205(1) of the Constitution;
- (vi) the transfer of equitable share to the county governments pursuant to Article 219 of the Constitution;
- (vii) the withdrawal of money from the Consolidated Fund under Article 206 of the Constitution that affects the finances of county governments;
- (viii) the withdrawal of money from a County Revenue Fund;
- (ix) the establishment of public funds by counties and the management of those funds;
- (x) the establishment of a fund by Parliament for the benefit of a county government or a county government entity;
- (xi) advances from the Contingencies Fund under Article 208 of the Constitution that affect the finances of county governments;
- (xii) the imposition of a tax, duty or charge under Article 209(3)(c) of the Constitution;
- (xiii) borrowing by the National Government under Article 211 of the Constitution;
- (xiv) public debt under Article 214 of the Constitution that is to be charged on a public fund established for the benefit of county governments;
- (xv) borrowing by counties including the terms and conditions under which the National Government may guarantee a loan under Article 212(a) of the Constitution;
- (xvi) any matter concerning the Commission on Revenue Allocation under Articles 215 and 216 of the Constitution;
- (xvii) the form, content and timing of budgets for National and county governments prepared pursuant to Article 220 of the Constitution;
- (xviii) estimates for expenditure from the Equalisation Fund prepared pursuant to Article 221(2)(a);
- (xix) an appropriation under Article 223(4) of the Constitution that affects the finances of a county government;
- (xx) the form and procedure for processing county budgets and appropriation Bills prepared pursuant to Article 224 of the Constitution;
- (xxi) financial control measures and mechanisms under Article 225 of the Constitution;
- (xxii) the keeping of financial records and auditing of accounts of county governments and the designation of accounting officers in the county governments under Article 226 of the Constitution;
- (xxiii) the procurement of public goods and services under Article 227 of the Constitution;
- (xxiv) the powers and functions of the Salaries and Remuneration Commission to set, review and advise on the remuneration and benefits of public officers in the county governments under Article 230(4) of the Constitution; or

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(xxv) any other matter referred to in Chapter Twelve of the Constitution affecting the finances of county governments; or

(b) the Bill is –

- (i) the annual Division of Revenue Bill under Article 218(1)(a) of the Constitution;
- (ii) the annual County Allocation of Revenue Bill under Article 218(1)(b) of the Constitution; or
- (iii) the annual Governments County Additional Allocations Bill under Article 202(2) of the Constitution.

7A. A Bill is a special Bill if the Bill –

(a) relates to, affects or concerns the election of members of a county assembly or a county executive including-

(i) the continuous registration of citizens as voters under Articles 82(1)(c) and 88(4)(a) of the Constitution;

(ii) the review of the names and boundaries of the constituencies and wards by the Independent Electoral and Commission Boundaries under Articles 82(1)(a) and 89 of the Constitution;

(iii) the monitoring of compliance with the legislation required by Article 82(1)(b) relating to nomination of candidates by parties under Article 88(4)(k) of the Constitution;

(iv) the conduct of elections and referenda and the regulation and efficient supervision of elections and referenda, including the nomination of candidates for elections under 82(1)(d) of the Constitution;

(v) the registration as voters of citizens residing outside Kenya under Article 82(1)(e) of the Constitution;

(vi) the establishment of mechanisms for electoral disputes under Article 87(1) of the Constitution;

(vii) the functions of the Independent Electoral and Boundaries Commission under Article 88 of the Constitution directly or indirectly affecting the election of members of a county assembly;

(viii) the conduct and supervision of elections for the members of county assemblies under 177(1)(b) and (c) of the Constitution conducted by the Independent Electoral and Boundaries Commission under Article 90(2) of the Constitution;

(ix) the allocation of airtime to political parties under Article 92(a) of the Constitution;

(x) the regulation of freedom to broadcast for fair election campaigning under Article 92(b) of the Constitution;

(xi) the regulation of political parties under Article 92(c) of the Constitution;

(xii) the roles and functions of political parties under Article 92(d) of the Constitution;

(xiii) the registration and supervision of political parties under Article 92(e) of the Constitution;

(xiv) the establishment and management of a political party fund under Article 92(f) of the Constitution;

(xv) the accounts and audit of political parties under Article 92(g) of the Constitution;

(xvi) restrictions on the use of public resources to promote the interest of political parties under Article 92(h) of the Constitution; and

(xvii) any other matter affecting the management of political parties; or

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(b) is a –

- (i) County Allocation of Revenue Bill under Article 218(1)(b) of the Constitution; or
- (ii) County Governments Additional Allocations Bill under Article 202(2) of the Constitution.

PART IV – RESOLUTION UNDER ARTICLE 114 OF THE CONSTITUTION

7B. (1) Before a Bill is read a First Time in the House originating the Bill, the Speaker of that House shall seek the opinion of the Speaker of the other House on whether the Bill is a Money Bill.

(2) Sections 6 and 19 shall apply, with necessary modification, in the resolution of any question as to whether a Bill is a Money Bill.

7C. (1) A Bill is a money Bill within the definition of Article 114 of the Constitution if the Bill contains provisions dealing only with -

- (a) the imposition, abolition, remission, alteration or regulation of any tax;
- (b) the imposition of charges on a public fund or the variation or repeal of any of those charges;
- (c) the appropriation, receipt, custody, investment or issue of public money;
- (d) the raising or guaranteeing of any loan or its repayment; or
- (e) matters incidental to any of the matters specified under paragraphs (a) to (d).

(2) A Bill is not a money Bill within the definition of Article 114 of the Constitution if the Bill contains provisions that –

- (a) concern county governments as set out in section 7A;
 - (b) the imposition of taxes by a county government;
- (c) provides for the appropriation of funds by Parliament but does not appropriate money;
- (d) the imposition of charges on a public fund or the variation or repeal of such charges by a county government;
- (e) the appropriation, receipt, custody, investment or issue of public money by a county government; or
- (f) the raising or guaranteeing of any loan or its repayment by a county government.

7D. (1) A Bill that meets the criteria under section 7C (1) may be introduced only in the National Assembly in accordance with Article 109(5) of the Constitution.

(2) A Bill that meets the criteria under section 7C (2) may be introduced in the National Assembly or the Senate and passed by both Houses in accordance with Articles 110 to 113, Articles 122 and 123 and 109(4) of the Constitution and the Standing Orders of the respective Houses.

7E. The determination of the nature of a Bill under section 6(1) shall be concurrent to the determination of the nature of a Bill under section 7B (1).

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

I call upon the Senate Majority Leader to move the proposed amendments.

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Clause 8

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, Sir, I beg to move-
THAT the Bill be amended by deleting Clause 8.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end. I call upon the Senate Majority Leader to move the proposed amendments.

Clause 9

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, Sir, I beg to move-
THAT the Bill clause be amended by deleting clause 9.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end
Clause 9

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, I beg to move-
THAT the Bill be amended by deleting Clause 9.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the End.

Clause 10

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, I beg to move-
THAT the Bill be amended by deleting Clause 10.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 11

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, I beg to move-

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THAT the Bill be amended by deleting Clause 11.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 12

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, I beg to move-

THAT the Bill be amended by deleting Clause 12.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 13

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, I beg to move-

THAT the Bill be amended by deleting Clause 13.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 14

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, I beg to move-

THAT the Bill be amended –

(a) by deleting the heading to Part IV appearing immediately before clause 14; and

(b) by deleting clause 14.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 15

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, I beg to move -

THAT the Bill be amended by deleting Clause 15.

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(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 16

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, I beg to move -

THAT the Bill be amended by deleting Clause 16.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 17

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, I beg to move-

THAT the Bill be amended by deleting Clause 17.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 18

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, I beg to move-

THAT the Bill clause be amended by deleting Clause 18.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 19

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, I beg to move-

THAT Clause 19 of the Bill be amended-

(a) by deleting the heading to Part V and substituting therefor the following new heading –

PART IV – JOINT RESOLUTION

(b) by deleting clause 19 and substituting therefor the following new clause Joint 19. (1) Where the Speakers agree on the resolution nature of a Bill in terms of Articles 109(5), 110(3) on the and 114 of the Constitution, the Bill shall be nature of a introduced in the originating House in accordance Bill. with the Constitution and the standing orders of the respective House.

(2) Where the Speakers fail to agree on the nature of a Bill the Bill shall not be introduced in either House of Parliament.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 20

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, I beg to move-

THAT the Bill be amended by deleting clause 20 and substituting therefor the following new clause –

Presidential 20. A Bill presented for presidential assent
assent shall be accompanied by a certificate of joint
resolution signed by the Speakers of the National
Assembly and the Senate in the form set out in the Schedule.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

New Clause 3A

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, I beg to move-

THAT the Bill be amended by inserting the following new clause immediately after clause 3 –

Application 3A. This Act applies to all Bills originating in
the National Assembly and the Senate.

(Question, that New Clause 3A be read a First Time, proposed)

(New Clause 3A was read a First Time)

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(Question, that New Clause 3A be read a Second Time, proposed)

(Question that New Clause 3A be part of the Bill, proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

First Schedule

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, I beg to move-

THAT the Bill be amended by deleting the First Schedule and substituting therefor the following new schedule –

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

New Clause 6A

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, I beg to move-

THAT the Bill be amended by deleting Clause 6 a and substituting therefor the following new Clause-

Determination

Of the nature of a

Bill

6A. (1) The Speakers shall, in making a determination under section 6(1) and (2), take nature of the Bill into account the criteria set out under sections 7 and 7A.

(Question, that New Clause 6A be read a First Time, proposed)

(New Clause 6A was read a First time)

(Question, that New Clause 6A be read a Second Time, proposed)

(Question, that New Clause 6A be part of the Bill, proposed)

New Clause 7A

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, I beg to move-

THAT the Bill be amended by deleting Clause 7 and substituting therefor the following new Clause-

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Criteria for
determining a
special or
(vii) the functions of the Independent

7A. A Bill is a special Bill if the Bill-
relates to, affects or concerns the election of members of a county assembly or a county executive
including-

- (i) the continuous registration of citizens as voters under Articles 82(1)(c) and 88(4)(a) of the Constitution;
- (ii) the review of the names and boundaries of the constituencies and wards by the Independent Electoral and Boundaries Commission under Articles 82(1)(a) and 89 of the Constitution;
- (iii) the monitoring of compliance with the legislation required by Article 82(1)(b) relating to nomination of candidates by parties under Article 88(4)(k) of the Constitution;
- (iv) the conduct of elections and referenda and the regulation and efficient supervision of elections and referenda, including the nomination of candidates for elections under 82(1)(d) of the Constitution;
- (v) the registration as voters of citizens residing outside Kenya under Article 82(1)(e) of the Constitution;
- (vi) the establishment of mechanisms for electoral disputes under Article 87(1) of the Constitution;

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Electoral and Boundaries Commission under Article 88 of the Constitution directly or indirectly affecting the election of members of a county assembly; (viii) the conduct and supervision of elections for the members of county assemblies under 177(1)(b) and (c) of the

Constitution conducted by the Independent Electoral and Boundaries Commission under Article 90(2) of the Constitution; (ix) the allocation of airtime to political parties under Article 92(a) of the Constitution; (x) the regulation of freedom to broadcast for fair election campaigning under Article 92(b) of the Constitution;

(xi) the regulation of political parties under Article 92(c) of the Constitution;

(xii) the roles and functions of political parties under Article 92(d) of the Constitution;

(xiii) the registration and supervision of political parties under Article 92(e) of the Constitution;

(xiv) the establishment and management of a political party fund under Article 92(f) of the Constitution;

(xv) the accounts and audit of political parties under Article 92(g) of the Constitution;

(xvi) restrictions on the use of public resources to promote the interests of political parties under Article 92(h) of the Constitution; and

(xvii) any other matter affecting the management of political parties; or

(b) is a –

(i) County Allocation of Revenue Bill under Article 218(1)(b) of the Constitution; or,

(ii) County Governments Additional Allocations Bill under Article 202(2) of the Constitution.

(Question, that New Clause 7A be read a First Time, proposed)

((New Clause 7A was read a First time)

(Question, that New Clause 7A be read a Second Time, proposed)

(Question that New Clause 7A be part of the Bill, proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

New Clause 7B

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, I beg to move-

THAT The Bill be amended by deleting Clause 7 and substituting therefor the following new Clause-

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**PART IV – RESOLUTION UNDER ARTICLE 114 OF THE
CONSTITUTION**

Joint

Resolution on

Money Bill 7B. (1) Before a Bill is read a First Time the Speaker of that House shall seek the opinion of the Speaker of the other House on whether the Bill is a Money Bill.

(2) Sections 6 and 19 shall apply, with necessary modification, in the resolution of any question as to whether a Bill is a money Bill.

(Question, that New Clause 7B be read a First Time, proposed)

(New Clause 7B was read a First time)

(Question, that New Clause 7B be read a Second Time, proposed)

(Question that New Clause 7C be part of the Bill, proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

New Clause 7C

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, I beg to move-

Criteria for
determining a

Money Bill 7C. (1) A Bill is a money Bill within the definition of Article 114 of the Constitution if the money Bill contains provisions dealing only with –

(a) the imposition, abolition, remission, alteration or regulation of any tax;
(b) the imposition of charges on a public fund or the variation or repeal of any of those charges;

(c) the appropriation, receipt, custody, investment or issue of public money;
(d) the raising or guaranteeing of any loan or its repayment; or
(e) matters incidental to any of the matters specified under paragraphs (a) to (d).

(2) A Bill is not a money Bill within the definition of Article 114 of the Constitution if the Bill contains provisions that –

(a) concern county governments as set out in section 7A;
(b) the imposition of taxes by a county government;
(c) provides for the appropriation of funds by Parliament but does not appropriate money;

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- (d) the imposition of charges on a public fund or the variation or repeal of such charges by a county government;
- (e) the appropriation, receipt, custody, investment or issue of public money by a county government; or
- (f) the raising or guaranteeing of any loan or its repayment by a county government.

(Question, that New Clause 7C be read a First Time, proposed)

(New Clause 7C was read a First time)

(Question, that New Clause 7C be read a Second Time, proposed)

(Question that New Clause 7C be part of the Bill, proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

New Clause 7D

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, I beg to move-
Consideration

Of a money Bill

7D. (1) A Bill that meets the criteria under Section

7C (1) may be introduced only in the National Assembly in accordance with Article 109(5) of the Constitution.

(2) A Bill that meets the criteria under section 7C (2) may be introduced in the National Assembly or the Senate and passed by both Houses in accordance with Articles 110 to 113, Articles 122 and 123 and 109(4) of the Constitution and the Standing Orders of the respective Houses.

(Question, that New Clause 7D be read a First Time, proposed)

(New Clause 7D was read a First time)

(Question, that New Clause 7D be read a Second Time, proposed)

(Question that New Clause 7D be part of the Bill, proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

New Clause 7E

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, I beg to move-

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THAT, the Bill be amended by inserting the following New Clause 7E-

Concurrent

determination 7E. The determination of the nature of a Bill under section 6(1) shall be concurrent to the determination of the nature of a Bill under section 7B (1).

(Question, that New Clause 7E be read a First Time, proposed)

(New Clause 7E was read a First Time)

(Question, that New Clause 7E be read a Second Time, proposed)

(Question that New Clause 7E be part of the Bill, proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

The First Schedule

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, I beg to move-

THAT the Bill be amended by deleting the First Schedule and substituting therefor the following new schedule –

SCHEDULE (s.20)

CERTIFICATE OF JOINT RESOLUTION

FORM A: Where the Bill concerns county governments

I certify that this printed impression is a true copy of the Bill as passed by the [Originating House] onand by the [other House] on and that the Speakers jointly resolved the question, pursuant to Article 110(3) of the Constitution, that this is a Bill concerning county governments.

*Clerk of the [originating House]
House]*

Speaker of the [originating

Clerk of the [other House]

Speaker of the [other House]

Presented for assent in accordance with the provisions of the Constitution of Kenya on theday of at the hour of

Speaker of the [originating House]

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FORM B: Where the Bill does not concern county governments

I certify that this printed impression is a true copy of the Bill as passed by the [Originating House] onand by the [other House] on and that the Speakers jointly resolved the question, pursuant to Article 110(3) of the Constitution, that this is not a Bill concerning county governments in terms of Article 110(1) of the Constitution.

Clerk of the [originating House]

*Speaker of the
[originating House]*

*Clerk of the [other House]
the [other House]*

Speaker of

Presented for assent in accordance with the provisions of the Constitution of Kenya on theday of at the hour of

Speaker of the [originating House]

The Second Schedule

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, I beg to move-
THAT the Bill be amended by deleting the Second Schedule.

(Question for amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

Clause 2

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, I beg to move-
THAT Clause 2 of the Bill be amended by-
(a) deleting the definition of the word “Bill concerning county governments”;
(b) deleting the definition of the word “Bill not concerning county governments”;
(c) deleting the definition of the word “Houses of Parliament” and substituting therefor the following new definition –
“House” means the National Assembly or the Senate;
(d) deleting the definition of the word “mediation committee”;

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- (e) deleting the definition of the word “money Bill”; and
- (f) deleting the definition of the word “second house”.

(Question for amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

The Preamble

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, Sir, I beg to move-

THAT, the Bill be amended by deleting the preamble.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

The Long Title

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, Sir, I beg to move-

THAT the Bill be amended by deleting the long title to the Bill and substituting therefor the following new title –

AN ACT of Parliament to give effect to Articles 109(5), 110(3) and 114 of the Constitution; to provide the procedure for the Speakers of the National Assembly and the Senate to determine the nature of a Bill; and for connected purposes.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 1

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, Sir, I beg to move-

THAT the Bill be amended by deleting Clause 1 and substituting therefor the following new clause –

The Bicameral Legislative (Procedure) Bill, 2023.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

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Hon. Members, we are done with the Houses of Parliament Bicameral Relations Bill, (National Assembly Bill No.44 of 2023). We will now move to the Public Transport Motorcycle Regulation Bill (Senate Bills No.38 of 2023).

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

Sen. (Dr.) Khalwale: On a point of order, Mr. Temporary Chairperson, Sir.
The Temporary Chairperson (Sen. Wakili Sigei): What is your point of order, Senate Majority Whip?

Sen. (Dr.) Khalwale: Mr. Temporary Chairman, Sir, we do not have the Chairperson of the Standing Committee on Roads, Transport and Housing here with us.

The Temporary Chairperson (Sen. Wakili Sigei): Sen. Veronica is present to hold brief for the Chairperson of the Standing Committee on Roads, Transport and Housing.

We will proceed to consider the Public Transport (Motorcycle Regulation) Bill (Senate Bill No.38 of 2023).

Clause 3

(Question, that Clause 3 be part of the Bill, proposed)

Division will be at the end.

Sen. Veronica, please proceed to move the proposed amendments on behalf of the Chairperson, Standing Committee on Roads, Transport and Housing.

Clause 4

Sen. Veronica Maina: Mr. Temporary Chairperson, Sir, I beg to move-
THAT the Bill be amended-
(a) by inserting the following new clause immediately before clause 4-

Roles of the County executive committee member.

3A. (1) The county executive committee member shall be responsible for the regulation, management, and coordination of all matters relating to the motorcycle transport sector within the county.

(2) Without prejudice to the generality of sub-section (1), the county executive committee member shall-

(a) develop policies, regulations, and guidelines on motorcycle transport and safety matters within the county;

(b) manage and control motorcycle transport services within the county, including registration and licensing of motorcycle riders, designate parking and routes;

(c) ensure compliance with the provisions of this Act and any other laws related to the transport sector within the county;

(d) conduct research and collect data on transport and safety matters within the county; and

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(e) develop and implement programmes to promote road safety, including training and civic education of riders and passengers.

(b) by deleting clause 4 and substituting therefor the following new clause-

Appointment of Board

4. The County executive member may delegate the functions under section 3A to a Board.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 5

Sen. Veronica Maina: Mr. Temporary Chairperson, Sir, I beg to move-
THAT Clause 5 of the Bill be amended-

(a) by inserting the words “or their representative” immediately after the words “county attorney” in paragraph (d);

(b) by deleting the word “four” and substituting therefor the word “two” in paragraph (f);

(c) by deleting the word “two” and substituting therefor the word “four” in paragraph (g);

(d) by renumbering the existing provision to subsection (1) and by inserting the following new subsection-

(2) While making the appointments under subsection (5), the county executive committee member shall-

(a) take in to consideration the one third gender rule and ensure that the youth and persons with disabilities are represented in the membership of the Board;

(b) ensure that two out of the four people appointed under paragraph (g) are active motorcycle riders; and

(c) consider the diversity in respect to the qualifications of the persons being appointed.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Further amendment to Clause 5 was to be prosecuted by Sen. Osotsi. He is not in the Chamber. Therefore, that proposed amendment is hereby dropped. We shall proceed to the next clause.

(Further amendment to Clause 5 dropped)

Clause 6

Sen. Veronica Maina: Mr. Temporary Chairperson, Sir, I beg to move-

THAT Bill be amended by deleting Clause 6 and inserting therefor the following new clauses—

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Qualifications for appointment

6. (1) A person qualifies to be appointed as the Chairperson of the Board if that person—

- (a) holds a degree from a university recognized in Kenya;
- (b) has at least five years' experience in matters relating to transport;
- (c) has resided in the county for a period of not less than five years.; and
- (d) meets the requirements of Chapter Six of the Constitution

(2) A person qualifies to be appointed as a member of the Board, if the person—

- (a) meets the requirements of Chapter Six of the Constitution;
- (b) has not been convicted of a criminal offence which attracts imprisonment for a term not exceeding six months;
- (c) has not been adjudged bankrupt or entered into a composition or arrangement with the creditors of the person;
- (d) is not disqualified under any other written law from appointment as such; and
- (e) in the case of a member under paragraph (f) has at least a post-secondary education qualification;
- (f) in the case of a member under paragraph (g) has at least a secondary school qualification.

Tenure of office

6A. (1) The Chairperson and members of the Board, shall hold office for a term of three years and may be eligible for re-appointment for an additional final term of three years.

(2) Notwithstanding the provisions of subsection (1), the Chairperson or a member of the Board may be removed from office if that person-

- (a) has been absent from three consecutive meetings of the Committee without justifiable cause or the written permission of the Chairperson;
- (b) is adjudged bankrupt or enters into a composition or arrangement with the creditors of the person;
- (c) is convicted of an offence involving anti-economic crimes or corruption;
- (d) becomes incapable of carrying out the functions of their office due to an infirmity of mind or body;
- (e) violates Chapter Six of the Constitution; or
- (f) fails to disclose any interest in a matter under consideration by the Committee as provided for under this Act.

Remuneration of the Board

6B. The Chairperson and the members of the Board shall be paid such sitting allowances or other remuneration for expenses as recommended by the Salaries and Remuneration Commission.

Vacancy

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6C. (1) The office of the Chairperson or a member of the Board shall become vacant if the holder—

- (a) dies;
- (b) resigns from office in writing addressed to the county executive committee member;
- (c) is absent from three consecutive meetings of the Board without good cause; or
- (d) is removed from office under subsection (2).

(2) A person may be removed as a chairperson or member of the Board if that person-

- (a) is absent without permission of the Chairperson or the county executive committee member from three consecutive meetings of the Board;
- (b) contravenes the provisions Chapter Six of the Constitution;
- (c) is incapacitated by prolonged physical or mental illness and is unable to discharge the duties of his or her office;

(d) is convicted of an offence and imprisoned for a term of more than six months;

(e) fails to comply with the provisions of the Act relating to disclosure of interest;

or

(f) is adjudged bankrupt or enters into a composition scheme or arrangement with his or her creditors.

Committees of the Board

6D. The Board may establish such committees as it may consider necessary for the performance of its functions and the exercise of its powers under the Act.

Conduct of affairs and business of the County Committee

6E. (1) The conduct of affairs and business of the Board shall be in accordance with the First Schedule of this Act.

(2) Subject to subsection (1), the Board may amend its own procedures for the better carrying out of its functions.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 7

Sen. Veronica Maina: Mr. Temporary Chairperson, Sir, I beg to move-
THAT Clause 7 of the Bill be amended-

- (a) by deleting subclause (1);
- (b) in subclause (2) by deleting the words “with the Board” and substituting therefor the words “in accordance to the Act”;
- (c) in subclause (3) by deleting the word “Board” appearing immediately after the words “made to the” and substituting therefor the words “the county executive committee member”

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(d) in subsection (4) by deleting the word “Board” appearing immediately after the word “The” at the beginning of the subclause and substituting therefor the words “county executive committee member;

(e) by inserting the following new subsection immediately after subsection (5) - (6) The county executive committee member shall submit a copy of the register to the Authority every three months.

(f) by inserting the following new clause immediately after Clause 7 –

Power to suspend or revoke certificate of registration.

7A. (1) The county executive committee member may suspend or revoke any certificate of registration issued under this Act on the grounds that the owner of the motorcycle or the rider of the motorcycle has failed or neglected to comply with the provisions of the Act.

(2) Prior to suspension of the certificate of registration under subsection (1) the county executive committee member shall-

(a) inform the holder of a registration certificate of the reasons for the proposed suspension or revocation; and

(b) give the holder of a registration certificate an opportunity to be heard in respect to the proposed suspension or revocation.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 8

Sen. Veronica Maina: Mr. Temporary Chairperson, Sir, I beg to move- THAT the Bill be amended by deleting Clause 8.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 9

Sen. Veronica Maina: Mr. Temporary Chairperson, Sir, I beg to move: -

THAT the Bill be amended by deleting Clause 9 and substituting therefor the following new clause-

Cooperative Societies Membership. Cap. 490

9. (1) A person who owns a motorcycle for commercial purposes shall register with a Cooperative Society recognised under the Cooperative Societies Act.

(2) Each Cooperative Society shall provide proof of registration of an owner confirming their membership at the request of the county executive committee member.

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(3) For purposes of this Act, the membership of an owner to a Cooperative Society shall not be for purposes of forming a gang or cartel by the owners or the riders who work for them.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Further proposed amendments to Clause 9 were supposed to be moved by Sen. Osotsi who is not in the Chamber. The consequence is that, that proposal is hereby dropped.

(Further amendments to Clause 9 dropped)

Clause 10

Sen. Veronica Maina: Mr. Temporary Chairperson, Sir, I beg to move- THAT Clause 10 of the Bill be amended-

(a) in subclause (1) by deleting the word “Board” appearing immediately after the words “approved by the” and substituting therefor the word “Authority”

(b) in subclause (2) by deleting the word “Board” appearing immediately after the word “The” and substituting therefor the word “Authority”

(c) by inserting the following new subsection immediately after subsection (3)-

(4) The county executive committee member may provide for the manner in which the training may be offered in the local languages in the county.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 11

Sen. Veronica Maina: Mr. Temporary Chairperson, Sir, I beg to move-

THAT Clause 11 of the Bill be amended by inserting the following new subclause immediately after subclause (2)—

(3) Every owner shall ensure —

(a) no structural modifications to the motorcycle are undertaken that may obstruct the visibility of the rear number plates;

(b) no structural modifications to the motorcycle are undertaken that may affect the safe operation of the motorcycle;

(c) no modifications to the exhaust system or any other noise abatement device of a motorcycle are done so as to cause the noise emitted by the motorcycle to be above that emitted by the motorcycle as originally manufactured.

(Question of the amendment proposed)

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The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

The next proposed amendment ought to have been moved by Sen. Osotsi, who is unavailable. The consequence is that the proposal is hereby dropped and we shall progress to the next Clause.

(Further amendment to Clause 11 dropped)

Clause 12

Sen. Veronica Maina: Mr. Temporary Chairperson, Sir, I beg to move-

THAT Clause 12 of the Bill be amended (a) in subsection (1)—

(i) by deleting the word “Board” appearing immediately after the words “issued by the” in paragraph (b) and substituting therefor the words “county executive committee member”;

(ii) by deleting the word “person” appearing immediately after the words “more than one” in paragraph (d) and substituting therefor the words “adult passenger”;

(iii) by deleting the words “passengers are carried on a proper seat with foot rests securely fixed to the motorcycle behind the rider’s seat” appearing immediately after the words “ensure that” in paragraph (e) and substituting therefor the words “a passenger is carried on a proper seat with foot rests securely fixed to the motorcycle behind the seat of the rider”; and

(iv) by deleting the words “loads exceeding fifty kilograms and passengers” appearing immediately after the words “ensure that” in paragraph (h) and substituting therefor the words “a load exceeding fifty kilograms and an adult passenger”.

(b) in subsection (2) by deleting the words “unless that person has a valid certificate of registration issued by the Board” appearing immediately after the words “not ride a motorcycle” in paragraph (b) and substituting therefor the words “that has not been duly registered under this Act”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 13

Sen. Veronica Maina: Mr. Temporary Chairperson, Sir, I beg to move-

THAT Clause 13 of the Bill be amended in subclause in subsection (2)-

(i) by deleting paragraph (a) and substituting therefor the following new paragraph-

(a) a child who is less than thirteen years old may be carried together with an adult passenger provided the child is seated between the rider and the adult passenger.

(ii) by deleting paragraph (b).

(Question of the amendment proposed)

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The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 14

Sen. Veronica Maina: Mr. Temporary Chairperson, Sir, I beg to move- THAT Clause 14 of the Bill be amended in subclause (3) by deleting the word “Board” appearing immediately after the word “The” and substituting therefor the following new words “county executive committee member.”

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end. The additional further amendment will be dropped in the absence of the Mover. We will move to the next clause.

(Further amendment to Clause 14 dropped)

Clause 15

Sen. Veronica Maina: Mr. Temporary Chairperson, Sir, I beg to move- THAT Clause 15 of the Bill be amended by deleting the word “Board” appearing immediately after the words “authorised by the” and substituting therefor the following new words “county executive committee member.”

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 16

Sen. Veronica Maina: Mr. Temporary Chairperson, Sir, I beg to move- THAT Clause 16 (3) of the Bill be amended by deleting the word “nine” appearing immediately after the words “is less than” and substituting therefor the word “thirteen”.

(Question of amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

Clause 17

Sen. Veronica Maina: Mr. Temporary Chairperson, Sir, I beg to move- THAT Clause 17 of the Bill be amended in subclause (1) by deleting the word “thirty kilograms for a motorcycles whose carrying capacity does not exceed fifty cc and

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kilograms for a motorcycle whose carrying capacity does not exceed four hundred cc” appearing immediately after the words “ is more than” in paragraph (c) and substituting therefor the word “fifty kilograms.”

(Question of amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

Clause 18

Sen. Veronica Maina: Mr. Temporary Chairperson, Sir, I beg to move-
THAT Clause 18 of the Bill be amended-

- (a) in subclause (1) by deleting the words “county transport and safety board” appearing immediately after the word “The” and substituting therefor the words “county executive committee member”; and
- (b) in subclause (6), “county transport and safety board” appearing immediately after the word “The” and substituting therefor the words “county executive committee member”

(Question of amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

Clause 19

Sen. Veronica Maina: Mr. Temporary Chairperson, Sir, I beg to move-
THAT Clause 19 of the Bill be amended-

- (a) in subclause (1) by deleting the word “Board” appearing immediately after the words “issued by the” and substituting therefor the words “county executive committee member”;
- (b) in subclause (2) “Board” appearing immediately after the word “The” and substituting therefor the words “county executive committee member”; and
- (c) in subclause (4) “Board” appearing at the beginning of the subclause and substituting therefor the words “The county executive committee member”.

(Question of amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

Clause 20

(Question, that Clause 20 be part of the Bill, proposed)

Division will be at the end.

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Clause 21

Sen. Veronica Maina: Mr. Temporary Chairperson, Sir, I beg to move- THAT the Bill be amended by deleting clause 21.

(Question of amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 22

(Question, that Clause 22 be part of the Bill, proposed)

Division will be at the end.

Clause 23

Sen. Veronica Maina: Mr. Temporary Chairperson, Sir, I beg to move - THAT Clause 23 of the Bill be amended -

- (a) in subclause (1) by deleting the word “Board” appearing immediately after the words “device approved by” and substituting therefor the words “the county executive committee member”
- (b) in subsection (2) by inserting the word “(1)” immediately after the words “to in subsection”
- (c) in subsection (3) by deleting the word “Board” appearing immediately after the words “The” and substituting therefor the words “the county executive committee member.”
- (d) in subclause (4) by deleting the word “Board” appearing immediately after the words “device to the” and substituting therefor the words “the county executive committee member.”

(Question of amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 24

Hon. Senators, the proposed amendment to Clause 24 is dropped in the absence of the Mover. The proposed amendment is dropped. We shall proceed to the next clause.

(Proposed amendment on Clause 24 by Sen. Osotsi dropped)

Clause 25

Similarly, this amendment will be dropped in the absence of the Mover.

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(Proposed amendment on Clause 25 by Sen. Osotsi dropped)

Clause 26

Sen. Veronica Maina: Mr. Temporary Chairperson, Sir, I beg to move- THAT Clause 26 of the Bill be amended by deleting the word “County Transport and Safety Board” appearing immediately after the word “The” and substituting therefor the words “county executive committee member”.

(Question of amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end. The further proposed amendment to Clause 26 is equally dropped in the absence of the Mover.

(Proposed further amendment on Clause 26 by Sen. Osotsi dropped)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

Clause 27

Sen. Veronica Maina: Mr. Temporary Chairperson, Sir, I beg to move- THAT Clause 27 of the Bill be amended by deleting the word “these” appearing immediately after the words “any provision of” and substituting therefor the word “this.”

(Question of amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end. Hon. Senators, in the absence of the Mover, the further amendment to Clause 27 is hereby dropped.

(Proposed amendment to Clause 27 by Sen. Osotsi dropped)

Clause 29

(Question, that Clause 29 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

New Clause 28A

New Clause 28A is hereby dropped in the absence of the Mover.

(Proposed amendment on New Clause 28A by Sen. Osotsi dropped)

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New Clause 30

Sen. Veronica Maina: Mr. Temporary Chairperson, Sir, I beg to move-
 THAT the Bill be amended by inserting the following new clause immediately
 after clause 29 -

Consequential amendments. 30. Section 21 and 22 of the National Transport and Safety Act
 are repealed.

(Question of the New Clause 30 proposed)

(New Clause 30 read a First Time)

(Question, that New Clause 30 be read a Second Time, proposed)

(Question, that the New Clause 30 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

New Schedule

Sen. Veronica Maina: Mr. Temporary Chairperson, Sir, I beg to move-
 That the Bill be amended by inserting New Schedule
INSERTION OF SCHEDULE

SCHEDULE**s. 6E****CONDUCT OF BUSINESS AND AFFAIRS OF
 BOARD**

Meetings of the Board. **1.** (1) The Board shall meet at least once in every three
 months to conduct the business of the Board.

(2) The Chairperson shall convene the ordinary meetings
 of the Board.

(3) Despite the provisions of subparagraph (1), the
 Chairperson shall, upon a written request by at least five
 members, convene a special meeting of the Board at any time
 where the chairperson considers it expedient for the transaction of
 the business.

(4) Unless three quarters of the total number of the
 members of the Board otherwise agree, at least fourteen days
 written notice of every meeting shall be given to every by the
 respective Secretary.

(5) The quorum for the conduct of the business of the

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Board shall be five members.

(6) The chairperson shall preside at every meeting of the Board at which the Chairperson is present and in the Chairperson's absence, the members present shall elect one person from their number to preside over the meeting and that person shall have all the powers of the Chairperson.

(7) Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of the votes of the members present and voting and in the case of an equality of votes, the Chairperson or person presiding over the meeting shall have a casting vote.

(8) The proceedings of the Board shall not be invalidated by reason of a vacancy within its membership.

(9) Subject to provisions of this Schedule, the Board may determine its own procedure and for the attendance of other persons at its meetings thereof.

Disclosure of Interest. 2. (1) If a member of the Board is directly or indirectly interested in any matter before the Council or the county e-waste committee and is present at the respective meeting at which the matter is the subject of consideration, that member shall, at the meeting and as soon as reasonably practicable after the commencement thereof, disclose the member's interest in the matter and shall not take part in the deliberations relating to the matter, or vote on, the matter.

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

(Question of the New Schedule proposed)

(The New Schedule read a First Time)

(Question, that the New Schedule be read a Second Time, proposed)

(Question, that the New Schedule be part of the Bill, proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 2

Hon. Members, in the absence of Sen. Osotsi to move his proposed amendment to Clause 2, it is hereby dropped.

(Proposed amendment on Clause 2 by Sen. Osotsi dropped)

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The Title and Clause 1

(Question, that the Title and Clause 1 be part of the Bill, proposed)

Division will be at the end.

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Senators, we are done with the Public Transport (Motorcycle Regulation) Bill (Senate Bills No.38 of 2023). We will call on the Movers to report progress. Sen. Abass, proceed to report.

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

Sen. Abass: Mr. Temporary Chairperson, Sir, pursuant to Standing Order No.153, I beg to move that the Committee of the Whole do report progress on its consideration of The Fire and Rescue Services Professionals Bill (Senate Bills No.55 of 2023) seeks leave to sit again tomorrow.

(Question proposed)

(Question put and agreed to)

The Temporary Chairperson (Sen. Wakili Sigei): Sen. Oketch Gicheru, please report on the second Bill.

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

Sen. Oketch Gicheru: Mr. Temporary Chairperson, Sir, pursuant to Standing Order No.153, I beg to move that the Committee of the Whole report progress on its consideration of The Houses of Parliament (Bicameral Relations) Bill (National Assembly Bills No.44 of 2023) seeks leave to sit again tomorrow.

(Question proposed)

(Question put and agreed to)

The Temporary Chairperson (Sen. Wakili Sigei): The third one is by Sen. (Dr.) Khalwale. Kindly proceed.

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

Sen. (Dr.) Khalwale: Mr. Temporary Chairperson, Sir, pursuant to Standing Order No.153, I beg to move that the Committee of the Whole do report progress on its consideration of the Public Transport (Motorcycle Regulation) Bill (Senate Bills No.38 of 2023) and seek leave to sit again tomorrow.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Temporary Speaker (Sen. Veronica Maina) in the Chair]

PROGRESS REPORTED

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

Sen. Wakili Sigei: Madam Temporary Speaker, I beg to report that the Committee of the Whole has considered the Fire and Rescue Services Professionals Bill (Senate Bills No.55 of 2023) and seeks leave to sit again tomorrow.

The Temporary Speaker (Sen. Veronica Maina): Let us have the Mover.

Sen. Abass: Madam Temporary Speaker, I beg to move that the House do agree with the Committee on the said report. I call upon Sen. Eddie to second.

Sen. Oketch Gicheru: I second.

(Question proposed)

(Question put and agreed to)

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

Sen. Wakili Sigei: Madam Temporary Speaker, I beg to report that the Committee of the Whole has considered the Houses of Parliament (Bicameral Relations) Bill (National Assembly Bills No.44 of 2023) and seeks leave to sit again tomorrow.

The Temporary Speaker (Sen. Veronica Maina): I call upon the Mover. Sen. Eddie, you can represent the Senate Majority Leader to move the House.

Sen. Oketch Gicheru: Madam Temporary Speaker, I beg to move that the House do agree with the Committee on the said report. I would like to request the Senator for Kakamega County, Sen (Dr.) Khalwale to second.

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Sen. (Dr.) Khalwale: Hon. Speaker, Sir, I second.

(Question proposed)

(Question put and agreed to)

We are moving to the next Bill.

THE PUBLIC TRANSPORT MOTORCYCLE REGULATIONS
BILLS (SENATE BILL NO. 38 OF 2023)

We are moving to the reporting of the progress by the Chairperson on the Public Transport Motorcycle Regulations Bill (Senate Bills No. 38 of 2023).

Sen. Sigei, please proceed.

Sen. Wakili Sigei: Hon. Temporary Speaker, I beg to report that the Committee of the Whole has considered the Public Transport Motorcycle Regulations Bill, Senate Bill No. 38 of 2023, and seeks leave to sit again tomorrow.

The Temporary Speaker (Sen. Veronica Maina): I now call upon the Mover to move in respect of this Bill.

Sen. (Dr.) Khalwale: Madam Temporary Speaker, I happily beg to move that the House doth agree with the Committee on the said report and request hon. Abbas to second me.

Sen. Abass: Madam Temporary Speaker, I second.

(Question proposed)

(Question put and agreed to)

ADJOURNMENT

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, it is now 6.37 p.m., time to adjourn the House. Having concluded the Business for which I extended the hours of Sitting pursuant to Standing Order No.34(2)(a). The Senate stands adjourned until Wednesday 20th November, 2024 at 9.30 a.m.

The Senate rose at 6.37 p.m.