



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (FOURTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, FEBRUARY 13, 2025 AT 2.30 PM

1. The Senate assembled at thirty Minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Deputy Speaker.
3. **QUORUM OF THE SENATE**

The Deputy Speaker, having counted the Honourable Senators present at the commencement of the sitting and confirming that there was no Quorum, directed that the bell be rung for ten minutes, pursuant to Standing Order 40;

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

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

4. **COMMUNICATION FROM THE CHAIR - ON THE SESSIONAL PAPER NO. 1 OF 2025 ON THE FOREIGN POLICY OF THE REPUBLIC OF KENYA, THE COMMISSION ON REVENUE ALLOCATION (CRA) RECOMMENDATIONS ON THE COUNTY GOVERNMENT'S RECURRENT EXPENDITURE BUDGET CEILINGS FOR THE FINANCIAL YEAR 2025/2026 AND THE COMMISSION ON REVENUE ALLOCATION (CRA) RECOMMENDATIONS ON THE FOURTH BASIS FOR REVENUE SHARING AMONG COUNTY GOVERNMENTS FOR THE FINANCIAL YEARS 2025/2026 TO 2029/2030**

The Speaker conveyed the following Communication from the Chair –

“Honourable Senators,

As you may recall, at the morning sittings of yesterday, Wednesday 12th February, 2025, the Senate Majority Leader laid on the Table of the Senate the following documents -

- (i) Sessional Paper No. 1 of 2025 on the Foreign Policy of the Republic of Kenya;

- (ii) The Commission on Revenue Allocation (CRA) recommendations on the county governments recurrent expenditure budget ceilings for financial year 2025/2026; and
- (iii) The Commission on Revenue Allocation (CRA) recommendations on the Fourth Basis for Revenue Sharing Among County Governments for financial years 2025/2026 to 2029/2030.

With respect to the first document, at a meeting held on 21st January, 2025, the Cabinet approved Sessional Paper No. 1 of 2025 on the Foreign Policy of the Republic of Kenya. The Cabinet further authorized the transmittal of the Sessional Paper to Parliament for consideration. The Sessional Paper presents a comprehensive framework for conducting the Nation's foreign relations and diplomatic engagements.

I hereby direct that Sessional Paper No. 1 of 2025 on the Foreign Policy of the Republic of Kenya be committed to the Standing Committee on National Security, Defence and Foreign Relations for consideration.

The Committee will be required to scrutinize the Paper, undertake public participation on the Sessional Paper and submit a report to the Senate within 30 calendar days.

Honourable Senators,

The other two documents relate to the recommendations of the Commission on Revenue Allocation (CRA) on recurrent expenditure ceilings for county governments for financial year 2025/2026 and recommendations on the Fourth Basis for Revenue Sharing Among County Governments for financial years 2025/2026 to 2029/2030.

As Honourable Senators are aware, Article 217 (1) of the Constitution states that the "once every five years, the Senate shall, by resolution, determine the basis for allocating among the counties the share of national revenue that is annually allocated to the county level of government."

Honourable Senators will recall that the First basis was approved on 27th November, 2012 and was used to share revenue for the financial years 2013/2014 to 2016/2017. The Second basis was adopted by Parliament on 21st June, 2016 and was geared towards the provision of adequate financing to counties, correction of economic disparities and minimization of the development gap and stimulation of economic optimization and incentive to counties to generate revenue. This basis was used to share revenue for financial years 2017/2018 and 2018/2019. The Third Basis was approved on 17th September, 2020 and has been used to share revenue among the county governments for financial years 2020/2021 to 2024/2025.

Pursuant to Article 217 (2) of the Constitution, in making its determination the Senate is required to request and consider recommendations from the Commission on Revenue Allocation, take the criteria stated in Article 203 (1) into account, consult the county governors, the Cabinet Secretary responsible for Finance and any organization of county governments and invite the public including professional bodies to make submissions to it on the matter.

Honourable Senators,

In connection to the recommendation from the Commission on Revenue Allocation on the recurrent expenditure for county governments, Section 107(2A) of the Public Finance Management Act states that –

“Pursuant to Articles 201 and 216 of the Constitution and notwithstanding subsection (2), the Commission on Revenue Allocation shall recommend to the Senate the budgetary ceilings on the recurrent expenditures of each county government.”

Consequently, and upon the tabling of the two documents in the Senate, I hereby direct that the Commission on Revenue Allocation recommendations on expenditure ceilings for county governments for financial year 2025/2026 and on the Fourth Basis for Revenue Sharing Among County Governments for financial years 2025/2026 to 2029/2030, be committed to the Standing Committee on Finance and Budget for consideration.

I urge the Committee to expeditiously consider the two matters, noting that the recommendations are earmarked for the next financial year, which begins on 1st July, 2025.

I thank you.”

5. **PAPERS LAID**

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

- i) 2025 Budget Policy Statement.
- ii) 2025 Medium-Term Debt Management Strategy.
- iii) Draft Division of Revenue Bill, 2025.
- iv) Draft County Allocation of Revenue Bill, 2025.
- v) Draft County Governments Additional Allocations Bill, 2025.
- vi) Report of the Auditor General on Financial Statements of the City of Kisumu for the year ended 30th June, 2024.
- vii) Report of the Auditor General on Financial Statements of the County Executive of Kisumu for the year ended 30th June, 2024.

- viii) Report of the Auditor General on Financial Statements of the County Assembly of Kisumu for the year ended 30th June, 2024.
- ix) Report of the Auditor General on Financial Statements of the County Government of Kisumu – County Revenue Fund for the year ended 30th June, 2024.
- x) Report of the Auditor General on Financial Statements of the Receiver of Revenue – Revenue Statements – County Government of Kisumu for the year ended 30th June, 2024.
- xi) Report of the Auditor General on Financial Statements of the Kisumu County Revenue Board Government of Kisumu – County Government of Kisumu for the year ended 30th June, 2024.
- xii) Report of the Auditor General on Financial Statements of Kisumu Emergency Fund for the year ended 30th June, 2024.
- xiii) Report of the Auditor General on Financial Statements of the County Assembly of Kisumu Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2024.
- xiv) Report of the Auditor General on Financial Statements of the Kisumu County Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2024.
- xv) Report of the Auditor General on Financial Statements of Kisumu Education Fund for the year ended 30th June, 2024.
- xvi) Report of the Auditor General on Financial Statements of Kisumu County Alcoholic Drinks Control Fund for the year ended 30th June, 2024.
- xvii) Report of the Auditor General on Financial Statements of Kisumu County Social Health Insurance Fund for the year ended 30th June, 2024.
- xviii) Report of the Auditor General on Financial Statements of Jaramogi Oginga Odinga Teaching and Referral Hospital - County Government of Kisumu for the year ended 30th June, 2024.
- xix) Report of the Auditor General on Financial Statements of Kisumu County Referral Level 4 Hospital - County Government of Kisumu for the year ended 30th June, 2024.
- xx) Report of the Auditor General on Financial Statements of Ahero County Level 4 Hospital - County Government of Kisumu for the year ended 30th June, 2024.

- xxi) Report of the Auditor General on Financial Statements of Chulaimbo County Level 4 Hospital - County Government of Kisumu for the year ended 30th June, 2024.
- xxii) Report of the Auditor General on Financial Statements of Nyakach County Level 4 Hospital - County Government of Kisumu for the year ended 30th June, 2024.
- xxiii) Report of the Auditor General on Financial Statements of Kombewa County Level 4 Hospital - County Government of Kisumu for the year ended 30th June, 2024.
- xxiv) Report of the Auditor General on Financial Statements of Ojola Sub-County Hospital - County Government of Kisumu for the year ended 30th June, 2024.
- xxv) Report of the Auditor General on Financial Statements of Lumumba Sub- County Level 4 Hospital - County Government of Kisumu for the year ended 30th June, 2024.
- xxvi) Report of the Auditor General on Financial Statements of Migosi Sub- County Hospital - County Government of Kisumu for the year ended 30th June, 2024.
- xxvii) Report of the Auditor General on Financial Statements of Kisumu Water and Sanitation Company Limited for the year ended 30th June, 2024.
- xxviii) Report of the Auditor General on Financial Statements of Gulf Water Services Limited for the year ended 30th June, 2024.
- xxix) Report of the Auditor General on Financial Statements of Nyanas Water and Sanitation Company Limited for the year ended 30th June, 2024.
- xxx) Report of the Auditor General on Financial Statements of Kisumu Lakefront Development Corporation for the year ended 30th June, 2024.
- xxxi) Report of the Auditor General on Financial Statements of Kisumu County Climate Change Fund for the year ended 30th June, 2024.
- xxxii) Report of the Auditor General on Financial Statements of the Mavoko Municipality for the year ended 30th June, 2022.
- xxxiii) Report of the Auditor General on Financial Statements of the Mavoko Municipality for the year ended 30th June, 2023.

- xxxiv) Report of the Auditor General on Financial Statements of the Mavoko Municipality for the year ended 30th June, 2024.
- xxxv) Report of the Auditor General on Financial Statements of Kangundo/Tala Municipality for the year ended 30th June, 2023.
- xxxvi) Report of the Auditor General on Financial Statements of Kangundo/Tala Municipality for the year ended 30th June, 2024.
- xxxvii) Report of the Auditor General on Financial Statements of the County Executive of Machakos for the year ended 30th June, 2024.
- xxxviii) Report of the Auditor General on Financial Statements of the County Assembly of Machakos for the year ended 30th June, 2024.
- xxxix) Report of the Auditor General on Financial Statements of the County Revenue Fund - County Government of Machakos for the year ended 30th June, 2024.
- xl) Report of the Auditor General on Financial Statements of the Receiver of Revenue – County Government of Machakos for the year ended 30th June, 2024.
- xli) Report of the Auditor General on Financial Statements of the Machakos County Executive Committee and Chief Officers' Car Loan and Mortgage Scheme for the year ended 30th June, 2024.
- xlii) Report of the Auditor General on Financial Statements of the Machakos County Assembly Housing and Car Loan Scheme Fund-MCAS for the year ended 30th June, 2024.
- xliii) Report of the Auditor General on Financial Statements of the Machakos County Assembly Housing and Car Loan Scheme Fund-Staff for the year ended 30th June, 2024.
- xliv) Report of the Auditor General on Financial Statements of Machakos Level 5 Hospital - County Government of Machakos for the year ended 30th June, 2024.
- xlv) Report of the Auditor General on Financial Statements of Kimiti Level 4 Hospital - County Government of Machakos for the year ended 30th June, 2024.
- xlvi) Report of the Auditor General on Financial Statements of Mutituni Level 4 Hospital - County Government of Machakos for the year ended 30th June, 2024.

- lix) Joint Report of the National Assembly Departmental Committee on Justice and Legal Affairs and the Senate Standing Committee on Justice, Legal Affairs and Human Rights on its consideration of the Report of the National Dialogue Committee (NADCO) and the Report of the Multi-sectoral Working Group on the realization of the Two-thirds Gender Principle.

(Sen. Wakili Hillary Sigei, MP)

- lx) Statement on the business of the Senate for the week commencing Tuesday, 18th February, 2025.

(The Deputy Senate Majority Leader)

6. **COMMUNICATION FROM THE CHAIR- ON CONSIDERATION OF THE 2025 BUDGET POLICY STATEMENT, BY THE SENATE**

The Speaker conveyed the following Communication from the Chair –

“Honourable Senators,

I have a Communication to make relating to the budgeting process for the next financial year.

As you may have noted, the Senate Majority Leader has tabled the following documents: -

- i. the 2025 Budget Policy Statement;
- ii. the 2025 Medium-Term Debt Management Strategy;
- iii. the Draft Division of Revenue Bill, 2025;
- iv. the Draft County Allocation of Revenue Bill, 2025; and
- v. the Draft County Governments Additional Allocations Bill, 2025.

Section 25 of the Public Finance Management Act and Standing Order 186 of the Senate requires the National Treasury to prepare and submit the Budget Policy Statement to Parliament by the 15th of February each year.

Honourable Senators,

As you are aware, the Budget Policy Statement is an important financial instrument that sets out the broad strategic priorities and policy goals that will guide the national government and county governments in preparing their budgets both for the following Financial Year and over the medium term. It contains, among other things -

- i. an assessment of the current state of the economy and the financial outlook over the medium term, including the macro-economic forecasts;

- ii. the financial outlook with respect to government revenues, expenditures and borrowing for the next financial year and over the medium term;
- iii. the criteria used to allocate or apportion the available public resources among the two levels of Government and various programmes and projects.
- iv. the proposed expenditure limits for the national government, including those of Parliament and the Judiciary and indicative transfers to county governments;
- v. the fiscal responsibility principles and financial objectives over the medium-term including limits on total annual debt.

Honourable Senators,

As you are also aware, Section 25 (7) of the Public Finance Management Act provides as follows-

“Parliament shall, not later than fourteen days after the Budget Policy Statement is submitted to Parliament, table and discuss a report containing its recommendations and pass a resolution to adopt it with or without amendments.”

With respect to consideration of the Budget Policy Statement in the Senate, Standing Order 186(4) states that -

“upon being laid before the Senate, the Budget Policy Statement shall be committed to each Standing Committee to consider and submit its recommendations to the Standing Committee on Finance and Budget within 7 days.”

Pursuant to Standing Order 186 (5), the Standing Committee on Finance and Budget is required *“within twelve days following the tabling of the Budget Policy Statement, consider the Budget Policy Statement and the recommendations received under paragraph (4) and table a report for consideration, in accordance with Section 25(7) of the Public Finance Management Act.”*

Honourable Senators,

Cognizant of the importance of the Budget Policy Statement and the above timelines, I direct that, the Budget Policy Statement be considered by all Standing Committees. Each Committee is expected to concentrate on matters that fall under its mandate and highlighting any policy and financial recommendations thereof. These recommendations should be forwarded to the Standing Committee on Finance and Budget on or before Thursday, 20th February, 2025.

Thereafter, the Standing Committee on Finance and Budget will be required to consider the recommendations from the other Standing Committees, as well as to consult the institutions referred to under Standing Order 186(6) in finalizing its report on the Budget Policy Statement. The Standing Committee will be required to table its report on or before Tuesday, 25th February, 2025.

Subsequently, the Senate will be required to consider and make a determination on the report by the Standing Committee on Finance and Budget by Thursday, 27th February, 2025.

Honourable Senators,

In a nutshell, it means that any proposal that Senators have regarding the Budget Policy Statement, the draft Division of Revenue Bill, 2025 the draft County Allocation of Revenue Bill, 2025, the draft County Governments Additional Allocations Bill, 2025 and the financing structure therein among other recommendations, must be canvassed and forwarded to the Cabinet Secretary for the National Treasury and Economic Planning for consideration when finalizing the budget for the relevant Financial Year. This is a requirement pursuant to Section 25 (8) of the Public Finance Management Act and Standing Order 186 (9) of the Senate.

In conclusion, I urge all Standing Committees to prioritize the scrutiny of the Budget Policy Statement taking into consideration our most important function of protecting the interests of counties and their governments and safeguarding devolution.

I thank you.”

7. **NOTICE OF MOTION - CONSIDERATION OF THE JOINT REPORT OF THE NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS AND THE SENATE STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS ON ITS CONSIDERATION OF THE REPORT OF THE NATIONAL DIALOGUE COMMITTEE (NADCO) AND THE REPORT OF THE MULTI-SECTORAL WORKING GROUP ON THE REALIZATION OF THE TWO-THIRDS GENDER PRINCIPLE**

(Sen. Wakili Hillary Sigei, MP)

THAT, the Senate adopts the Joint Report of the National Assembly Departmental Committee on Justice and Legal Affairs and the Senate Standing Committee on Justice, Legal Affairs and Human Rights on its consideration of the Report of the National Dialogue Committee (NADCO) and the Report of the Multi-sectoral Working Group on the realization of the Two-thirds Gender Principle, laid on the Table on Thursday, 13th February, 2025.

8. QUESTIONS & STATEMENTS**a) Requests for Statements pursuant to Standing Order 53 (1)**

- i) Seneta wa Kaunti ya Mombasa (Sen. Mohamed Faki Mwinyihaji, Mbunge) aliomba Kauli kutoka kwa Kamati ya Afya kuhusu kuzorota kwa huduma za afya katika Kaunti ya Mombasa.
- ii) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a Statement from the Standing Committee on Devolution and Intergovernmental Relations regarding the alteration of the Taita Taveta County and Kajiado County boundary.
- iii) The Senator for Narok County (Sen. Ledam Olekina, MP) on behalf of Nominated Senator (Sen. Hamida Kibwana, MP), sought a Statement from the Standing Committee on Health regarding the viability of agreements entered by the Ministry of Health and county governments under the National Equipment Support Program (NESP), for supply and lease of medical equipment to the county public health facilities.
- iv) The Senator for Narok County (Sen. Ledam Olekina, MP) on behalf of Nominated Senator (Sen. Hamida Kibwana, MP), sought a Statement from the Standing Committee on Health regarding the tragic death by suicide of Mr. Francis Njuki, a medical intern at the Thika Level 5 Hospital.
- v) The Senator for Kisii County (Sen. Richard Onyonka, MP) sought a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the impending dissolution of the Pyrethrum Processing Company of Kenya (PPCK).
- vi) The Senator for Embu County (Sen. Alexander Mundigi, MP) sought a Statement from the Standing Committee on Roads, Transportation and Housing regarding the poor state of the Muthataari – Siakago road in Embu County.

b) Statement pursuant to Standing Order 57(1)

The Deputy Senate Majority Leader issued a Statement on the business of the Senate for the week commencing Tuesday, 18th February, 2024.

9. THE PUBLIC HOLIDAYS (AMENDMENT) BILL, (SENATE BILLS NO. 31 OF 2023)

(Sen. Karungo Thang'wa, MP)

(Second Reading)

Raising a point of order pursuant to Standing Order 159 (1), the Senator for Kiambu County (Sen. Karungo Thang'wa, MP) claimed to withdraw the Public Holidays (Amendment) Bill, (Senate Bills No. 31 of 2023).

And the Temporary Speaker (Sen. Wakili Sigei, MP) acceding to the claim, the Bill was withdrawn.

10. **MOTION - REPORT OF THE MEDIATION COMMITTEE ON THE CONFLICT OF INTEREST BILL (NATIONAL ASSEMBLY BILLS NO. 12 OF 2023)**

(Vice- Chairperson, Mediation Committee)

THAT, the Senate adopts the Report of the Mediation Committee on the Conflict of Interest Bill (National Assembly Bills No. 12 of 2023), laid on the table of the Senate on Thursday, 5th December, 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.

Order deferred.

11. **THE PUBLIC FUNDRAISING APPEALS BILL (SENATE BILLS NO. 36 OF 2024)**

(The Senate Majority Leader)

(Second Reading)

***(Resumption of debate interrupted on Thursday, 28th November, 2024)
(Division)***

Order deferred.

12. **THE ENVIRONMENT LAWS (AMENDMENT) BILL (SENATE BILLS NO. 23 OF 2024)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Environment Laws (Amendment) Bill (Senate Bills No. 23 of 2024) be now read a Second Time.

(Sen. Abdul Haji, MP – 31.10.2024)

Debate interrupted on Wednesday, 12th February, 2025 – Morning Sitting, resumed;

And there being no more Senators wishing to contribute;

Mover replied;

Pursuant to Standing Order 66 (3), the Mover requested the deferment of the putting of the Question to a later date.

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

13. **THE COUNTY CIVIC EDUCATION BILL (SENATE BILLS NO. 4 OF 2024)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the County Civic Education Bill (Senate Bills No. 4 of 2024) be now read a Second Time.

(Sen. Esther Okenyuri, MP – 12.02.2025)

Debate interrupted on Wednesday, 12th February, 2025 – Afternoon Sitting, resumed;

And there being no more Senators wishing to contribute;

Mover replied;

Pursuant to Standing Order 66 (3), the Mover requested the deferment of the putting of the Question to a later date.

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

14. **THE CREATIVE ECONOMY SUPPORT BILL (SENATE BILLS NO. 30 OF 2024)**

(Sen. Eddy Oketch, MP)

(Second Reading)

Order deferred.

15. **THE LIVESTOCK PROTECTION AND SUSTAINABILITY BILL (SENATE BILLS NO. 32 OF 2024)**

(Sen. (Dr.) Lelegwe Itumbesi, MP)

(Second Reading)

Order deferred.

16. **THE SPORTS (AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2024)**

(Sen. Edwin Sifuna, MP)

(Second Reading)

Order deferred.

17. **THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 39 OF 2024)**

(Sen. George Mbugua, MP)

(Second Reading)

Order deferred.

18. **THE COUNTY LIBRARY SERVICES BILL (SENATE BILLS NO. 40 OF 2024)**

(Sen. Joyce Korir, MP)

(Second Reading)

Order deferred.

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

(Sen. Fatuma Dullo, MP)

(Second Reading)

Order deferred.

20. **THE SPORTS (AMENDMENT) (NO.2) BILL (SENATE BILLS NO. 45 OF 2024)**

(Sen. (Prof.) Tom Ojienda, MP and Sen. Raphael Chimera, MP)

(Second Reading)

Order deferred.

And there being no other business on the Order Paper, the Temporary Speaker (Sen. Wakili Sigei, MP) adjourned the Senate at twenty-five minutes past Six O'clock, without Question put, pursuant to the Standing Orders.

21. **SENATE ROSE** – at twenty-five minutes past Six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, February 18, 2025 at 2:30 pm*