



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (FOURTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, MAY 06, 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 Speaker.

3. **QUORUM OF THE SENATE**

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

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

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

4. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair:

a) Resumption of Sittings of the Senate for Part III of the Fourth Session

“Honourable Senators,

I take this opportunity to welcome you back from the recess. I hope you had time to meet with your constituents, friends and families over the past two weeks. I also hope that you took some time to rejuvenate your spirits for the resumption of regular sittings. Part III of the Fourth Session commences today and will run until the rise of the Senate on Thursday, 12th June, 2025.

Honourable Senators,

As you will recall, in Part II of the Session, the Senate considered and passed seven Bills, being-

- I. the County Governments Additional Allocations Bill (Senate Bills No. 1 of 2025);
- II. the Energy (Amendment) Bill (Senate Bills No. 42 of 2023);
- III. the County Public Finance Laws (Amendment) Bill (Senate Bills No. 39 of 2023);

- IV. the County Assembly Services (Amendment) Bill (Senate Bills No. 34 of 2023);
- V. the County Assemblies Pensions Scheme Bill (Senate Bills No. 14 of 2024);
- VI. the Land (Amendment) Bill (National Assembly Bills No. 40 of 2022); and
- VII. the National Disaster Risk Management Bill (National Assembly Bills No. 24 of 2023).

The Senate Bills, as well as the National Assembly Bills and their schedules of amendments, have since been forwarded to the National Assembly for consideration. Further, the Senate passed the National Assembly amendments to the Persons with Disabilities Bill (Senate Bills No. 7 of 2023) and the Bill is now awaiting assent by His Excellency the President.

I take this opportunity to commend all Senators for your dedication and hard work in advancing the legislative business. However, I wish to remind the Senate that we still have a long way to go in processing business. As Honourable Senators will note from the Programme of Business, there are several Bills at the Second Reading and Committee of the Whole stages, as well as Motions on various matters. Additionally, the Chairperson of the Standing Committee on Finance and Budget will shortly give a Notice of Motion on the approval of the Fourth Basis for allocating the share of National Revenue among counties. This is crucial business pursuant to Article 217 of the Constitution, which mandates Parliament to determine the basis for allocating revenue among counties. If passed, the Fourth Basis will be in force for the subsequent financial years until financial year 2029/2030.

Further, in the coming days, the Senate will be considering the Division of Revenue Bill, 2025, a crucial financial instrument that determines the equitable sharing of revenue between the national and county governments. The passage of this Bill will pave the way for other legislative instruments, including the County Allocation of Revenue Bill, the County Governments Additional Allocations Bill, and the respective Cash Disbursements Schedules.

Given the impact of these financial instruments on service delivery, I urge all Honourable Senators to remain focused and committed as we continue to discharge our mandate.

Honourable Senators,

As I conclude, I wish to reiterate that my office remains open and accessible to all Senators for consultations and support in fulfilling your duties. I wish you fruitful deliberations in Part III of the Fourth Session.

I thank you.”

b) On the demise of Honourable Charles Ong’ondo Were, MP, Member of the National Assembly representing Kasipul Constituency

“Honourable Senators,

I have a Communication to make relating to the demise of Honourable Charles Ong'ondo Were, MP.

It is with deep sorrow that I notify you of the untimely demise of Hon. Charles Ong'ondo Were, MP, the Member of the National Assembly representing Kasipul Constituency in Homa Bay County. The late Honourable Were succumbed to injuries that he sustained after being shot by a gunman on a motorcycle, while he was being driven home along Ngong Road on Wednesday, 30th April, 2025.

Honourable Senators,

The late Hon. Charles Were was born in 1966 in Homa Bay County. His educational journey began at Karabok Primary School, where he studied from 1976 to 1982. He then proceeded to Oyugis Secondary School, where he completed his Kenya Certificate of Education (KCE) in 1986.

Driven by an unwavering commitment to personal growth and a desire to advance his education, the late Hon. Were enrolled for a Certificate in Computerized Accounting at Meru University in 2011 and completed the programme in 2012. He thereafter joined the Mount Kenya University where he successfully attained a Diploma and a Bachelor's Degree in Business Management in the years 2014 and 2017 respectively. He was also awarded a Master of Science in Procurement and Supplies Management from the same institution in 2019.

Prior to his election as a Member of Parliament, the late Hon. Charles Were built a career in the private sector, holding top executive positions in several companies. He served as the Chief Executive Officer of Victoria Cleaning Services Limited from 2003 to 2022, and at Metrookam Properties Limited from 2006 to 2012. The late Hon. Were also served, as the Director for Benga Group Holding Limited from 2014 to 2022. These leadership roles showcased his strong business acumen and managerial expertise, that provided a solid foundation for his transition into public service.

Honourable Senators,

The late Hon. Charles Were joined elective politics in 2017, when he successfully vied for and won the parliamentary seat as a Member of the National Assembly representing Kasipul Constituency on an Orange Democratic Movement (ODM) ticket. He was re-elected in the 2022 General Elections on the same ticket.

Until his untimely demise, he served as the Vice-Chairperson of the Committee on National Cohesion and Equal Opportunity, where he played a critical role in the Committee's work on inquiry into employment diversity in public institutions. Additionally, he was also an active member of the Departmental Committee on Blue Economy, Water and Irrigation. During the term of the 12th Parliament, the late Hon. Were served as a member of the Departmental Committee on Environment and Natural Resources and the Select Committee on National Cohesion and Equal Opportunity.

Honourable Senators,

The gruesome death of Hon. Charles Were is indeed a big loss to the wider parliamentary fraternity. Our thoughts and prayers are with his family and friends at this difficult time. The National Assembly, residents of Kasipul Constituency and indeed the nation, have lost a dependable and astute legislator who served his constituents and the nation with utmost dedication.

A condolence book has been opened at the Senate reception, Main Parliament Buildings, for Honourable Senators, Members of the National Assembly and parliamentary staff to commiserate with the family of the late Member.

On behalf of the Senate and on my own behalf, I extend my heartfelt condolences to the family of the late Hon. Charles Were, MP, as well as the residents of Kasipul Constituency during this difficult time.

In honour of our departed colleague, I request that we all stand and observe a minute of silence.

May the soul of the late Hon. Charles Were, MP, rest in eternal peace.

I thank you.”

The Speaker allowed Senators to give tributes in honour of the late Hon. Charles Were, MP.

c) On Visiting Teachers and Students from AIC Nunguni Secondary School in Makueni County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting teachers and students from AIC Nunguni Secondary School in Makueni County. The delegation comprises three (3) teachers and forty eight (48) students, who are in the Senate for a one-day academic exposition.

Honourable Senators,

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and, on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you.”

5. MESSAGES

The Speaker conveyed the following Messages:

a) Presidential Memorandum on the Referral of the Conflict of Interest Bill, 2023

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 47 (1), I have received the following Message from His Excellency the President regarding the referral of the Conflict of Interest Bill, (National Assembly Bill No. 12 of 2023).

The Message, which came as a Presidential Memorandum dated 30th April, 2025, was received in the Office of the Clerk of the Senate on Wednesday, 30th April, 2025.

Pursuant to the said Standing Order, I now report the Message –

"WHEREAS a Bill titled "An Act of Parliament to provide for the management and regulation of conflict of interest and for connected purposes" was passed by the National Assembly on the 5th December, 2024, and by the Senate on the 8th April, 2025;

AND WHEREAS in accordance with the provisions of the Constitution the Conflict of Interest Bill, 2023 was presented to me for assent on the 17th April 2025;

NOW THEREFORE, in exercise of the powers conferred upon me by Article 115 of the Constitution, I decline to assent to the Conflict of Interest Bill, 2023, and refer the Bill for reconsideration by both houses of parliament, for the reasons set out hereunder."

Honourable Senators,

In the Memorandum, His Excellency the President has noted his reservations and set out the proposed parts for reconsideration by the Senate.

Honourable Senators,

Article 115 (2) provides for the procedure for the disposal of reservations by the President on a Bill and states as follows-

"If the President refers a Bill back for reconsideration, Parliament may, following the appropriate procedures under this Part-

- (a) amend the Bill in light of the President's reservations; or*
- (b) pass the Bill a second time without amendment."*

If Parliament amends the Bill fully accommodating the President's reservations, the appropriate Speaker shall re-submit the Bill to the President for assent pursuant to Article 115 (3).

Further, Article 115 (4) provides that –

"Parliament, after considering the President's reservations, may pass the Bill a Second Time, without amendment or with amendments that do not fully accommodate the President's reservations, by a vote supported –

(b) by two-thirds of the delegations in the Senate, if it is a Bill that requires the approval of the Senate."

Pursuant to the provisions of Standing Order 170, I refer the said Memorandum to the Standing Committee on Justice, Legal Affairs and Human Rights for consideration. The Committee is required to, within fourteen days, lay on the Table of the Senate its report on the Memorandum. I direct that the Committee tables its report on or before Tuesday, 20th May, 2025 for consideration by the Senate.

I thank you."

b) Passage, by the National Assembly, of the County Governments Additional Allocations Bill (Senate Bills No. 1 of 2025)

"Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 46 (3) and (5), I have received the following Message from the Speaker of the National Assembly regarding the passage, by the National Assembly, of the County Governments Additional Allocations Bill (Senate Bills No. 1 of 2025).

The Message, dated Thursday, 24th April, 2025 was received in the Office of the Clerk of the Senate the same date while the Senate was on recess. It was subsequently circulated to all Senators via a letter dated 25th April, 2025.

Pursuant to Standing Order 46 (5), I now report the Message –

"PURSUANT to the provisions of Standing Order 41 (1) and 144 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

WHEREAS, the County Governments Additional Allocations Bill (Senate Bills No 1 of 2025) was passed by the Senate on Thursday, 1st April, 2025, and referred to the National Assembly for consideration pursuant to the provisions of Article 110(4) of the Constitution;

AND WHEREAS, the National Assembly considered the said Bill and passed it without amendments on Thursday, 24th April, 2025 in the form passed by the Senate;

NOW THEREFORE, in accordance with the provisions of Article 110 of the Constitution and Standing Orders 41(1) and 144 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate."

Honourable Senators,

I am in the process of transmitting the Bill to His Excellency the President for Assent.

I thank you."

6. PAPERS LAID

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

- i. The Kenya National Commission on Human Rights Annual Report for the Financial Year 2023/2024.
- ii. Report of the Auditor-General on the Financial Statements of Narok County Climate Change Fund for the year ended 30th June, 2024.

(The Senate Majority Leader)

- iii. Report of the Joint Sitting of the National Assembly Departmental Committee on Finance and National Planning and the Senate Standing Committee on Finance and Budget on the approval hearing of the nominees for appointment to the Board of the Central Bank of Kenya.

(The Chairperson, Standing Committee on Finance and Budget)

- iv. Statement by the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries relating to the activities of the Committee for the period, January to April, 2025.

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

- v. Statement by the Chairperson, Standing Committee on Devolution and Intergovernmental Relations relating to the activities of the Committee for the period, January to April, 2025.

(Sen. (Prof.) Margaret Kamar, MP on behalf of the Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

- vi. Statement by the Chairperson, Standing Committee on Education relating to the activities of the Committee for the period, January to April, 2025.

(The Chairperson, Standing Committee on Education)

7. NOTICE OF MOTION - REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE FOURTH BASIS FOR ALLOCATING THE SHARE OF NATIONAL REVENUE AMONG COUNTIES

(The Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the Fourth Basis for Allocating the Share of National Revenue Among the Counties, laid on the Table of the Senate on Thursday, 17th April, 2025, and that pursuant to Article 217(1) of the Constitution, approves the Fourth Basis for Allocating the Share of National Revenue Among the Counties for the Financial Years 2025/2026 to 2029/2030 as follows –

County Allocation = (Baseline Allocation Ratio*Ksh.387.425 billion) + {[(0.45*Population Index) + (0.35*Equal Share Index) + (0.12*Poverty Index) + (0.08*Geographical Size Index)] *Additional County Equal Share above the baseline}.

Where –

- i. Baseline =Ksh.387.425 billion being the equitable share for the Financial Year 2024/2025;*
- ii. Baseline Allocation Ratio = The allocation factor derived from each County's allocation for the Financial Year 2024/2025;*
- iii. The Population Index is based on the 2019 Kenya Population and Housing Census (KPHC);*
- iv. The Poverty Index is based on the 2022 Kenya Poverty Report by the Kenya National Bureau of Statistics (KNBS);*
- v. Geographical Size is capped at 10%.*

8. **NOTICE OF MOTION - REPORT OF THE STANDING COMMITTEE ON ENERGY ON THE COUNTY OVERSIGHT AND NETWORKING ENGAGEMENTS IN WAJIR COUNTY**

(The Majority Leader on behalf of the Chairperson, Standing Committee on Energy)

THAT, the Senate adopts the Report of the Standing Committee on Energy on the County Oversight and Networking Engagements in Wajir County, laid on the table of the Senate on Thursday, 17th April, 2025.

9. **NOTICE OF MOTION - PROGRESS REPORT OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS ON THE OPERATIONAL AND LEADERSHIP CRISIS AFFECTING THE COUNTY ASSEMBLY OF NYAMIRA**

(Sen. (Prof.) Margaret Kamar, MP on behalf of the Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

THAT, the Senate adopts the Progress Report of the Standing Committee on Devolution and Intergovernmental Relations on the operational and leadership crisis affecting the County Assembly of Nyamira, laid on the table of the Senate on Thursday, 17th April, 2025.

10. **NOTICE OF MOTION - REPORT OF THE JOINT SITTING OF THE NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING AND THE SENATE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE APPROVAL HEARING OF THE NOMINEES FOR APPOINTMENT TO THE BOARD OF CENTRAL BANK OF KENYA.**

(Sen. (Dr.) Boni Khalwale, MP on behalf of the Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate adopts the Joint Report of the Departmental Committee on Finance and National Planning of the National Assembly and the Standing Committee on Finance and Budget of the Senate on the approval hearing of the Nominees for appointment to the Board of the Central Bank of Kenya, laid on the Table of the Senate on Tuesday, 6th May, 2025, and that pursuant to section 11(2) of the Central Bank of Kenya Act and section 8(2) of the Public Appointments (Parliamentary Approval) Act, the Senate approves the appointment of the following nominees as members of the Board of Central Bank of Kenya-

- 1) FCPA Sophie Moturi;
- 2) CPA Abdullahi Mohamed Abdi;
- 3) Ms. Beatrice Kosgei and
- 4) Mr. David Simpson Osawa Owuor.

11. **STATEMENTS**

a) Statement pursuant to Standing Order 52 (1)

The Senator for Nairobi City County (Sen. Edwin Sifuna, MP) made a Statement on the demise of His Holiness Pope Francis, the Head of the Catholic Church and Sovereign of the Vatican City State, who died on Easter Monday, 21st April, 2025.

In the Statement, the Senator described the late Pope Francis as the most liberal and progressive leader in the history of the Catholic Church, commending the late Pope's compassion, advocacy for the marginalized, and rejection of traditional papal luxuries in favour of humility. The Senator noted that a genuine tribute to the late Pontiff would be a commitment to the values he espoused—particularly inclusivity, social justice, and economic equity.

The Senator cautioned against hypocritical mourning by leaders who perpetuate corruption, division, and exclusion, noting that such conduct stands in direct contrast to the legacy of the late Pope Francis. In conclusion, the Senator expressed hope that the next Pope would build upon the progressive path laid by the late Pope, and called for both political and religious unity anchored in compassion, reform, and climate action.

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

- i. The Senator for Vihiga County (Sen. Godfrey Osotsi, MP) sought a Statement from the Standing Committee on Health concerning the existence of expired medication in public health facilities countrywide.
- ii. The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) sought a Statement from the Standing Committee on Education concerning the tragic death of two (2) Form Four students at Ramba Boys' High School in Rarieda, Siaya County.
- iii. The Senator for Nairobi City County (Sen. Edwin Sifuna, MP) sought a Statement from the Standing Committee on Energy concerning the

payments made by the Kenya Power and Lighting Company Plc (Kenya Power) to Independent Power Producers (IPPs) under the take-or-pay contract.

- iv. The Senator for Trans Nzoia County (Sen. Allan Chesang, MP) sought a Statement from the Standing Committee on Finance and Budget concerning revenue generation streams in Trans Nzoia County.
- v. The Senator for Trans Nzoia County (Sen. Allan Chesang, MP) sought a Statement from the Standing Committee on Health concerning the relocation of health services and the deteriorating operational standards in county health facilities in Trans Nzoia County.
- vi. The Senator for Mombasa County (Sen. Mohammed Faki, MP) sought a Statement from the Standing Committee on Roads, Transportation and Housing regarding the deteriorating situation at the Likoni Ferry Crossing in Mombasa County.

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

- i. The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries, made a Statement relating to the activities of the Committee for the period, January to April, 2025.
- ii. Sen. (Prof.) Margret Kamar, MP, on behalf of the Chairperson, Standing Committee on Devolution and Intergovernmental Relations, made a Statement relating to the activities of the Committee for the period, January to April, 2025.
- iii. The Chairperson, Standing Committee on Education, made a Statement relating to the activities of the Committee for the period, January to April, 2025.

12. THE COUNTY STATISTICS BILL (SENATE BILLS NO. 5 OF 2024)

(Sen. Ali Ibrahim Roba, MP)

Raising a point of order pursuant to Standing Order 159 (1), the Senator for Mandera County (Sen. Ali Ibrahim Roba, MP) claimed to withdraw the County Statistics Bill (Senate Bills No. 5 of 2024).

And the Speaker acceding to the claim, the Bill was withdrawn.

13. MOTION - REPORT OF THE JOINT SITTING OF THE NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING AND THE SENATE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE APPROVAL HEARING OF THE NOMINEES FOR APPOINTMENT TO THE BOARD OF CENTRAL BANK OF KENYA.

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Joint Report of the Departmental Committee on Finance and National Planning of the National Assembly and the Standing Committee on Finance and Budget of the Senate on the approval hearing of the Nominees for appointment to the Board of the Central Bank of Kenya, laid on the Table of the Senate on Tuesday, 6th May, 2025, and that pursuant to section 11(2) of the Central Bank of Kenya Act and section 8(2) of the Public Appointments (Parliamentary Approval) Act, the Senate approves the appointment of the following nominees as members of the Board of Central Bank of Kenya-

- 1) FCPA Sophie Moturi;
- 2) CPA Abdullahi Mohamed Abdi;
- 3) Ms. Beatrice Kosgei and
- 4) Mr. David Simpson Osawa Owuor.

(Sen. (Dr.) Boni Khalwale, MP on behalf of the Chairperson, Standing Committee on Finance and Budget)

Debate arising;

And there being no more Senators wishing to contribute;

The Vice-Chairperson, Standing Committee on Finance and Budget replied on behalf of the Mover;

Pursuant to Standing Order 66(3), the Vice-Chairperson requested for 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 the putting of the Question to a later date.

And the time being thirty Minutes past six O'clock, the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

14. **SENATE ROSE** – at thirty Minutes past six O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Wednesday, May 7, 2025 at 9.30 a.m.

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