



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, APRIL 13 2023 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 IN THE HOUSE**

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

And there being a Quorum after the expiry of 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) Visiting Senator from the Parliament of the Kingdom of Eswatini

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, Senator Tony Nkosikhona Sibandze from the Parliament of the Kingdom of Eswatini.

Senator Sibandze is the Chairperson on the Finance Portfolio Committee and the Chairperson of Eswatini’s Disciplinary Tribunal on Contraventions by Parastatals under the Public Enterprise Unit. He is also a Member of the Pan African Parliament (PAP) and a Rapporteur of the Committee on Monetary and Financial Affairs.

He is in the Senate as a guest of the Senator for Tana River County, Sen. Danson Mungatana, MP.

The Senator is making a second visit to Kenya as the head of delegation to the African Parliamentary Network on Internet Governance (APNIG) which has over 25 countries in the continent where he serves as a Member and the Treasurer to the group.

Honourable Senators,

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

I thank you”.

b) Visiting teachers and students from Acacia Academy in Kitengela, Kajiado County

“Honourable Senators,

In the public gallery, we have thirty-four (34) students, accompanied by two (2) teachers, from Acacia Academy in Kitengela, Kajiado County who are in the Senate on an education tour.

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. PAPERS LAID

The following papers were laid on the Table of the Senate:-

- i.) Report of the Auditor General on the irregular payment of conference facility and Daily Subsistence Allowances (DSA) in the Homa Bay County Assembly.
- ii.) Report of the Auditor General on the financial statement of the Laikipia County Executive State and Public Officers Car Loan and Mortgage Scheme for the year ended 30th June, 2022.
- iii.) Report of the Auditor General on the financial statement of the Laikipia County Revenue Board for the year ended 30th June, 2022.

- iv.) Report of the Auditor General on the financial statement of the Laikipia County Emergency Fund for the year ended 30th June, 2022.
- v.) Report of the Auditor General on the financial statement of the Laikipia County Enterprise Fund for the year ended 30th June, 2022.
- vi.) Report of the Auditor General on the financial statement of County Executive of the Kakamega for the year ended 30th June, 2022.
- vii.) Report of the Auditor General on the financial statement of County Assembly of the Kakamega for the year ended 30th June, 2022.
- viii.) Report of the Auditor General on the financial statement of the Samburu County COVID 19 Emergency Response Fund for the year ended 30th June, 2022.
- ix.) Report of the Auditor General on the financial statement of the Bungoma County Education Support Scheme for the year ended 30th June, 2022.
- x.) Report of the Auditor General on the financial statement of the Ol Kalou Municipality for the year ended 30th June, 2022.
- xi.) Report of the Auditor General on the financial statement of the Kitui County Assembly Car Loan and Mortgage (Members) Scheme Fund for the year ended 30th June, 2022.

(The Senate Deputy Majority Whip)

- xii.) Report of the Standing Committee on Information, Communication and Technology on its consideration of the County Printer Bill (Senate Bills No. 10 of 2022)

(The Chairperson, Standing Committee on Information, Communication and Technology)

- xiii.) Statement of the Business of the Senate for the week commencing Tuesday, 18th April, 2023.

(The Senate Majority Leader)

6. STATEMENTS

a) Pursuant to Standing Order 53(1)

- (i) The Senator for Kitui County (Sen. Enoch Wambua, MP) sought a statement from the Standing Committee on Finance and Budget regarding the status of Kenya Revenue Authority (KRA) collections over the last six (6) months.

- (ii) Nominated Senator (Sen. George Mbugua, MP) sought a statement from the Standing Committee on Labour and Social Welfare on the legal structure and operations of the National Fund for the Disabled of Kenya (NFDK).
- (iii) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) sought a statement from the Standing Committee on Health concerning the impending Doctors' strike in Kisumu County.
- (iv) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) sought a statement from the Standing Committee on Health regarding the state of affairs at the Ahero Sub-County hospital in Kisumu County.
- (v) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) sought a statement from the Standing Committee on Labour and Social Welfare regarding claims of irregular and unprocedural recruitments by the Kisumu County Public Service Board.
- (vi) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on Labour and Social Welfare regarding alleged mismanagement, irregular procurement and misuse of funds at the Sports, Arts and Social Development Fund (SASDEF).

b) Pursuant to Standing Order 57(1)

The Senate Majority Leader issued a statement on the business of the Senate for the week commencing Tuesday, 18th April, 2023.

7. **THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 6 OF 2022)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Natural Resources (Benefit Sharing) Bill (Senate Bills No. 6 of 2022) be now read a Second Time.

(Sen. Danson Mungatana, MP – 09.03.2023)

Debate interrupted on Thursday, 9th March, 2023, resumed on a Division;

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

Upon the expiry of five minutes, the Speaker directed that the doors be locked and the bars be drawn and asked Senators to log-in for electronic voting;

The Speaker put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Speaker allowed one (1) Senator to record her vote verbally.

Thereupon, the following Senator recorded her vote as “**Yes**”-

Sen. Omar Mariam Sheikh, MP - voted on behalf of Mandera County Delegation

The results of the Division were as follows:-

AYES – 24

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Cherarkey Samson , MP
4. Sen. Cheruiyot Aaron Kipkirui, MP
5. Sen. Chesang Allan Kiprotich, MP
6. Sen. Kathuri Murungi, MP
7. Sen. Keroche Tabitha Karanja, MP
8. Sen. Khalwale Boni, MP
9. Sen. Kipkiror William Cheptumo, MP
10. Sen. Kisang William Kipkemoi, MP
11. Sen. Lelegwe Steve Ltumbesi, MP
12. Sen. Madzayo Stewart Mwachiru, MP
13. Sen. Mundigi Alexander Munyi, MP
14. Sen. Mungatana Danson Buya, MP
15. Sen. Murango James Kamau, MP
16. Sen. Oginga Oburu, MP
17. Sen. Ojienda Odhiambo Tom, MP
18. Sen. Omar Mariam Sheikh, MP – voted verbally on behalf of Mandera County Delegation
19. Sen. Osotsi Godfrey Atieno, MP
20. Sen. Recha Julius Murgor, MP
21. Sen. Sifuna Edwin Watanya, MP
22. Sen. Wafula David Wakoli, MP
23. Sen. Wakili Sigei Kiprotich, MP
24. Sen. Wambua Enoch Kiio, MP

Question, agreed to;

Bill read a Second Time and committed to the Committee of the Whole tomorrow.

8. **THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL (SENATE BILLS NO. 3 OF 2022)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the County Vocational Education and Training Bill (Senate Bills No. 3 of 2022) be now read a Second Time.

(Sen. Moses Kajwang', MP – 29.03.2023)

Debate interrupted on Wednesday, 29th March, 2023, resumed on a Division;

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

Upon the expiry of five minutes, the Speaker directed that the doors be locked and the bars be drawn and asked Senators to log-in for electronic voting;

The Speaker put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Speaker allowed one (1) Senator to record her vote verbally.

Thereupon, the following Senator recorded her vote as **“Yes”**-

Sen. Omar Mariam Sheikh, MP - voted on behalf of Mandera County Delegation

The results of the Division were as follows:-

AYES – 25

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Cherarkey Samson , MP
4. Sen. Cheruiyot Aaron Kipkirui, MP
5. Sen. Chesang Allan Kiprotich, MP
6. Sen. Kathuri Murungi, MP
7. Sen. Keroche Tabitha Karanja, MP
8. Sen. Khalwale Boni, MP
9. Sen. Kipkiror William Cheptumo, MP
10. Sen. Kisang William Kipkemoi, MP
11. Sen. Lelegwe Steve Ltumbesi, MP

12. Sen. Madzayo Stewart Mwachiru, MP
13. Sen. Mundigi Alexander Munyi, MP
14. Sen. Mungatana Danson Buya, MP
15. Sen. Murango James Kamau, MP
16. Sen. Oginga Oburu, MP
17. Sen. Ojienda Odhiambo Tom, MP
18. Sen. Omar Mariam Sheikh, MP – voted verbally on behalf of Mandera County Delegation
19. Sen. Osotsi Godfrey Atieno, MP
20. Sen. Recha Julius Murgor, MP
21. Sen. Sifuna Edwin Watenya, MP
22. Sen. Wafula David Wakoli, MP
23. Sen. Wakili Sigei Kiprotich, MP
24. Sen. Wamatinga Wahome, MP
25. Sen. Wambua Enoch Kiio, MP

Question, agreed to;

Bill read a Second Time and committed to the Committee of the Whole tomorrow.

9. **THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 7 OF 2022)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No. 7 of 2022) be now read a Second Time.

(Sen. Danson Mungatana, MP – 12.04.2023)

Debate interrupted on Wednesday, 12th April, 2023, resumed on a Division;

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

Upon the expiry of five minutes, the Speaker directed that the doors be locked and the bars be drawn and asked Senators to log-in for electronic voting;

The Speaker put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Speaker allowed one (1) Senator to record her vote verbally.

Thereupon, the following Senator recorded her vote as “Yes”-

Sen. Omar Mariam Sheikh, MP - voted on behalf of Mandera County Delegation

The results of the Division were as follows:-

AYES – 24

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Cherarkey Samson , MP
4. Sen. Cheruiyot Aaron Kipkirui, MP
5. Sen. Chesang Allan Kiprotich, MP
6. Sen. Kathuri Murungi, MP
7. Sen. Keroche Tabitha Karanja, MP
8. Sen. Khalwale Boni, MP
9. Sen. Kipkiror William Cheptumo, MP
10. Sen. Kisang William Kipkemoi, MP
11. Sen. Lelegwe Steve Ltumbesi, MP
12. Sen. Madzayo Stewart Mwachiru, MP
13. Sen. Mundigi Alexander Munyi, MP
14. Sen. Mungatana Danson Buya, MP
15. Sen. Murango James Kamau, MP
16. Sen. Ojienda Odhiambo Tom, MP
17. Sen. Omar Mariam Sheikh, MP – voted verbally on behalf of Mandera County Delegation
18. Sen. Osotsi Godfrey Atieno, MP
19. Sen. Recha Julius Murgor, MP
20. Sen. Sifuna Edwin Watenya, MP
21. Sen. Wafula David Wakoli, MP
22. Sen. Wakili Sigei Kiprotich, MP
23. Sen. Wamatinga Wahome, MP
24. Sen. Wambua Enoch Kiio, MP

Question, agreed to;

Bill read a Second Time and committed to the Committee of the Whole tomorrow.

10. **THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILLS NO. 9 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Division of Revenue Bill (National Assembly Bills No. 9 of 2023) be now read a Second Time.

(The Senate Majority Leader)

Debate arising;

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.

11. **SENATE ROSE** – at thirty minutes past Six O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Tuesday, April 18, 2023 at 2:30 p.m.*

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