



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, FEBRUARY 22, 2024 AT 2.30 PM

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

The Speaker having counted the Honourable Senators present at the commencement of the Sitting and confirming that there was a Quorum, invited the Clerk to call the Orders of the day.

4. **COMMUNICATION FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair: -

i. Visiting Lecturers and Students from University of Embu in Embu County

“Honourable Senators,

In the Public gallery, we have forty-three (43) students, accompanied by two (2) Lecturers from University of Embu, Environmental Club who are undertaking an education visit in the Senate.

Honorable 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!”

ii. Visiting Teachers and Students from Makima Secondary School in Embu County

“Honourable Senators,

In the Public gallery, we have eighty-four (84) students, accompanied by four (4) teachers from Makima Secondary School in Embu County, who are undertaking an education visit in the Senate.

Honorable 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!”

iii. Visiting Students from the Universities Students’ Association in Nandi County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, visiting students from the Universities Students’ Association in Nandi County. The delegation comprises forty (40) 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 from the National Assembly: -

i.) Approval by the National Assembly of the Mediated version of the County Governments Additional Allocations Bill (National Assembly Bills No. 23 of 2023).

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 46 (3) & (4), I received the following Message from the Speaker of the National Assembly regarding the approval, by the National Assembly, of the Mediated Version of the County Governments Additional Allocations Bill (National Assembly Bill No. 23 of 2023).

The Message, dated Wednesday, 21st February, 2024, was received on Thursday, 22nd February, 2024, in the Office of the Clerk of the Senate.

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

“PURSUANT to the provisions of Standing Orders 41 and 150 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly;

WHEREAS the County Governments Additional Allocations Bill (National Assembly Bill No. 23 of 2023) was published vide Kenya Gazette Supplement No. 77 of 2023 as a Bill seeking to provide for additional allocations to county governments for the 2023/2024 financial year and the responsibilities of the national Government and county governments pursuant to such allocation;

AND WHEREAS, on 23rd November 2023, the Bill was committed to a Mediation Committee in accordance with Article 112 (2) of the Constitution, following the National Assembly's rejection of the Senate amendments to the said Bill;

FURTHER WHEREAS, on 21st February 2024, the National Assembly considered and approved the version of the County Governments Additional Allocations Bill, 2023 in the form proposed by the Mediation Committee;

NOW THEREFORE, in accordance with the provisions of Article 113 of the Constitution and Standing Order 150 (4) (b) of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.”

Honourable Senators,

As you may be aware, yesterday, Wednesday, 21st February, 2024 during the afternoon sitting, the Co-Chairperson of the Mediation Committee (Sen. Boni Khalwale, MP) gave notice of a Motion for the approval of the Mediated Version of the said Bill.

The Motion has been listed on today's Order Paper for consideration.

I thank you.”

ii.) Passage by the National Assembly of the Affordable Housing Bill (National Assembly Bills No. 75 of 2023)

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 46 (3) & (4), I received the following Message from the Speaker of the National Assembly regarding the passage, by the National Assembly, of the Affordable Housing Bill (National Assembly Bill No. 75 of 2023).

The Message dated Thursday, 22nd February, 2024 was received in the Office of the Clerk of the Senate on the same date.

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

“PURSUANT to the provisions of Standing Order 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –

WHEREAS the Affordable Housing Bill (National Assembly Bill No. 75 of 2023) was published vide Kenya Gazette Supplement No. 236 of 4th December, 2023 and introduced pursuant to Article 109(4) of the Constitution as a Bill seeking to provide a legal framework for development and access to affordable housing and institutional housing and to give effect to Article 43(1)(b) of the Constitution on the right to accessible and adequate housing;

AND WHEREAS, the National Assembly considered the Bill and passed it with amendments on Wednesday, 21st February 2024 in the form attached herewith;

NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution, I hereby refer the Bill to the Senate for consideration.”

Honourable Senators,

Pursuant to Standing Order 163, which requires that a Bill which originates in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No.144, I will direct the Clerk to call out Order No. 8 on today's Supplementary Order Paper and Read a First Time, the Affordable Housing Bill (National Assembly Bill No. 75 of 2023).

I thank you.”

6. **PAPERS LAID**

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

- i) Report of the Auditor General on Financial Statement of the County Executive of Tharaka Nithi for the year ended 30th June, 2023.
- ii) Report of the Auditor General on Financial Statement of the County Assembly of Tharaka Nithi for the year ended 30th June, 2023.
- iii) Report of the Auditor General on Financial Statement of the Tharaka Nithi County Assembly Car Loan and Mortgage Fund for the year ended 30th June, 2023.
- iv) Report of the Auditor General on Financial Statement of the Tharaka Nithi County Emergency Fund for the year ended 30th June, 2023.

- v) Report of the Auditor General on Financial Statement of the Tharaka Nithi County Youth Empowerment Fund for the year ended 30th June, 2023.
- vi) Report of the Auditor General on Financial Statement of the Tharaka Nithi Bursary Development Fund for the year ended 30th June, 2023.
- vii) Report of the Auditor General on Financial Statement of the County Government of Tharaka Nithi – County Revenue Fund for the year ended 30th June, 2023.
- viii) Report of the Auditor General on Financial Statement of the County Executive of West Pokot for the year ended 30th June, 2023.
- ix) Report of the Auditor General on Financial Statement of the County Assembly of West Pokot for the year ended 30th June, 2023.
- x) Report of the Auditor General on Financial Statement of the County Government of West Pokot - Receiver of Revenue for the year ended 30th June, 2023.
- xi) Report of the Auditor General on Financial Statement of the West Pokot County Cooperative Development Fund for the year ended 30th June, 2023.
- xii) Report of the Auditor General on Financial Statement of the County Government of Nyandarua – County Revenue Fund for the year ended 30th June, 2023.
- xiii) Report of the Auditor General on Financial Statement of the Nyandarua County Executive (State and Public Officers) Car Loan and Mortgage Scheme Fund the year ended 30th June, 2023.
- xiv) Report of the Auditor General on Financial Statement of the County Executive of Meru for the year ended 30th June, 2023.
- xv) Report of the Auditor General on Financial Statement of the County Assembly of Meru for the year ended 30th June, 2023.
- xvi) Report of the Auditor General on Financial Statement of the Meru County Revenue Board for the year ended 30th June, 2023.
- xvii) Report of the Auditor General on Financial Statement of the Meru County Investment and Development Corporation for the year ended 30th June, 2023.
- xviii) Report of the Auditor General on Financial Statement of the County Government of Meru - County Revenue Fund for the year ended 30th June, 2023.

- xix) Report of the Auditor General on Financial Statement of the Meru County Microfinance Corporation for the year ended 30th June, 2023.
- xx) Report of the Auditor General on Financial Statement of the Meru County Alcoholic Drinks Control Board for the year ended 30th June, 2023.
- xxi) Report of the Auditor General on Financial Statement of the County Government of Meru – Receiver of Revenue – Revenue Statements for the year ended 30th June, 2023.
- xxii) Report of the Auditor General on Financial Statement of the County Executive of Turkana for the year ended 30th June, 2023.
- xxiii) Report of the Auditor General on Financial Statement of the County Assembly of Turkana for the year ended 30th June, 2023.
- xxiv) Report of the Auditor General on Financial Statement of the County Executive of Kirinyaga for the year ended 30th June, 2023.
- xxv) Report of the Auditor General on Financial Statement of the County Assembly of Kirinyaga for the year ended 30th June, 2023.
- xxvi) Report of the Auditor General on Financial Statement of the County Government of Kirinyaga – County Revenue Fund for the year ended 30th June, 2023.
- xxvii) Report of the Auditor General on Financial Statement of the Kirinyaga County Assembly Car Loan Fund for the year ended 30th June, 2023.
- xxviii) Report of the Auditor General on Financial Statement of the County Executive of Embu for the year ended 30th June, 2023.
- xxix) Report of the Auditor General on Financial Statement of the County Assembly of Embu for the year ended 30th June, 2023.
- xxx) Report of the Auditor General on Financial Statement of the County Government of Embu – County Revenue Fund for the year ended 30th June, 2023.
- xxxi) Report of the Auditor General on Financial Statement of the County Government of Murangá – Receiver of Revenue for the year ended 30th June, 2023.
- xxxii) Statement on the business of the Senate for the week commencing Tuesday, 27th February, 2024.

(The Senate Majority Leader)

7. NOTICE OF MOTION - REPORT OF THE SELECT COMMITTEE ON COUNTY PUBLIC INVESTMENTS AND SPECIAL FUNDS ON ITS CONSIDERATION OF THE AUDIT REPORTS OF THE WATER SERVICE PROVIDERS FOR THE YEAR ENDED 30TH JUNE, 2019, 30TH JUNE, 2020 AND 30TH JUNE, 2021.

(The Chairperson, Committee on County Public Investments and Special Funds)

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.

8. QUESTIONS AND STATEMENTS

a) Requests for statements pursuant to Standing Order 53(1)

- i) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a Statement from the Standing Committee on Trade, Industrialization and Tourism regarding police raid on businesses in Eastleigh over counterfeit products.
- ii) The Senator for Lamu County (Sen. Joseph Kamau, MP) sought a Statement from the Standing Committee on Roads, Transportation and Housing Regarding the provision of National Transport and Safety Authority (NTSA) services at the Huduma Centre in Lamu County.
- iii) The Nominated Senator (Sen. Joyce Korir, MP) on behalf of the Senator for Bomet County (Sen. Wakili Hillary Sigei, MP) sought a Statement from the Standing Committee on Education regarding the welfare and status of Early Childhood Development Education (ECDE) teachers in Bomet County.

b) Statement pursuant to Standing Order 57(1)

The Senate Majority Leader issued a Statement on the business of the Senate for the week commencing Tuesday, 27th February, 2024.

9. **THE AFFORDABLE HOUSING BILL (NATIONAL ASSEMBLY BILLS NO. 75 OF 2023)**

(The Senate Majority Leader)

Order for First Reading read;

Bill read a First time and committed to the Standing Committee on Roads, Transportation and Housing.

10. **MOTION – REPORT OF THE MEDIATION COMMITTEE ON THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL (NATIONAL ASSEMBLY BILLS NO. 23 OF 2023)**

Order read;

Motion made and Question proposed in amended form;

THAT, the Senate adopts the Report of the Mediation Committee on the County Governments Additional Allocations Bill (National Assembly Bills No. 23 of 2023) laid on the Table of the Senate on Wednesday, 21st February, 2024 (Afternoon Sitting) and pursuant to Article 113 of the Constitution and Standing Order 167 (3) approves the Mediated Version of the County Governments Additional Allocations Bill (National Assembly Bills No. 23 of 2023).

(Sen. (Dr.) Boni Khalwale, MP – Co - Chairperson, Mediation Committee)

And there being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84 (2), the Speaker ruled that the matter affects Counties;

The Speaker directed that electronic voting be taken pursuant to Standing Order 86 and that the division bell be rung for two minutes;

Upon the expiry of the two 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;

The results of the Division were as follows: -

AYES – 26

NOES – 0

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Cherarkey Samson Kiprotich, MP

4. Sen. Cheruiyot Aaron Kipkirui, MP
5. Sen. Chesang Allan Kiprotich, MP
6. Sen. Kamau Joseph Githuku, MP
7. Sen. Khalwale Boni, MP
8. Sen. Lelegwe Steve Ltumbesi, MP
9. Sen. Maanzo Daniel Kitonga, MP
10. Sen. Methu John Muhia, MP
11. Sen. Mogeni Erick Okong'o, MP
12. Sen. Mundigi Alexander Munyi, MP
13. Sen. Mungatana Danson Buya, MP
14. Sen. Muthama Agnes Kavindu, MP
15. Sen. Mwaruma Johnes Mwashushe, MP
16. Sen. Mwenda Gataya Mo Fire, MP
17. Sen. Nderitu John Kinyua, MP
18. Sen. Nyutu Joe, MP
19. Sen. Oginga Oburu, MP
20. Sen. Osotsi Godfrey Atieno, MP
21. Sen. Recha Julius Murgor, MP
22. Sen. Roba Ali Ibrahim, MP
23. Sen. Seki Lenku Ole Kanar, MP
24. Sen. Korir Joyce Chepkoech, MP – voted on behalf of Bomet County Delegation
25. Sen. Wamatinga Wahome, MP
26. Sen. Wambua Enoch Kiio, MP

Question, agreed to.

RESOLVED ACCORDINGLY

THAT, the Senate adopts the Report of the Mediation Committee on the County Governments Additional Allocations Bill (National Assembly Bills No. 23 of 2023) laid on the Table of the Senate on Wednesday, 21st February, 2024 (Afternoon Sitting) and pursuant to Article 113 of the Constitution and Standing Order 167 (3) approves the Mediated Version of the County Governments Additional Allocations Bill (National Assembly Bills No. 23 of 2023).

11. **THE WATER (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 33 OF 2023)**

(The Senate Majority Leader)

(Second Reading)

***(Resumption of debate interrupted on Wednesday, 21st February, 2024 – Afternoon Sitting)
(Division)***

Order deferred.

12. **THE PARLIAMENTARY POWERS AND PRIVILEGES (AMENDMENT) BILL (SENATE BILLS NO. 37 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Parliamentary Powers and Privileges (Amendment) Bill (Senate Bills No. 37 of 2023) be now read a Second Time.

(Sen. Godfrey Osotsi, MP – 14.02.2024)

Debate interrupted on Wednesday, 14th February, 2024 – Afternoon Sitting resumed;

And there being no other Senator wishing to contribute;

Mover replied;

Pursuant to Standing Order 66 (3), the Mover requested the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) to defer 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 SUGAR BILL (NATIONAL ASSEMBLY BILLS NO. 34 OF 2022)**
(Sen. David W. Wafula, MP)

(Second Reading)

Order for Second Reading read;

Order deferred.

14. **THE NATIONAL RATING BILL (NATIONAL ASSEMBLY BILLS NO. 55 OF 2022)**
(The Senate Majority Leader)

(Second Reading)

Order for Second Reading read;

Order deferred.

15. **THE METEOROLOGY BILL (SENATE BILLS NO. 45 OF 2023)**
(The Senate Majority Leader)

(Second Reading)

Order for Second Reading read;

Order deferred.

16. **THE PUBLIC SERVICE (VALUES AND PRINCIPLES) (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 46 OF 2022)**

Order for Second Reading read;

Motion made;

THAT, the Public Service (Values and Principles) (Amendment) Bill (National Assembly Bills No. 46 of 2022) be now read a Second Time.

(Sen. Samson Cherarkey, MP)

17. **QUORUM IN THE SENATE**

Rising on a Point of Order pursuant to Standing Order 41 (1), the Senator for Migori County (Sen. Eddy Oketch, MP) drew the attention of the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) to the fact that there was no quorum in the House;

And the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) having counted the Senators present and confirming that there was no quorum, caused the Bell to be rung for ten minutes;

And there being no Quorum after the expiry of ten minutes;

The Temporary Speaker (Sen. Wakili Hillary Sigei, MP) adjourned the Senate at forty-two minutes past Five O'clock, without Question put, pursuant to the Standing Orders.

18. **SENATE ROSE** – at forty-two minutes past Five O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Tuesday, February 27, 2024 at 2.30 p.m.*

--X--