



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, MARCH 26, 2024

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 at the expiry of the ten minutes;

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

4. **MESSAGE FROM THE NATIONAL ASSEMBLY - PASSAGE OF THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILLS NO. 14 OF 2024)**

The Deputy Speaker conveyed the following Message from the National Assembly:-

“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 of the Division of Revenue Bill (National Assembly Bills No. 14 of 2024).

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

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 Division of Revenue Bill (National Assembly Bill No. 14 of 2024) was published vide Kenya Gazette Supplement No. 57 of 8th March 2024 as a Bill to provide for the equitable division of revenue raised nationally between the National and County governments in the financial year 2024/2025 in accordance with the provisions of Article 218 of the Constitution in order to facilitate the proper functioning of Governments and to ensure continuity of service delivery to citizens;

AND WHEREAS, the National Assembly considered and passed the Bill on Wednesday, 20th March 2024 without amendments and in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110 (4) of the Constitution and Standing Orders 41 and 142 of the National Assembly Standing Orders, I hereby refer the Bill to the Senate for consideration.”

Honourable Senators,

Pursuant to Standing Order No. 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, the Division of Revenue Bill (National Assembly Bills No. 14 of 2024) is listed in today’s Order Paper and the Clerk will, at the appropriate time, read the Bill a First Time.

I thank you.”

5. **PAPERS LAID**

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

- i) Report of the Auditor General on Financial Statements of Kisumu County Alcoholic Drinks Control Fund for the year ended 30th June, 2021.
- ii) Report of the Auditor General on Financial Statements of Kisumu County Alcoholic Drinks Control Fund for the year ended 30th June, 2022.
- iii) Report of the Auditor General on Financial Statements of Kisumu County Alcoholic Drinks Control Fund for the year ended 30th June, 2023.

- iv) Report of the Auditor General on Financial Statements of Kiambu Municipality for the year ended 30th June, 2023.
- v) Report of the Auditor General on Financial Statements of Limuru Municipality for the year ended 30th June, 2023.
- vi) Report of the Auditor General on Financial Statements of Ruiru Municipality for the year ended 30th June, 2023.
- vii) Report of the Auditor General on Financial Statements of Makueni County Assembly State and Public Officers Car Loan and Mortgage Fund for the year ended 30th June, 2023.
- viii) Report of the Auditor General on Financial Statements of Makueni County Fruit Development and Marketing Authority for the year ended 30th June, 2023.
- ix) Report of the Auditor General on Financial Statements of Kajiado County Education Bursary Grants and Scholarship Fund for the year ended 30th June, 2023.
- x) Report of the Auditor General on Financial Statements of Kajiado Alcoholic Drinks Control Fund for the year ended 30th June, 2023.
- xi) Report of the Auditor General on Financial Statements of Baringo County Executive Car Loan Scheme Fund for the year ended 30th June, 2023.
- xii) Report of the Auditor General on Financial Statements of Baringo County Assembly Catering and Health Services Scheme Fund for the year ended 30th June, 2023.
- xiii) Report of the Auditor General on Financial Statements of Baringo County Youth and Women Fund for the year ended 30th June, 2023.
- xiv) Report of the Auditor General on Financial Statements of Vihiga County Education Fund for the year ended 30th June, 2023.
- xv) Report of the Auditor General on Financial Statements of Vihiga County Facility Improvement Fund for the year ended 30th June, 2023.
- xvi) Report of the Auditor General on Financial Statements of the County Government of Vihiga – Climate Change Fund for the year ended 30th June, 2023.

- xvii) Report of the Auditor General on Financial Statements of the County Government of Homa Bay - County Revenue Fund for the year ended 30th June, 2023.
- xviii) Report of the Auditor General on Financial Statements of Kisii Teaching and Referral Hospital for the year ended 30th June, 2023.
- xix) Report of the Auditor General on Financial Statements of Kericho County Executive Staff Mortgage Scheme Fund for the year ended 30th June, 2023.
- xx) Report of the Auditor General on Financial Statements of Municipality of Eldoret for the year ended 30th June, 2023.
- xxi) Report of the Auditor General on Financial Statements of Garissa Municipality for the year ended 30th June, 2023.
- xxii) Report of the Auditor General on Financial Statements of Municipality of Lamu for the year ended 30th June, 2023.
- xxiii) Report of the Auditor General on Financial Statements of the County Government of Nyamira – County Revenue Fund for the year ended 30th June, 2023.
- xxiv) Report of the Auditor General on Financial Statements of Trans Nzoia County Elimu Bursary Fund for the year ended 30th June, 2023.

(The Senate Majority Leader)

- xxv) Report of the Standing Committee Labour and Social Welfare on the Gambling Control Bill (National Assembly Bills No. 70 of 2023).

(The Vice - Chairperson, Standing Committee Labour and Social Welfare)

6. **NOTICE OF MOTION – STATUS OF PENDING BILLS IN COUNTIES**

(Sen. Ledama Olekina, MP)

THAT, AWARE THAT, as at 31st December, 2023, according to the County Governments Budget Implementation Review report for the first half of the financial year 2023/2024, County Governments had accumulated a total of Ksh.156.34 Billion shillings in pending bills with Nairobi City County accumulating the largest share of Ksh.107,037,053,000 followed by Kiambu and Mombasa Counties at Kshs. 5,711,614,412 and Kshs. 3,922,131,877 respectively;

CONCERNED THAT, the accumulated pending bills in Counties have significantly affected service providers in the counties leading to closure of businesses, stalling of county projects, adversely affecting economic growth in counties, service delivery and ultimately slowing down the country's economic growth;

FURTHER CONCERNED that most of the service providers in the Counties are battling court cases lodged against them by their financiers and suppliers while others are languishing in poverty exacerbated by the increased cost of living, with increased mental health disease incidences and others dying as a result of the effects of colossal amounts of debt owed to them by county governments;

NOW, THEREFORE, the Senate-

1. recommends that all County Governments pay verified pending bills amounting to less than Ksh.1 Billion by the end of this financial year and those above Ksh.1 Billion by the end of the financial year 2024/2025; and
2. Resolves that-
 - i) pursuant to the provisions of Regulation 41(2) & (3) of the Public Finance Management (County Governments) Regulations, 2015, County Governments prioritize payment of pending bills as a first charge on the County Revenue Fund failure to which the subsequent quotas budget releases will not be done;
 - ii) County Governments shall only pay pending Bills contained in their respective procurement plans pursuant to Regulation 50 (2) & (3) of the Public Finance Management (County Governments) Regulations;
 - iii) Supplementary budgets for county governments are prepared in the 3rd Quarter to curb instances of arbitrary re-allocations out of the approved budget estimates; and
 - iv) County Governments shall conduct public participation while formulating supplementary budgets, failure to which the Controller of Budget (CoB) shall not approve the supplementary budgets.

7. QUESTIONS AND STATEMENTS

a) Statement pursuant to Standing Order 52(1)

Seneta wa Kaunti ya Laikipia (Sen. John Nderitu Kinyua, Mb.) alitoa Kauli ya jumla kuambatana na kipengele cha 52(1) cha Kanuni za Kudumu za Seneti kuhusu hali duni ya usalama katika Kaunti ya Laikipia.

Seneta alieleza Seneti kuwa hali ya usalama katika Kaunti ya Laikipia imezidi kuzorota, hasa katika kipindi cha wiki moja iliyopita. Seneta huyo alieleza kwamba visa vya kutishia hali ya usalama katika Kaunti hiyo vimekua vikiongezeka kadri siku zinavyopoita.

Seneta pia alieleza kuwa hali hiyo ya utovu wa usalama imezua hofu miongoni mwa wakazi wa Kata ya Ethi katika eneo la Daiga, wadi ya Mukongondo Mashariki katika Kaunti ndogo ya Laikipia Mashariki. Seneta huyo, akifafanua kisa kilichotendeka katika eneo hilo, alisema kuwa wezi waliokisiwa kuwa tisa waliiba na kotorosha ngombe wanne na mbuzi thelathini, mali ya Bw. Martin Mugi Wangai, Chifu wa Kata ya Ethi, pamoja na jirani yake Bw. Boniface Muriithi.

Akihofia kudhoofika kwa hali ya usalama eneo hilo, Seneta alieleza Seneti kuwa wezi hao walitokomea porini na licha ya polisi kuwaandama wezi hao kwa magari maalum yenye vyombo vya usalama na pia kwa kutumia ndege ya Ranchi ya Borana iliyotoa usaidizi wa angani, wezi hao walitokomea bila ya kujulikana walipojificha.

Seneta alisihi vyombo vya usalama vya Kitaifa kukabili hali hiyo ya utovu wa usalama katika Kaunti nzima ya Laikipia ili kuwahakikishia raia kwamba watakuwa na uhuru wa kuendelea na shughuli zao za kila siku kwa usalama kama ilivyonakiliwa kwenye Katiba ya Nchi.

Akikamilisha, Seneta alipendekeza kwamba ingekuwa bora ikiwa maafisa zaidi wa vitengo mbalimbali vya kudumisha usalama wangeelekezwa kwa dharura kushika doria nyakati za usiku katika maeneo yaliolengwa sana na wezi wa mifugo na pia kudhibiti visa vyovyote vya ukosefu wa usalama katika Kaunti ya Laikipia. Alisisitiza kuwa haya yakifanyika, wakazi wa Kaunti ya Laikipia watahisi kuwa kilio chao kimesikika na hatua kuchukuliwa.

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

- i) The Senator for Kajiado County (Sen. Lenku Kanar Seki, MP) sought a Statement from the Standing Committee on Education regarding entry qualifications for Early Childhood Development Education (ECDE) teachers.
- ii) The Senator for Kajiado County (Sen. Lenku Kanar Seki, MP) sought a Statement from the Standing Committee on Education regarding the fate of teachers holding P1 certificate following a review of entry qualification into the teaching service.
- iii) The Senator for Machakos County (Sen. Agnes Kavindu, MP) sought a Statement from the Standing Committee on Finance and Budget

regarding the approved budgets for Machakos County Government from financial years 2013/2014 to 2023/2024.

- iv) The Senator for Narok County (Sen. Ledama OleKina, MP) on behalf of the Senator for Bomet County (Sen. Wakili Hillary Sigei, MP) sought a Statement from the Standing Committee on Labour and Social Welfare concerning the composition and compliance of various boards, committees and forums in Bomet County.
- v) The Senator for Kirinyaga County (Sen. James Murango, MP) sought a Statement from the Standing Committee on Roads, Transportation and Housing regarding the delayed upgrading of infrastructure in Ngurubani town in Kirinyaga County.
- vi) Nominated Senator (Sen. Beth Syengo, MP) sought a Statement from the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration regarding the access of opportunities and improvement of the quality of life and status of the Daasanach Community in Marsabit County.
- vii) Nominated Senator (Sen. Beth Syengo, MP) sought a Statement from the Standing Committee on Education regarding compliance by schools with road safety protocols.
- viii) The Senator for Bungoma County (Sen. David Wakoli, MP) on behalf of the Senator for Meru County (Sen. Kathuri Murungi, MP) sought a Statement from the Standing Committee on Health concerning the delayed remittance of funds by the National Health Insurance Fund (NHIF) to health facilities.
- ix) The Senator for Kakamega County (Sen. Boni Khalwale, MP) sought a Statement from the Standing Committee on Agriculture, Livestock and Fisheries concerning the distribution of fake fertilizer to farmers in Kakamega and various parts of the Country.

8. **THE LOCAL CONTENT BILL (SENATE BILLS NO. 50 OF 2023)**

(The Chairperson, Standing Committee on Energy)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Energy.

9. **THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed -

THAT, the County Boundaries Bill (Senate Bills No. 6 of 2023) be now read a Second Time.

(Sen. Moses Kajwang, MP – 05.03.2024)

Debate interrupted on Wednesday, 20th March, 2024 resumed;

And there being no more Senators wishing to contribute;

Mover replied;

Pursuant to Standing Order 66(3), the Mover 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, nominated Wednesday, 27th March, 2024 as the day when the Question shall be put.

10. **THE SUGAR BILL (NATIONAL ASSEMBLY BILLS NO. 34 OF 2022)**

Order for Second Reading read;

Motion made and Question proposed -

THAT, the Sugar Bill (Senate Bills No. 34 of 2022) be now read a Second Time.

(Sen. David Wakoli, MP – 21.03.2024)

Debate interrupted on Thursday, 21st March, 2024 resumed;

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.

M E M O R A N D U M

*The Speaker will take the Chair on
Wednesday, March, 27, 2024 at 9:30 a.m.*