



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (FOURTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, JUNE 05, 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. **COMMUNICATIONS FROM THE CHAIR**

(i) **Visiting teachers and students from Ruthagati High School in Nyeri County**

The Deputy Speaker conveyed the following Communications from the Chair:

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting teachers and students from Ruthagati High School in Nyeri County. The delegation comprises seventy-five (75) students and three (3) teachers, 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.”

(ii) Visiting delegation from Meru county

“Honorable Senators,

In the Speaker’s gallery, we have Mr. Anderson Kathendu and Ms. Ruth Gacheri Mwiti. They are business persons from Meru County and are here on a one – day tour at the invitation of yours truly.

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!”

5. **MESSAGE - DECISION OF THE NATIONAL ASSEMBLY ON THE PRESIDENT’S RESERVATIONS TO THE CONFLICT-OF-INTEREST BILL (NATIONAL ASSEMBLY BILLS NO. 12 OF 2023)**

The Deputy Speaker conveyed the following Message:

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 46 (3) and (4), I have received the following Message from the Speaker of the National Assembly regarding the decision of the National Assembly, on the President’s reservations to the Conflict-of-Interest Bill (National Assembly Bills No. 12 of 2023).

The Message, dated Tuesday, 3rd June, 2025 was received in the Office of the Clerk of the Senate on Wednesday, 4th June, 2025.

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

“PURSUANT to the provisions of Standing Order 41(1) and 154 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

WHEREAS, the Conflict-of-Interest Bill (National Assembly Bills No. 12 of 2023) was published vide Kenya Gazette Supplement No.41 of 3rd April, 2023 as a Bill seeking to provide for the management and regulation of conflict of interest in the discharge of official duties, and was passed by the Houses of Parliament in accordance with the provisions of Article 113 of the Constitution and subsequently presented for Assent,

AND WHEREAS, on 30th April, 2025, His Excellency the President referred the Bill back to Parliament for reconsideration in accordance with the provisions of Article 115 of the Constitution;

FURTHER WHEREAS, the National Assembly considered the President's Reservations to the Conflict-of-Interest Bill (National Assembly Bills No. 12 of 2023) and passed the Bill a second time with amendments, on Tuesday, 3rd June, 2025, thus fully accommodating the President's Reservations;

NOW THEREFORE, in accordance with the provisions of Article 115 of the Constitution and Standing Order 41(1) 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, the Senate was seized of this matter on 30th April, 2025 and subsequently referred the President's Memorandum to the Standing Committee on Justice, Legal Affairs and Human Rights for consideration and reporting. The Committee, through a Motion, sought and was granted an extension of time by a further forty-five (45) calendar days on 20th May, 2025, to enable the Committee conclude its deliberations and table its Report. The House is therefore accordingly guided.

I thank you."

6. PAPERS LAID

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

- i.) Report of the Standing Committee on Justice, Legal Affairs and Human Rights on a Petition to the Senate by Ms. Christine Njoki Mweru regarding incomplete investigations and failure to arrest and prosecute suspects involved in the abduction and disappearance of Mr. Joshua Gichuki Mwangi.

*(The Senate Deputy Majority Whip on behalf of the Chairperson,
Standing Committee on Justice, Legal Affairs and Human Rights)*

- ii.) Statement on the business of the Senate for the week commencing Tuesday, 10th June, 2025.

(The Senate Majority Whip)

7. NOTICE OF MOTION - REPORT OF THE STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS ON A PETITION TO THE SENATE BY MS. CHRISTINE NJOKI MWERU REGARDING INCOMPLETE INVESTIGATIONS AND FAILURE TO ARREST AND PROSECUTE SUSPECTS INVOLVED IN THE ABDUCTION AND DISAPPEARANCE OF MR. JOSHUA GICHUKI MWANGI

THAT, the Senate adopts the Report of the Standing Committee on Justice, Legal Affairs and Human Rights on a Petition to the Senate by Ms.

Christine Njoki Mweru regarding incomplete investigations and failure to arrest and prosecute suspects involved in the abduction and disappearance of Mr. Joshua Gichuki Mwangi, laid on the Table of the Senate on Thursday, 5th June, 2025.

(The Senate Deputy Majority Whip on behalf of the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

8. QUESTIONS AND STATEMENTS

a) **Request for Statements pursuant to Standing Order 53 (1)**

- i) The Senator for Machakos County (Sen. Agnes Kavindu, MP) sought a Statement from the Standing Committee on Roads, Transportation and Housing regarding the construction of stadia in Machakos County.
- ii) The Senator for Machakos County (Sen. Agnes Kavindu, MP) sought a Statement from the Standing Committee on Health regarding public health risks associated with the use of contaminated water from the Nairobi, Ngong, and Athi Rivers for the irrigation of food crops in areas such as Kitengela, Athi River Town, Greatwall area, Kibera, Kamulu, Maili Saba, and surrounding communities.
- iii) The Senator for Kirinyaga County (Sen. James Murango, MP) sought a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the drastic reduction in milk collection volumes from Kirima Slopes Dairy Cooperative Society in Kirinyaga County by the New Kenya Cooperative Creameries (KCC) and Meru Central Dairy Union.
- iv) The Senator for Kirinyaga County (Sen. James Murango, MP) sought a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the directive issued by the Ministry of Cooperatives and Micro, Small and Medium Enterprises (MSMEs) Development on 18th November, 2024 mandating direct payment of coffee sales proceeds from the Nairobi Coffee Exchange to individual farmers.
- v) The Senator for Kajiado County (Sen. Seki Lenku, MP) sought a Statement from the Standing Committee on Health regarding the ongoing shortage of essential newborn vaccines, specifically the Bacille Calmette–Guérin (BCG) and Oral Polio Vaccine (OPV) in medical facilities across the country.
- vi) Nominated Senator (Sen. Beatrice Ogolla, MP) on behalf of the Senator for Migori County (Sen. Eddy Oketch, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the formation of the Mining Police Unit

to help curb illegal mining, smuggling and money laundering within the mining sector.

- vii) Nominated Senator (Sen. Beatrice Ogolla, MP) on behalf of the Senator for Migori County (Sen. Eddy Oketch, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the basis for the Cabinet decision to declare fourteen (14) minerals as strategic.
- viii) Nominated Senator (Sen. Beatrice Ogolla, MP) on behalf of the Senator for Migori County (Sen. Eddy Oketch, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the status of artisanal and small-scale mining in Kenya.
- ix) Nominated Senator (Sen. Beatrice Ogolla, MP) on behalf of the Senator for Migori County (Sen. Eddy Oketch, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the failure by the Government to publish the findings of the aerial geophysical survey of Kenya's mineral resources undertaken between the year 2019 and 2022.

b) Statement Pursuant to Standing Order 57 (1)

The Senate Majority Whip issued a statement on the business of the Senate for the week commencing Tuesday, 10th June, 2025.

9. **MOTION - CELEBRATING THE LIFE OF PROF. NGŪGĪ WA THIONG'O**

Order read;

Motion Made and Question proposed;

THAT AWARE THAT Prof. Ngũgĩ wa Thiong'o, a prominent author, academician and human rights defender, globally recognized for his foundational contributions to literature and good governance passed away on 28th May, 2025 at the age of 87;

COGNIZANT THAT the late Prof. wa Thiong'o had an illustrious career in writing and teaching literature spanning over 6 decades where he authored landmark novels, plays and poems that shaped postcolonial studies, contributed to social justice and inspired generations of writers and thinkers across the world;

APPRECIATING THAT the late Prof. wa Thiong'o advocated for indigenous languages and indeed took up writing in his mother tongue, at a time when it was not fashionable to do so;

FURTHER COGNIZANT THAT his legacy in inspiring many generations towards cultural sovereignty and the power of indigenous languages in literature and thought, led to numerous international awards being bestowed upon him;

NOW THEREFORE the Senate expresses its deep sadness at the death of Prof. Ngugi wa Thiong'o, records its celebration and appreciation of his remarkable life, and extends its heartfelt sympathy and condolences to his family, friends and the nation.

(Sen. Danson Mungatana, MP – 04.06.2025 - Afternoon Sitting)

Debate interrupted on Wednesday 4th June, 2025 (Afternoon Sitting) resumed for the Question to be put;

Before the Question was put, and pursuant to Standing Order No. 84 (1), the Deputy Speaker ruled that the Motion does not affect Counties.

And the Deputy Speaker having ascertained that there was Quorum, pursuant to Standing Order 42(1);

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT AWARE THAT Prof. Ngūgī wa Thiong'o, a prominent author, academician and human rights defender, globally recognized for his foundational contributions to literature and good governance passed away on 28th May, 2025 at the age of 87;

COGNIZANT THAT the late Prof. wa Thiong'o had an illustrious career in writing and teaching literature spanning over 6 decades where he authored landmark novels, plays and poems that shaped postcolonial studies, contributed to social justice and inspired generations of writers and thinkers across the world;

APPRECIATING THAT the late Prof. wa Thiong'o advocated for indigenous languages and indeed took up writing in his mother tongue, at a time when it was not fashionable to do so;

FURTHER COGNIZANT THAT his legacy in inspiring many generations towards cultural sovereignty and the power of indigenous languages in literature and thought, led to numerous international awards being bestowed upon him;

NOW THEREFORE the Senate expresses its deep sadness at the death of Prof. Ngugi wa Thiong'o, records its celebration and appreciation of his remarkable life, and extends its heartfelt sympathy and condolences to his family, friends and the nation.

10. **MOTION – REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE FOURTH BASIS FOR ALLOCATING THE SHARE OF NATIONAL REVENUE AMONG COUNTIES**

Order read;

Motion Made and Question proposed;

THAT, the Senate notes 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) + (Ksh. 2 billion shared equally among the identified 11 counties) + $\{[(0.45*Population\ Index) + (0.35*Equal\ Share\ Index) + (0.12*Poverty\ Index) + (0.08*Geographical\ Size\ Index)] *Additional\ County\ Equitable\ Share\ above\ Ksh.\ 389.425\ billion\}$.

Where –

- i. *Baseline Allocation Ratio = The allocation factor derived from each County's allocation for the Financial Year 2024/2025;*
- ii. *The 11 identified counties are:- Elgeyo/Marakwet , Embu, Isiolo, Kirinyaga, Laikipia, Lamu, Nyamira, Samburu, Taita/Taveta, Tharaka-Nithi and Vihiga;*
- 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); and*
- v. *Geographical Size is capped at 10%.*

(The Chairperson, Standing Committee on Finance and Budget – 03.06.2025)

Debate interrupted on Tuesday 3rd June 2025 resumed;

Amendment proposed;

THAT, the Motion be amended by—

deleting the words “County Allocation = (Baseline Allocation Ratio*Ksh.387.425 billion) + (Ksh. 2 billion

shared equally among the identified 11 counties) + $\{(0.45 * \text{Population Index}) + (0.35 * \text{Equal Share Index}) + (0.12 * \text{Poverty Index}) + (0.08 * \text{Geographical Size Index})\}$ *Additional County Equitable Share above Ksh. 389.425 billion}.” appearing after the words “as follows-” and substituting thereof with the following words

“County Allocation = (Baseline Allocation Ratio * Ksh. 387.425 billion) + (Ksh. 4.46 billion shared equally among the identified 11 counties) + $\{(0.45 * \text{Population Index}) + (0.35 * \text{Equal Share Index}) + (0.12 * \text{Poverty Index}) + (0.08 * \text{Geographical Size Index})\}$ *Additional County Equitable Share above Ksh. 391.89 billion}.”

(Sen. Okong’o Mogeni, MP)

Debate on the amendment arising;

And the time being thirty minutes past Six O’clock, the Temporary Speaker (Sen. Catherine Mumma, 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, June 10, 2025 at 2:30 pm