

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Thursday, 9<sup>th</sup> May, 2024

*The House met at the Senate Chamber,  
Parliament Buildings, at 2.30 p.m.*

*[The Temporary Speaker (Sen. Abdul Haji) in the Chair]*

### PRAYER

*(There was a power outage)*

*(Several Senators spoke at once)*

**The Temporary Speaker** (Sen. Abdul Haji): Sen. (Dr.) Khalwale, what is your point of order?

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, I rise under the Constitution of Kenya to bring to your attention the fact that one of the premier institutions in Kenya, Parliament, is in darkness. We do not know what is happening with Kenya Power (KP) and if there is something wrong with them.

We also do not understand how this institution cannot have a working generator. We have to be assured that before we proceed, that this is not an act of sabotage or Parliament is under threat.

**Sen. Wambua:** Mr. Temporary Speaker, Sir, I stand in full support and in solidarity with the sentiments expressed by the Senator for Kakamega. It is literally a dark day in this Parliament and the country. It is unfortunate that on a day like this when the Senator for Kitui and the Deputy Minority Leader has received a delegation from his office in Kitui, there is pitch darkness in the House.

**Sen. Sifuna:** I cannot see, Sen. Wambua.

**Sen. Wambua:** Sen. Sifuna has a problem seeing me. They can only hear, but not see me because I am dark. Is it in order that this sitting must continue this way? My appeal to you is that you adjourn this House until we get confirmation from the management of this House that we are going to get sufficient light, so that Senators can also see the Senator for Kitui as he addresses the House.

I submit.

*(Loud consultations)*

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**The Senate Minority Leader** (Sen. Madzayo): Bw. Spika wa Muda, hili ni jambo la aibu sana katika taifa kwa sababu Bunge haliwezikuwa---

*(Loud consultations)*

**The Temporary Speaker** (Sen. Abdul Haji): Order, Senator for Elgeyo-Marakwet.

**The Senate Minority Leader** (Sen. Madzayo): Bw. Spika wa Muda, hili ni jambo la aibu sana kutendeka katika Bunge la kitaifa. Hili ni Bunge linalotakikana kuheshimiwa. Hii ni aibu kubwa. Tangu nije hapa kuanzia 2013, hii ni mara ya kwanza kuona kitendo kama hiki kikitendeka ndani ya Bunge hili.

Tungependa kujua kwa nini hakuna umeme katika Seneti. Ningependa Kenya Power itueleze kwa nini Bunge halina stima hadi saa hii. Tungependa kujua kama hatujalipa bili ya stima. Hiyo itakukwa aibu kubwa kwa Serikali.

Bw. Spika wa Muda, tunataka kuwe na umeme hapa, la sivyo uahirishe kikao hiki kwa muda fulani.

*(Loud consultations)*

**The Temporary Speaker** (Sen. Abdul Haji): Order, hon. Senators. Let us listen to the Chairperson of the Committee on Energy.

**Sen. Wamatinga:** Mr. Temporary Speaker, Sir, I am one of those who believe that when life serves you a lemon, you should make lemonade out of it. As the Chairperson of the Committee on Energy, we have been fighting to make sure that the cost of power is brought down and make power reliable. This is a classical example of how unreliable our power supply is.

I want to take this opportunity that has presented itself to request all Members of this House--- There is a moratorium by the National Assembly. We are not able to look at alternative power generation means.

Developing countries across the world are going the nuclear way because that is the most reliable source of power. As a House, it is high time we asked ourselves whether our sources of power are dependable, reliable and affordable.

As the Chairperson of the Committee on Energy, I urge my fellow Senators that we should enter into a candid discussion on what needs to be done to solve this problem. This is the first time sitting in this House in darkness and it may not be the last time. We know that water is causing damage and ravaging the country.

*(Loud consultations)*

Mr. Temporary Speaker, Sir, could I be heard in silence? As I finish, I would like to tell Members that the Committee on Energy of the Senate will start an inquiry to find out how a certain important organ of the Government can---

*(Loud consultations)*

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**The Temporary Speaker** (Sen. Abdul Haji): Order, Senators!

*(Power was restored)*

*(Applause)*

*(Power went off)*

*(Loud consultations)*

Hon. Senators, the House is adjourned temporarily for 30 minutes.

*(The House adjourned temporarily at 2.50 p.m.)*

*(The House resumed at 3.48 p.m.)*

*[The Speaker (Hon. Kingi) in the Chair]*

**The Speaker** (Hon. Kingi): Hon. Senators, welcome back from that very brief suspension that was due to factors that were truly beyond our control.

Clerk, you may proceed to call the next order.

The Chairperson, Standing Committee on Health?

## PETITIONS

### REPORT ON PETITION: MANAGEMENT OF KUTRRH BY KENYATTA UNIVERSITY MEDICAL STUDENTS

**Sen. Olekina:** Mr. Speaker, Sir, I beg to lay the following Petition report on the table of the Senate today, 9<sup>th</sup> May 2024-

A report on the Standing Committee on Health on a Petition by Mr. Jaffa Muhsin Kasee and others concerning management and use of Kenyatta University Teaching and Referral and Research Hospital (KUTRH) by medical students.

*(Sen. Olekina laid the document on the Table)*

**The Speaker** (Hon. Kingi): Next Order.

**PAPERS LAID****REPORTS OF THE AUDITOR- GENERAL ON  
FINANCIAL STATEMENTS OF VARIOUS ENTITIES**

**Sen. Orwoba:** Mr. Speaker, Sir, on behalf of the Senate Majority Leader, I beg to lay the following Papers on the table of the Senate today, 9<sup>th</sup> May 2024-

Report of the Auditor-General on financial statements of Narok Water and Sewerage Services Company Limited for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on financial statements of Nolturesh Loitokitok Water and Sanitation Company Limited for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on financial statements of Imetha Water and Sanitation Company Limited for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on financial statements of Municipality of Kapenguria the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on financial statements of Homa Bay County Water and Sanitation Company Limited for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on financial statements of Siboi Water and Sanitation Company Limited for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on financial statements of Trans Nzoia County Executive Car Loan and Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on financial statements of the County Government of Trans Nzoia County Revenue Fund for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on financial statements of the County Government of Trans Nzoia County Revenue Fund.

Report of the Auditor-General on financial statements of the County Government of Trans Nzoia Receiver of Revenue, Revenue Statements.

Report of the Auditor-General on financial statements of Trans Nzoia County Youth and Women Development Fund.

Report of the Auditor-General on financial statements of Nakuru County Executive Mortgage Scheme Fund.

Report of the Auditor-General on financial statements of Eldama Ravine Water and Sewerage Company Limited.

Report of the Auditor-General on financial statements of Kirandich Water Company Limited.

Report of the Bomet County Assembly Select Committee on Public Investment and Accounts on Inquiry into the Operations and Performance of the Bomet Water and Sanitation Company Limited for the year ended 30<sup>th</sup> June, 2021.

Mr. Speaker, Sir, I beg to lay.

*(Sen. Orwoba laid the documents on the Table)*

**The Speaker** (Hon. Kingi): Proceed, Chairperson Standing Committee on Health. Sen. Mariam, are you coming to lay the Paper on behalf of the Health Committee

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Proceed.

REPORT INTO ALLEGED IRREGULARITIES IN PROCUREMENT  
OF LONG-LASTING INSECTICIDE TREATED NETS

**Sen. Mariam Omar:** Thank you, Mr. Speaker, Sir. On behalf of the Chairperson of the Committee on Health, I beg to lay the following Paper on the Table of the Senate today, 9<sup>th</sup> May 2024-

The Report of the Standing Committee on Health on Inquiry on Alleged Irregularities in Procurement of Long-Lasting Insecticide Treatment Nets at Kenya Medical Supply Authority (KeMSA)

Thank you.

*(Sen. Mariam Omar laid the document on the Table)*

**The Speaker** (Hon. Kingi): Hon. Senators, before I allow the Clerk to call the next order, allow me to make this Communication.

Proceed to take your seat, Sen. Mariam.

**COMMUNICATION FROM THE CHAIR**

VISITING DELEGATION FROM THE OFFICE  
OF THE SENATOR OF KITUI COUNTY

Hon. Senators, in the Speaker's Gallery this afternoon, we have 32 officers who work in the office of the Deputy Senate Minority Leader and Senator for Kitui County, Sen. Wambua. They are here on a one-day education tour.

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

I will call upon the Senator for Kitui, in under one minute, to extend words of welcome.

*(Loud consultations)*

Order! Senators!

**Sen. Wambua:** Mr. Speaker, Sir, I do not know why the Senate Majority Leader is so excited about visitors from my office. I take this opportunity to join you and my colleagues. I am equally excited by the excitement among my colleagues, especially Sen. Kinyua.

At some point, he was unsure whether I would be attending a function that I have later in the evening. However, when he saw the delegation, he came to me and said he wanted to be there. I can see how happy the Senate Majority Leader is.

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These members of staff from my office have come here to see what we do in this House. These are the people that have caused my election twice. These are the people who have stood with me in good and bad times. I am very happy that they are here to witness the work that we do on the floor of the Senate.

On behalf of the Senate of the Republic of Kenya, I welcome them and wish them a fruitful visit in this Senate.

I thank you, Mr. Speaker, Sir.

*(Applause)*

*(Sen. Kibwana stood at the Bar)*

**The Speaker** (Hon. Kingi): Sen. Hamida, take your seat.

#### VISITING DELEGATION FROM THE TECHNICAL UNIVERSITY OF KENYA

**The Speaker** (Hon. Kingi): Hon. Senators, I would also like to acknowledge the presence in the Public Gallery this afternoon, of visiting students and student leaders from the Technical University of Kenya (TUK) in Nairobi City County. The students are in the Senate for a one-day academic exposition.

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

Let me allow the Senator for Nairobi City County to extend words of welcome. That will be done in under one minute.

Proceed, Sen.Sen. Sifuna.

**Sen. Sifuna:** Thank you, Mr. Speaker, Sir. On behalf of the House, first of all, I must apologize to both delegations. You came on a day when we were hit by a small mishap. However, it is not always like that.

I take this opportunity to welcome the students from TUK. I hope that you will follow the proceedings and get to pick one or two things here. I wish you well in your school, so that in the future you can also be part of this House.

I thank you, Mr. Speaker, Sir. I do not have much to say today.

### QUESTIONS AND STATEMENTS

#### STATEMENTS

**The Speaker** (Hon. Kingi): Statements pursuant to Standing Order No. 53(1).  
The Senator for Kisumu, Prof. Tom. Ojienda.

EMPLOYMENT OF PERSONS ABOVE THE MANDATORY  
RETIREMENT AGE BY KISUMU COUNTY GOVERNMENT.

STATE OF STADIA FACILITIES IN KISUMU COUNTY

Hon. Senators, these two Statements are dropped.

*(Statements dropped)*

Sen. Chimera, Raphael, you have three Statements. Proceed to present them.

DETERIORATING CONDITION OF MARERE  
BRIDGE ALONG THE KWALE-KINANGO ROAD

**Sen. Chimera:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Roads, Transportation and Housing regarding the critical issues surrounding the deteriorating condition of the Marere Bridge along the Kwale-Kinango Road.

In the statement, the committee should-

(1) State the current condition of Marere Bridge, a critical piece of infrastructure that enables the movement of people, goods and services to and from Marere within Kinango Constituency.

(2) Find out the impact of the ongoing long rains on the bridge, stating any other factors responsible for the deterioration of the bridge to inform the development of effective solutions to address the situation.

(3) Propose immediate measures to prevent further deterioration of the bridge as residents await a lasting solution.

(4) Outline the interventions required from both levels of government and different Government agencies to arrest the nature of Marere Bridge.

ALLEGED CORRUPTION AND NEPOTISM AT  
THE KENYA ACADEMY OF SPORTS

**Sen. Chimera:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding the crisis caused by corruption and nepotism allegations at the Kenya Academy of Sports (KAS), an institution that is vital to the development of sports in the country.

In the statement, the committee should-

(1) Disclose the current affairs of the Kenya Academy of Sports (KAS), particularly in light of recent allegations of corruption and nepotism attributed to the leadership of the academy in contravention of the provisions of Article 73(2) of the Constitution.

(2) Investigate allegations of abuse of office leveled against the Chief Executive Officer and close associates, particularly regarding their purported involvement in exploiting their positions for personal gain contrary to Article 75(1) of the Constitution.

(3) Clarify the legal basis for the actions taken by the CEO and associates with particular reference to appointments, financial management and contract renewals within the Kenya Academy of Sports.

(4) Propose measures to prevent further escalation of the conflicts within KAS resulting from the alleged corruption and nepotism, outlining recommendations for sustainable solutions to address the root causes of these malpractices within the institution.

(5) Outline specific interventions on the appropriate redress mechanisms the Ministry will put in place to ensure accountability, transparency and fairness.

I thank you.

#### INSECURITY IN VIHIGA COUNTY

**Sen. Osotsi:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Security, Defense and Foreign Relations regarding insecurity in Vihiga County.

In the statement, the committee should address the following-

(1) Explain the increasing crime rate in Vihiga County that includes murders, robberies, breakages and night attacks.

(2) Outline the specific actions taken to address the insecurity situation and the status of the investigations into reported incidents at Luanda Market, Cheptulu, Majengo, Esibuye Markets and other areas within the county.

(3) Apprise the Senate on the implementation status of the resolution agreed upon in the joint meeting between the Cabinet Secretary for Interior and National Administration and elected county leaders, including the Senator and the Governor that took place in January, 2023, with a view of addressing concerns around insecurity in the area.

(4) State the steps being taken by the Ministry to empower and revamp community policing programmes in Vihiga County, noting that the programme has gradually been incapacitated due to lack of support from the national Government and internal wrangles within the security agencies in Vihiga County.

Mr. Speaker, I have a second statement.

#### UNPROCEDURAL DISCIPLINARY PROCEEDINGS AGAINST HEALTHCARE WORKERS IN VIHIGA COUNTY REFERRAL HOSPITAL

**Sen. Osotsi:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Health regarding the unprocedural disciplinary proceedings being meted out on healthcare workers at Vihiga County Referral Hospital.

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These unprocedural interdictions, suspensions and even dismissals have demoralized staff across hospitals in Vihiga and affected the quality of healthcare service provision in the county.

Further, the development concerning the running of the health facility in Vihiga County shows that the county did not seriously take the deliberation it had with the Standing Committee on Health and the resultant recommendation given when the Committee visited the county to check on the status of service provision in health facilities in the county.

Among the said recommendations was for the county government of Vihiga to ensure that at least either the County Executive Committee Member (CECM) or the Chief Officer had a professional background in medical or health care fields among other HR issues that were raised.

In the statement, the committee should-

(1) State the number of healthcare workers that have been subjected to disciplinary procedures at the Vihiga County Referral Hospital from the year 2022 to date and table a report outlining the affected workers.

(2) Explain the legal basis for each disciplinary action and flag out any cases of unprocedural dismissal of such health workers in the county, ascertaining the number of staff that have been punished without the involvement of the county public service board.

(3) Investigate the circumstances of the ongoing punishments that include stoppage of salary, interdiction, suspension and dismissals of the said health workers stating why the County Public Service Board was not involved in the said disciplinary matters.

(4) Outline any action taken by the Vihiga County Public Service Board to intervene and reverse cases of unprocedural disciplinary proceedings against the healthcare workers and to ensure that service delivery to the people of Vihiga is not impacted negatively.

(5) Give a status update on the implementation of actionable points agreed upon between the Senate Standing Committee on Health and the Vihiga County Government regarding the running of the health function in the county during the visit of the Committee to the county last year.

(6) Cause the necessary action to be taken to ensure that the County Public Service Board takes their mandate and responsibilities seriously and where they fall short be held accountable.

I thank you.

**The Speaker** (Hon. Kingi): Proceed, Sen. Mumma.

**Sen. Ogola:** Thank you, Mr. Speaker, Sir---

**The Speaker** (Hon. Kingi): Sen. Ogola, are you holding brief for Sen., Mumma?

**Sen. Ogola:** Yes, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): That is what you need to start with. Proceed.

ACCESS TO VILLAGE AND YOUTH POLYTECHNICS  
FOR YOUTH IN INFORMAL SETTLEMENTS

**Sen. Ogola:** Thank you, Mr. Speaker, Sir. On behalf of Sen. Catherine Mumma, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Education regarding the plans by the Nairobi City County Government and the Ministry of Education to facilitate equitable access to public vocational and technical education and training for the youth in informal settlements in Nairobi.

In the statement, the committee should-

(1) State whether the Nairobi City County Government has a policy framework for facilitating equitable access to the right to relevant education and training as the prerequisite conduit to accessing employment as mandated by Articles 45 and 53 of the Constitution for youth in informal settlements in Nairobi and if present, summarize for the Senate the actualization of that framework.

*(Sen. Dr. Khalwale consulted with  
Sen. Omogeni and Sen. Chimera)*

**The Speaker** (Hon. Kingi): Sen. (Dr.) Khalwale and group, I call you to order. Proceed, Sen. Ogola.

**Sen. Ogola:** (2) Share with the Senate information on the number of public village and youth polytechnics situated in the different informal settlements in Nairobi (such as Mathare, Kibera, Kawangware, Mukuru, amongst others) and specify whether their locations facilitate equitable access for youth within reasonable proximity to the respective informal settlements.

(3) Seek and provide the Senate with information from the Ministry of Education regarding the number and names of public technical institutions situated in the informal settlements in Nairobi and the number registered as private technical institutes within the informal settlements.

(4) Provide the Senate with information indicating the amount of money the Ministry of Education and Nairobi City County respectively allocated and spent on public technical and vocational institutions situated in different informal settlements in Nairobi during the financial years 2022/2023 and 2023/2024.

EQUAL ACCESS TO EDUCATION FOR  
CHILDREN IN INFORMAL SETTLEMENTS

**Sen. Ogola:** Mr. Speaker, Sir, there is a second statement by Sen. Mumma.

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Education regarding the efforts of both the national Government and the Nairobi City County government to facilitate equal access to public education for children in informal settlements in Nairobi.

In the statement, the committee should-

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(1) Clarify whether the Ministry of Education has policies in place to ensure equal access to free and compulsory basic education as mandated by Articles 43 and 53 of the Constitution, for children residing in informal settlements in Nairobi, elucidating the provisions of these policies.

(2) Provide the Senate with data on the population of individuals living in various informal settlements in Nairobi, including the number of children and young people requiring access to education in Early Childhood Development (ECD) centres, primary schools, and secondary schools.

(3) Detail the number of public ECD centres and primary and secondary schools located in different informal settlements in Nairobi (such as Mathare, Kibera, Kawangware, Mukuru, *et cetera*), and assess whether their locations provide equitable access for children residing there.

(4) Provide information from the Ministry of Education on the number and names of schools registered as private schools that provide primary education in informal settlements as well as the number of unregulated, low-cost private schools initiated by communities in these areas, including support, if any, that the Ministry provides to these community schools.

(5) Present an estimate of the cost of building a school and outline how many schools the Ministry has constructed in informal settlements since 2022 as well as those planned for the next two years.

(6) Conduct a public hearing with stakeholders from informal settlements to understand the experiences of learners and their families regarding access to education and make recommendations for the Ministry of Education and the Nairobi City County government to consider.

Thank you, Mr. Speaker, Sir.

#### LOSS OF FREE-TO-AIR SIGNAL FOR LICENSED BROADCAST SIGNAL DISTRIBUTORS

**Sen. Chute:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Information, Communication, and Technology regarding the loss of signal on the Free-To-Air (FTA) channels for licensed broadcast signal distributors (BSDs) namely Pan African Network Group (PANG) and Signet Kenya Limited.

In the statement, the committee should-

(a) Disclose the ownership structure of both Pan African Network Group (PANG) and Signet Kenya Limited, stating whether they have adhered to the court directive of offloading their shares to local investors.

(b) State the root cause of the constant network glitches that have occasioned the loss of signal on the Free-To-Air (FTA) channels for licensed signal carriers, PANG and Signet.

(c) Explain any efforts by the Communications Authority of Kenya (CAK) to address the matter.

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WELFARE OF ECDE TEACHERS IN  
WEST POKOT COUNTY

**Sen. Murgor:** Mr. Speaker, Sir, I rise pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on Education regarding the welfare of Early Childhood Development Education (ECDE) Teachers in West Pokot County.

In the statement, the committee should-

(1) Explain the rationale behind the transition of contracts for ECDE teachers in West Pokot County from permanent and pensionable terms to fixed terms, stating the legal basis for the transition and whether due process was adhered to in the process.

(2) Provide a detailed salary structure for ECDE teachers in West Pokot County and explain the recent salary fluctuations, particularly the reduction of remuneration of ECDE teachers by approximately 28 per cent.

(3) Outline any initiative undertaken by the County Government aimed at improving the welfare of ECDE teachers across the county.

**The Speaker** (Hon. Kingi): Statement pursuant to Standing Order No.57(1), the Senate Majority Leader, proceed.

BUSINESS FOR THE WEEK COMMENCING  
TUESDAY, 14<sup>TH</sup> MAY, 2024

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, I rise pursuant to Standing Order No.57(1) to hereby present the business of the Senate for the week commencing Tuesday, 14<sup>th</sup> May, 2024.

During the sitting of the Senate held on Thursday, 2<sup>nd</sup> May, 2024, the Senate considered and passed two Bills at the Committee of the Whole stage namely; the Division of Revenue Bill (National Assembly Bills No.14 of 2024) and the County Governments (Amendment) Bill (Senate Bills No. 25 of 2023). These Bills have since been referred to the National Assembly for consideration.

There are a number of Motions that have been filed by various Senators, which are yet to be concluded. It goes without saying that the movers of the said business should be present in the Chamber to prosecute the same as scheduled in the Order Paper of the day.

Forty seven Bills are pending conclusion in the Senate. Forty three of these Bills are at the Second Reading Stage, while four are at the Committee of the Whole stage. Eighteen Motions are pending conclusion, 18 Petitions are due for reporting by the respective Standing Committees, while 343 Statements are pending before the respective Standing Committees.

The Senate Business Committee will meet on Tuesday, 14<sup>th</sup> May, 2024 to consider the business for the week. The tentative business for Tuesday will include business not concluded from today's Order Paper as well as the business indicated in the Notice Paper. This business will include-

(1) Bills that are at Second Reading stage, which are-

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The Heritage and Museums Bill (Senate Bills No.8 of 2023); The Agriculture and Food Authority (Amendment) Bill (Senate Bills No.13 of 2023); The County Hall of Fame Bill (Senate Bills No.18 of 2023); The Rice Bill (Senate Bills No.19 of 2023); The Public Holidays (Amendment) Bill, (Senate Bills No. 31 of 2023); The County Assembly Services (Amendment) Bill (Senate Bills No.34 of 2023); and, The Public Transport (Motorcycle Regulation) Bill (Senate Bills No. 38 of 2023).

Mr. Speaker, Sir, there are various Motions as well, which include –

The Report of the Standing Committee on Finance and Budget on the Status of Implementation of projects funded by the conditional grants for the construction of county headquarters and the report of various committees.

The tentative business for Wednesday will include Questions to Cabinet Secretaries, mainly-

The Cabinet Secretary for Agriculture and Livestock Development, the Cabinet Secretary for Mining, Blue Economy and Maritime Affairs and the Cabinet Secretary for Water, Sanitation and Irrigation, who will all appear before this House to respond to questions by various Members,

There are various Motions as well, which are reports by various delegations that have visited different parts of the globe on Parliamentary business from Luanda and other places.

Unfortunately, some of these reports have stayed longer than they should. If you have a report for April, 2023, I wonder whether it is still relevant to have it in our Order Paper to be considered. Perhaps, we need to decide on how quickly we should dispense off such reports for them to attain their relevance. I do not believe that we are just ticking a register. The tentative business as well on that afternoon we will have various bills that we are scheduling. This includes-

The County Public Finance Laws (Amendment) Bill (Senate Bills No. 39 of 2023), The Energy (Amendment) Bill (Senate Bills No.42 of 2023), The National Construction Authority (Amendment) Bill (National Assembly Bills No.59 of 2022), The Meteorology Bill (Senate Bills No.45 of 2023), The Statutory Instruments (Amendment) Bill (National Assembly Bills No.2 of 2023) and The Nuts and Oil Crops Development Bill (Senate Bills No.47 of 2023).

Mr. Speaker, Sir, there are various Bills as well which we will consider at the Committee the Whole stage, which include, but not limited to –

The Conflict of Interest Bill (National Assembly Bills No.12 of 2023), The Tea (Amendment) Bill (Senate Bills No.1 of 2023), The National Rating Bill (National Assembly Bills No.55 of 2022); and The Gambling Control Bill (National Assembly Bills No.70 of 2023).

The tentative business for Thursday, 16<sup>th</sup> May, 2024 will be business not concluded in the Order Papers for Tuesday, 14<sup>th</sup> May, 2024 and Wednesday, 15<sup>th</sup> May, 2024.

I hereby lay the statement on the Table of the Senate.

*(Sen. Cheruiyot laid the document on the Table)*

**The Speaker** (Hon. Kingi): Next Order, Clerk.

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Sen. Olekina and the Majority Leader, just approach the Chair please.

*(Sen. Olekina and Sen. Cheruiyot approached the Chair)*

Next order, Clerk.

## BILL

### *First Reading*

THE INDEPENDENT ELECTORAL AND BOUNDARIES  
COMMISSION (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILL NO.10 OF 2024)

*(Order for First Reading read – Read the First  
Time and ordered to be referred to the  
relevant Senate Committee)*

## HOJA

KUIDHINISHWA KWA RUZUKU YENYE MASHARTI  
KWA UJENZI WA UWANJA WA MANISPAA YA MOMBASA

*(Kura ya mgawanyiko)*

Ningeomba kengele ya Kura ya Mgawanyiko ipigwe kwa dakika tano.

*(Kengele ya kura ya mgawanyiko ili pigwa)*

Sasa niomba milango ifungwe na kizuio pia kifungwe.

*(Mlango ulifungwa na kizuio kikafungwa)*

Maseneta, wakati umewadia wa kupiga kura ya mgawanyiko wa Hoja ya Kuidhinishwa kwa Ruzuku yenye Masharti kwa Ujenzi wa Uwanja wa Manispaa ya Mombasa. Kura zitapigwa kielektroniki. Kwa hivyo, mwanzo, ninataka niwasihi Maseneta wote mtoe kadi zenyu katika mitambo ya kupigia kura kisha Mpambe tafadhali uhakikishe kwamba hakuna kadi yoyote imebaki katika kile kishimo cha kuingiza kadi. Ukimaliza unipe ishara.

Maseneta, mnaweza sasa kuweka kadi zenyu katika kile kishimo cha kupiga kura na kabla hamjaanza kupiga kura, nataka niweke swali ambalo mtalipigia kura na baadaye muanze kupiga kura.

Swali lenyewe ni kama lifwatavyo-

KUFAHAMU KWAMBA Sehemu ya 2 ya Ratiba ya Nne ya Katiba ya

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Kenya inazipa Serikali za Kaunti jukumu la kuendeleza, kuanzisha, kusimamia na kudumisha vifaa vya michezo na kitamaduni ambavyo ni pamoja na viwanja, viwanja vya michezo, vituo vya kitamaduni, na miundombinu mingine inayohusiana;

IKIKUMBUKWA KUWA ukanda mzima wa Pwani Nchini hauna uwanja wa kisasa uliojengwa kwa viwango vya kimataifa, hivyo kuwanyima wananchi manufaa yanayotokana na viwanja na vifaa vya michezo;

WASIWASI kwamba ujenzi wa uwanja wa michezo wa Manispaa ya Mombasa umekumbwa na ucheleweshaji na vikwazo tangu kuanzishwa kwa mradi huo mwaka wa 2019 kutokana na matatizo ya kifedha, ambayo yamesitishwa na kunyima jamii eneo hilo uwanja unaohitajika sana;

KWA HIVYO SASA Bunge la Seneti linaazimia kwamba Hazina ya Kitaifa ya Wizara ya Masuala ya Vijana, Uchumi Ubunifu na Michezo itengee Serikali ya Kaunti ya Mombasa ruzuku ya masharti ya Shilingi bilioni 1.7 kwa ajili ya kukamilisha ujenzi wa Uwanja wa Manispaa ya Mombasa.

Sasa Maseneta mnaweza kupiga kura kwa kubonyeza Ndio, La ama ususie kupiga kura.

*(Upigaji Kura wa Kielektroniki unaendelea)*

**Mhe. Spika** (Bw. Kingi): Seneta Mteule, Sen. Ogola, kwa niaba ya Seneta wa Kaunti ya Homa Bay, tafadhali njoo kwa Meza upige kura yako.

*(Sen. Ogola alienda kwa Meza na kupiga kura yake)*

Sen. Tobiko, kwa niaba ya Seneta wa Kaunti ya Kajiado, tafadhali pia njoo kwa Meza upige kura yako.

*(Sen. Tobiko alienda kwa Meza na kupiga kura yake)*

## KURA YA MGAWANYIKO

### UPIGAJI KURA WA KIELEKTRONIKI

*(Hoja kwamba, Seneti iidhinishhe ruzuku ya masharti kwa ujenzi wa uwanja wa manispaa ya Mombasa iliulizwa, na Wajumbe wa Kaunti wakapiga kura)*

**NDIO:** Sen. Abass, Kaunti ya Wajir; Sen. Abdul Haji, Kaunti ya Garissa; Sen. Ali Roba, Kaunti ya Mandera; Sen. Cherarkey, Kaunti ya Nandi; Sen. Cheruiyot, Kaunti ya Kericho; Sen. Chute, Kaunti ya Marsabit; Sen. Faki, Kaunti ya Mombasa; Sen. Githuku, Kaunti ya Lamu; Sen. Joe Nyutu, Kaunti ya Murang'a; Sen. Kavindu Muthama, Kaunti ya Machakos; Sen. (Dkt.) Khalwale, Kaunti ya Kakamega; Sen. Kinyua, Kaunti ya Laikipia; Sen. Kisang, Kaunti ya Elgeyo-Marakwet; Sen. (Dkt.) Lelegwe Ltumbesi, Kaunti ya Samburu; Sen. Maanzo, Kaunti ya Makueni; Sen. Madzayo, Kaunti ya Kilifi;

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Sen. Methu, Kaunti ya Nyandarua; Sen. Mungatana, MGH, Kaunti ya Tana River; Sen. Munyi Mundigi, Kaunti ya Embu; Sen. Murgor, Kaunti ya West Pokot; Sen. Ogola, Kaunti ya Homa Bay; Sen. Olekina, Kaunti ya Narok; Sen. Omogeni, Kaunti ya Nyamira; Sen. Osotsi, Kaunti ya Vihiga; Sen. Tobiko, Kaunti ya Kajiado; Sen. Sifuna, Kaunti ya Mji wa Nairobi; na, Sen. Wambua, Kaunti ya Kitui.

**LA:** Haikupata Kura.

**Mhe. Spika** (Bw. Kingi): Waheshimiwa Maseneta, matokeo ya kura za Mgawanyiko yamewasili na ni kama ifuatavyo-

**NDIO:** 27

**LA:** Haikupata Kura.

**WALIOSUSIA:** Haikupata Kura.

Wale wa “Ndio” wameibuka washindi.

*(Hoja iliafikiwa kwa kura 27 kwa sufuri)*

**The Speaker** (Hon. Kingi): Next Order, Clerk.

## MOTION

### STATUS OF PENDING BILLS IN COUNTIES

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 Kshs156.34 billion in pending bills with Nairobi City County accumulating the largest share of Ksh107,037,053,000 followed by Kiambu and Mombasa Counties at Kshs5,711,614,412 and Kshs3,922,131,877 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 Kshs1 billion by the end of this financial year and those above Ksh1 Billion by the end of the financial year 2024/2025; and,

2. Resolves that-

(i) pursuant to the provisions of Regulation 41(2) and (3) of the Public Finance Management (County Governments) Regulations, 2015, county

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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.

*(Sen. Olekina on 28.3.2024)*

*(Resumption of debate interrupted on 7.5.2024)*

**The Speaker** (Hon. Kingi): Serjeant-at-Arms, you need not to open the doors. Let them stay closed and the bar drawn. We are going for Division.

We are going to vote twice on this particular Order. We are going to vote for the amendments, once the amendments are carried, we are going to proceed to vote for the Motion as amended.

Therefore, hon. Senators, kindly remove your cards from your delegate units. Serjeant-at-Arms, confirm that we do not have unattended delegate cards in the units. You may now log back, hon. Senators.

Before you proceed to vote, allow me to put the Question.

*(Question of the amendment proposed)*

Hon. Senators, you may now proceed to vote.

*(Hon. Senators proceeded to vote)*

Sen. Ogola and Sen. Tobiko, come to the Dispatch Box and cast your vote. Sen. Methu, proceed to the Dispatch Box to be assisted to cast your vote.

*(Sen. Ogola, Sen. Tobiko and Sen. Methu approached the Dispatch Box and voted)*

**DIVISION****ELECTRONIC VOTING**

*(Question, that the Senate adopts the amendments proposed by Sen. M. Kajwang to the Motion on the Status of Pending Bills in Counties, put, and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Faki, Mombasa County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo-Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Maanzo, Makueni County; Sen. Madzayo, Kilifi County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Ogola, Homabay County; Sen. Omogeni, Nyamira County; Sen. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Sifuna, Nairobi City County; Sen. Tobiko, Kajiado County; and, Sen. Wambua, Kitui County.

**NOES:** Nil

**ABSTENTIONS:** Nil

**The Speaker** (Hon. Kingi): Now, hon. Senators, the vote on the Division is as follows-

**AYES:** 27

**NOES:** 0

**ABSTENTIONS:** 0

The "Ayes" have it.

*(Question carried by 27 votes to Nil)*

**The Speaker** (Hon. Kingi): We shall proceed to vote on the Motion as amended. Therefore, I am going to put the Question.

*(Question of the Motion as amended put and the Senate proceeded to vote by County Delegations)*

**The Speaker** (Hon. Kingi): Sen. Murgor and Sen. Tobiko proceed to the Dispatch box and cast your vote.

*(Sen. Murgor and Sen. Tobiko approached the Dispatch Box and voted)*

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**DIVISION****ELECTRONIC VOTING**

*(Question, that the Senate adopts the Motion on the Status of Pending Bills in Counties as amended, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Faki, Mombasa County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo-Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Maanzo, Makueni County; Sen. Madzayo, Kilifi County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Ogola, Homabay County; Sen. Omogeni, Nyamira County; Sen. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Sifuna, Nairobi City County; Sen. Tobiko, Kajiado County; Sen. Wambua, Kitui County.

**NOES:** Nil

**ABSTENTIONS:** Nil

**The Speaker** (Hon. Kingi): Hon. Senators, the results of the Division on the Motion as amended are as follows-

**AYES:** 27

**NOES:** 0

**ABSTENTIONS:** 0

The "Ayes" have it.

*(Question carried by 27 votes to Nil)*

*Resolved accordingly-*

AWARE THAT, as at 31<sup>st</sup> 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 Kshs3,922,131,877 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;

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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 caused 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 Kshs1 billion by the end of this financial year and those above Kshs1 billion by the end of the financial year 2024/2025; and,

2. Resolves that-

i. pursuant to the provisions of Regulation 41(2) and (3) of the Public Finance Management (County Governments) Regulations, 2015, County Governments prepare and submit to the Controller of Budget a payment plan prioritizing 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. The Controller of Budget takes into consideration the efforts made by a county government to clear inherited pending bills when approving exchequer releases

iii. 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;

iv. Supplementary budgets for county governments are prepared in the 3<sup>rd</sup> Quarter to curb instances of arbitrary re-allocations out of the approved budget estimates; and

v. County governments, in consultation with the Controller of Budget, to provide a budget for completion of all existing projects, and that initiation of new projects to cease until completion of the existing projects;

vi. County Governments shall conduct public participation while formulating supplementary budgets, failure to which the Controller of Budget (CoB) shall not approve the supplementary budgets.

Hon. Senators, the next Order is the Committee of the Whole. Therefore, we still need you to stay in the Chamber.

Serjeant-at-Arms, you may undraw the bar and open the doors.

*(The Bar was undrawn and the doors opened)*

Call the next Order.

*(The Clerk-at-the-Table consulted with the Speaker)*

A Supplementary Order Paper has just been uploaded in your iPads. You may not have the physical copy, but if you peruse through your iPads, you will see it.

Proceed.

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**COMMITTEE OF THE WHOLE**

*(Order for Committee read)*

*[The Speaker (Hon. Kingi) left the Chair]*

**IN THE COMMITTEE**

*[The Temporary Chairperson (Sen. Abdul Haji) in the Chair]*

**THE NATIONAL RATING BILL (NATIONAL  
ASSEMBLY BILLS NO.55 OF 2022)**

**The Temporary Chairperson** (Sen. Abdul Haji): Hon. Senators, we are now in the Committee of the Whole to consider the National Rating Bill (National Assembly Bills No.55 of 2022).

*Clauses 3-11*

*(Question, that Clauses 3,4,5,6,7,8,9,10 and  
11 be part of the Bill, proposed)*

**The Temporary Chairperson** (Sen. Abdul Haji): Division will be at the end.

*Clause 12*

**The Temporary Chairperson** (Sen. Abdul Haji): Amendment to be moved by the Chairperson.

**Sen. Methu:** Mr. Temporary Chairman, Sir, I beg to move-  
THAT Clause 12 of the Bill be amended in-

(a) subclause (3) by inserting the words 'and the Council of County Governors' immediately after the words 'National Land Commission'.

(b) subclause (4) by inserting the words 'in consultation with the Council of County Governors' immediately after the words 'The Cabinet Secretary may'.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Abdul Haji): Division will be at the end.

*Clause 13*

*(Question, that Clause 13 be part of the Bill, proposed)*

**The Temporary Chairperson** (Sen. Abdul Haji): Division will be at the end.

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*Clause 14*

**The Temporary Chairperson** (Sen. Abdul Haji): Amendment to be moved by the Chairperson.

**Sen. Methu:** Mr. Temporary Chairman, Sir, I beg to move—  
THAT clause 14 be amended by inserting the following new subclause immediately after subclause (3) –

(4) The amount of the rates set under subsection (1) shall not exceed four per cent of the unimproved value of the rateable property.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Abdul Haji): Division will be at the end.

*Clauses 15-19*

*(Question, that Clauses 15,16,17,18 and 19  
be part of the Bill, proposed)*

**The Temporary Chairperson** (Sen. Abdul Haji): Division will be at the end.

*Clause 20*

**The Temporary Chairperson** (Sen. Abdul Haji): Amendment to be moved by the Chairperson.

**Sen. Methu:** Mr. Temporary Chairman, Sir, I beg to move—  
THAT clause 20 of the Bill be amended in—  
(a) subclause (2) by inserting the words ‘and the Council of County Governors’ immediately after the words ‘the Cabinet Secretary’.  
(b) subclause (6) by deleting the words ‘recommend to the Cabinet Secretary Ministry of Lands to further review before submission’ and inserting therefor the word ‘submit’.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Abdul Haji): Division will be at the end.

*Clauses 21-28*

*(Question, that Clauses 21,22,23,24,25,26,27 and 28 be  
part of the Bill, proposed)*

**The Temporary Chairperson** (Sen. Abdul Haji): Division will be at the end.

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*Clause 29*

**The Temporary Chairperson** (Sen. Abdul Haji): Amendment to be moved by the Chairperson.

**Sen. Methu:** Mr. Temporary Chairman, Sir, I beg to move—  
THAT Clause 29 of the Bill be amended in sub-clause (1) by deleting the word ‘five’ appearing immediately after the words ‘undertaken in every’ and inserting therefor the word ‘ten’.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Abdul Haji): Division will be at the end.

*Clause 30*

**The Temporary Chairperson** (Sen. Abdul Haji): Amendment to be moved by the Chairperson.

**Sen. Methu:** Mr. Temporary Chairman, Sir, I beg to move—  
THAT clause 30 of the Bill be amended by deleting—  
(a) subclause (4);  
(b) subclause (5); and  
(c) subclause (6).

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Abdul Haji): Division will be at the end.

*Clause 31*

*(Question, that Clause 31 be part of the Bill, proposed)*

**The Temporary Chairperson** (Sen. Abdul Haji): Division will be at the end.

*Clause 32*

**The Temporary Chairperson** (Sen. Abdul Haji): Amendment to be moved by the Chairperson.

**Sen. Methu:** Mr. Temporary Chairman, Sir, I beg to move—  
THAT clause 32 of the Bill be amended—  
(a) in subclause (3) by inserting the words ‘of preparing a report under subsection (4)’ immediately after the words ‘Valuer for purposes’;  
(b) in subclause (6) by deleting the word ‘tabling’ appearing immediately after the words ‘county assembly for’ and inserting therefor the word ‘approval’.

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(c) by inserting the following new subclauses immediately after subclause (6)—

(7) The County Assembly shall, within sixty (60) sitting days of submission under subsection (6), by resolution approve or reject the draft valuation roll or draft supplementary valuation roll.

(8) Where the County Assembly fails to make a resolution within the period under subsection (7), the draft valuation roll or draft supplementary valuation roll shall be deemed to have been approved.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Abdul Haji): Division will be at the end.

*Clause 33*

*(Question, that Clause 33 be part of the Bill, proposed)*

**The Temporary Chairperson** (Sen. Abdul Haji): Division will be at the end.

*Clause 34*

**The Temporary Chairperson** (Sen. Abdul Haji): Amendment to be moved by the Chairperson.

**Sen. Methu:** Mr. Temporary Chairman, Sir, I beg to move-

THAT Clause 34 of the Bill be amended in subclause (6) by deleting the word ‘may’ appearing immediately after the words ‘a county government’ and inserting therefor the word “shall”.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Abdul Haji): Division will be at the end.

*Clauses 35-45*

*(Question, that Clauses 35,36,37,38,39,40,41,42,43,44  
and 45 be part of the Bill, proposed)*

**The Temporary Chairperson** (Sen. Abdul Haji): Division will be at the end.

*Clauses 46-55*

*(Question, that Clause 46,47,48,49,50,51,52,53,54  
and 55 be part of the Bill proposed)*

**The Temporary Chairperson** (Sen. Abdul Haji): Division will be at the end.

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*Clause 56*

**The Temporary Chairperson** (Sen. Abdul Haji): Sen. Cherarkey, what is your comment?

Chairperson, you can move the amendment.

**Sen. Methu:** Mr. Temporary Chairman, Sir, I beg to move -  
THAT clause 56 of the Bill be amended in –

(a) subclause (1) by deleting the word ‘may’ appearing immediately after the words ‘The Cabinet Secretary’ and inserting therefore the words ‘shall, in consultation with the Council of County Governors,’

(b) subclause (2) by deleting the word ‘may’, appearing immediately after the words “the Cabinet Secretary” and inserting therefor the words “shall, in consultation with the Council of County Governors,”.

(c) subclause (2) by inserting the following new paragraph immediately after paragraph (a)—

(aa) the technological systems to be used in the preparation and implementation of the valuation roll or the supplementary valuation roll.

*(Question of the amendment proposed)*

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Cherarkey, go ahead.

**Sen. Cherarkey:** Mr. Temporary Chairman, Sir, two quick things. The first one, I agree that it will be mandatory to consult the Council of Governors (CoG) and that is why under Article 96, we are protectors of the devolution.

Secondly, I would like the Mover to guide us, but most of the counties have incomplete asset registers and when you are doing the valuation roll, you need a complete asset register, so that it can be easy for any county government or any entity.

While I agree with the Mover of the amendment, Sen. Methu, that technology is important, but after the passage of this Bill, we will need to write to the Intergovernmental Relations Technical Committee (IGRTC) to ensure that every county has a complete asset register to allow the valuation roll to be done easily.

I am tying up with Clause 32 and 56.

I thank you, Mr. Temporary Chairman, Sir.

**The Temporary Speaker** (Sen. Abdul Haji): Thank you, Sen. Cherarkey. The issue of the asset register is being addressed by the amendment by Sen. Sifuna. When we reach Clause 24A, you can pay attention to that.

Division will be at the end.

*Clause 57*

*(Question, that Clause 57 be part of the Bill, proposed)*

**The Temporary Speaker** (Sen. Abdul Haji): Division will be at the end.

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Sen. Sifuna, please, approach the Table.

*(Sen. Sifuna approached the Clerk's Table)*

*New Clause 24A*

**Sen. Sifuna:** Thank you, Mr. Temporary Chairman, Sir. I beg to move—  
THAT the Bill be amended by inserting the following new clauses immediately after clause 24—  
Chief Government Valuer.

**24A.** (1) There shall be a Chief Government Valuer who shall be the principal advisor to the National Government and county governments on all matters relating to valuation.

(2) The Chief Government Valuer shall be appointed by the Public Service Commission through a competitive recruitment process.

Briefly, the Bill had not provided for a Chief Government Valuer and the manner of appointment of that Chief Government Valuer and the qualifications for that post. Under that New Clause 24A, we have provided that there shall be a Chief Government Valuer and that valuer shall be appointed by the Public Service Commission (PSC) through a competitive recruitment process.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Cherarkey, any comments?

**Sen. Cherarkey:** Mr. Temporary Chairman Sir, Sen. Sifuna's amendment, with the guidance of the Senate Majority Leader, is that the Chief Government Valuer will be a link. This is because it affects the advisor of both county and national governments.

With this description, it will be now easy to advise county and national governments to have a complete asset register to allow the completion of the valuation roll. When they have complete asset registers, then it will be easy to quantify.

I agree with the Chief Government Valuer and this is a straightforward amendment. It captures the aspirations and imaginations ahead of the Bill.

*(Question of New Clause 24A proposed)*

*(New Clause 24A read the First Time)*

*(Question, that New Clause 24A be read a Second Time, proposed)*

*(Question, that New Clause 24A be part of the Bill, proposed)*

**The Temporary Speaker** (Sen. Abdul Haji): Division will be at the end.

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*New Clause 24B*

**Sen. Sifuna:** Mr. Temporary Chairman, Sir, I beg to move, that the Bill be amended by inserting the following New Clause-

Qualification of the Chief Government Valuer. **24B.** (1) A person is qualified for appointment as the Chief Government Valuer if that person—

- (a) is a citizen of Kenya;
- (b) has a minimum of a Bachelor's degree from a university recognized in Kenya in—
  - (i) land economics;
  - (ii) real estate; or;
  - (iii) any other relevant field;
- (c) has at least fifteen years' experience in the valuation practice;
- (d) is a full member of the Institution of Surveyors of Kenya (Chapter on Valuation) and in good standing; and
- (e) meets the requirements of Chapter Six of the Constitution.

Mr. Temporary Chairman, Sir, this is to provide for four things. Firstly, there is the qualification for appointment of the Chief Government Valuer. That is a minimum bachelor's degree in either land economics, real estate or any other relevant field. To provide for the experience of that person, we have put it at 15 years. To be a full member of the Institution of Surveyors of Kenya (ISK) and they should meet the requirement of Chapter Six of the Constitution.

*(Question of the amendment proposed)*

**The Temporary Speaker** (Sen. Abdul Haji): Senate Majority Whip.

**Sen. (Dr.) Khalwale:** Mr. Temporary Chairman, Sir, I support this New Clause, but I am disturbed by Sen. Sifuna's amendment. This age of experience of 15 years is too many years. Are we not deliberately locking out qualified experienced young people?

If to become a judge, you need 10 years, why is he taking it to 15 years? If a person has gotten this degree at the age of 25, if we add another 15 years, it means that to get this job, you must be 40 years and above. Forty is quite advanced and people like Sen. Sifuna, Sen. Nyamu and the Senate Majority Leader are yet to hit 40, yet they hold very senior positions in this country.

That is my comment, if there is anything that can be done.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Sifuna, you may proceed.

**Sen. Sifuna:** Mr. Temporary Chairman, Sir, the anticipation was that if you look at the role of the Chief Government Valuer under New Clause 24A, he or she will be the principal advisor to the national Government and county governments on all matters relating to valuation.

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It is an office akin to the Auditor-General. However, within that office, they can employ other officers to help that officer. In my view, the holder of the principal office should be someone who has the sort of experience that would accord with the office that they hold.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Kisang’.

**Sen. Kisang’:** Mr. Temporary Chairman, Sir, I know this is a House of record, rules and laws. However, in most of the laws we have passed in the past, we put a minimum age of 10 years’ experience. I believe 15 years is on the higher side.

By the time you complete university, you are around 25 years. You will look for employment in another three or four years. Instead of putting 15 years, a Masters qualification could be put as an additional advantage.

**The Temporary Speaker** (Sen. Abdul Haji): Thank you.

Sen. Methu.

**Sen. Methu:** Mr. Temporary Chairman, Sir, besides what the Senator for Nairobi has said on being the principal advisor, in the rank of valuers, the Chief Government Valuer would be at the pinnacle.

I want us to look at the hierarchy of most of the positions that we have. When the Senate Majority Whip speaks of a judge, then in this case, the Chief Government Valuer will occupy almost the same position as that of the Chief Justice because he will be the topmost in terms of the ranking. If you put 15 years, this will be a person that will have grown in the ranks of land valuation to the highest level.

There is a second thing that Sen. Sifuna has not mentioned. All the valuation rolls that will be prepared by all the county governments will have to get a nod from the Chief Government Valuer. Therefore, this is a person who will be at the level of the Auditor-General or the Chief Justice. I agree then that 15 years is requisite experience for a person to occupy that high position of a Chief Government Valuer.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Beatrice Ogola.

**Sen. Ogola:** Mr. Temporary Chairman, Sir, I just wanted to re-emphasise what Sen. Methu has said. We should maintain the qualifications of the Chief Government Valuer with experience of 15 years because these are professional lines. As a country, we want to encourage people who will oversee the valuation process having worked through the ranks in the valuation profession.

In our systems, sometimes we had people who would scale the heights from District Officers (DOs) as they were in the former Constitution. They became District Commissioners (DCs), Provincial Commissioners (PCs) and then move to the national level. It was not for nothing that they scaled those heights. It was because they would have accumulated experience above everybody else to oversee those offices. I support this because we must protect and preserve certain professions.

I have worked in the county. Governors come in with their people who do not even have backgrounds in whatever they are hired to do. However, since they want them to oversee certain departments like procurement, somebody can even take a transport officer and make them director of procurement. It is because they want them to do what they want. Such people have been the reason there is no professionalism in certain departments.

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Therefore, Mr. Temporary Chairman, Sir, I support that the Chief Government Valuer must have 15 years' experience for the good of this country and the profession.

**The Temporary Chairperson** (Sen. Abdul Haji): Proceed, Sen. Gloria Orwoba.

**Sen. Orwoba:** Mr. Temporary Chairman, Sir, I am torn between supporting the 15 years' experience and the suggested 10 years by the Whip. I want to highlight that we are in the era of the Kenya National Qualifications Authority (KNQA), a state agency under the Constitution of Kenya that recognises prior learning.

When we talk about 15 years' experience, I want to believe that they mean 15 years' experience devoid of the normal papers such as degrees. Maybe that needs to be defined further. If we go by what has been happening before all this--- I know some sections of the Constitution have been declared unconstitutional because of discrimination of the youth. I would like some clarity. Do they mean 15 years after graduation from a formal institution or in relevance to the recognition of prior learning according to the KNQA? If that is the case, then I support the 15 years?

My issue is locking out the youth. We have the standard time. You can finish High School at a certain age, then do your diploma or degree. However, some people finish high school and go directly to the skills or trades they are involved in without the formal paperwork. That is what the Constitution of Kenya, under KNQA, recognises and ascertains.

**The Temporary Chairperson** (Sen. Abdul Haji): Proceed, Sen. Mungatana.

**Sen. Mungatana, MGH:** Mr. Temporary Chairman, Sir, I plead with my colleagues that we have the 15 years. When you think about the Chief Pathologist of this country, the experience cannot be less than 15 years. The Chief Geologist in this country is highly qualified. All these are highly qualified professionals. The Director of Public Prosecutions (DPP) in this country is a person who has grown through the ranks.

I will pick from where Sen. Ogola said that it will protect them from political interference. Even if you are a governor or president, if the law requires you to pick someone with 15 or more years of experience, you cannot bring your campaigners into professional positions.

Mr. Temporary Chairman, Sir, I plead with my colleagues to not take too long on this. Let us agree that 15 years is okay.

**The Temporary Chairperson** (Sen. Abdul Haji): Hon. Senators, just to bring you up to speed, as per the Constitution, for the Chief Justice, Deputy Chief Justice and other Supreme Court Judges, Articles 166(3)(b) gives at least 15 years' experience as a superior court judge, or at least 15 years' experience as a distinguished academic, judicial officer, legal practitioner or such experience in other relevant legal fields.

Article 229(2) states that to be qualified to be the Auditor-General, the person shall have extensive knowledge of public finance or at least 10 years experience in auditing or public finance management. Therefore, 10 and 15 years are subjective, but still fall within the Constitution.

We might as well pass the amendments as they are. If we were to amend at this point in time, we will have to have the amendments in writing. We are going to subject the amendments to a division and decide.

I suggest that we proceed.

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*(Question of New Clause 24B proposed)*

*(New Clause 24B read the First Time)*

*(Question, that New Clause 24B be  
read a Second Time, proposed)*

*(Question, that New Clause 24B  
be part of the Bill, proposed)*

Division will be at the end.

*New Clause 30A*

**Sen. Methu:** Mr. Temporary Chairman, Sir, I beg to move—  
THAT the Bill be amended by inserting the following new Clause immediately  
after clause 30—

Supplementary valuation roll

**30A.** (1) The county government shall, in preparing a supplementary valuation roll, rely on data or information that was used in the preparation of the valuation roll to assign values to be adopted on the properties contained in a supplementary valuation roll.

(2) A supplementary valuation roll shall include only those alterations and additions to the valuation roll which are permitted by this section.

(3) The draft supplementary valuation roll shall take into account—

- (a) rateable property omitted from valuation;
- (b) new rateable property;
- (c) rateable property which is subdivided or consolidated with other rateable property; and,
- (d) re-categorization of the rate on the change of use of the rateable property.

*(Question of New Clause 30A proposed)*

*(New Clause 30A read the First Time)*

*(Question, that New Clause 30A be  
read a Second Time, proposed)*

*(Question, that New Clause 30A  
be part of the Bill, proposed)*

*First Schedule, Second Schedule,  
Third Schedule and Fourth Schedule*

*(Question, that the First Schedule, Second Schedule,  
Third Schedule and Fourth Schedule  
be part of the Bill proposed)*

Division will be at the end.

*Clause 2*

**The Temporary Chairperson** (Sen. Abdul Haji): Hon. Senators, we have two amendments on Clause 2; one by the Chairperson and another one by Sen. Sifuna. The two amendments do not seem to clash. Therefore, we will have division for both.

Proceed, Chairperson of the Committee on Land, Environment and Natural Resources.

**Sen. Methu:** Mr. Temporary Chairperson, Sir, I beg to move-

THAT Clause 2 of the Bill be amended by deleting –

(a) the definition of the term ‘occupier’ and inserting therefor the following new definition—

“occupier” means, in relation to rateable property, a person who is in physical possession of premises, or a person who has control over the premises, where the rateable owner is unknown;

(b) the definition of the term ‘valuation roll’ and inserting therefor the following new definition—

“valuation roll” means a roll prepared in accordance with this Act;

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Abdul Haji): Sen. Sifuna, you can move your further amendment.

**Sen. Sifuna:** Mr. Temporary Chairman, Sir, I beg to move-

THAT Clause 2 of the Bill be amended by deleting the definition of ‘Chief Government Valuer’ and inserting the following new definition—

“Chief Government Valuer” means a valuer appointed under Section 24A

*(Question of the further amendment proposed)*

**The Temporary Chairperson** (Sen. Abdul Haji): Division will be at the end.

*The Title and Clause 1*

*(Question, that the Title and Clause 1  
be part of the Bill, proposed)*

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Division will be at the end.

We are now proceeding to Division. Serjeant-at-Arms, please, ring the Bell for five minutes.

*(The Division Bell was rung)*

**The Temporary Chairperson** (Sen. Abdul Haji): Serjeant-at-Arms, ring the Division Bell for a further five minutes.

*(The Division bell was rung)*

**The Temporary Chairperson** (Sen. Abdul Haji): Serjeant-at-Arms, please, draw the Bars and close the door.

*(The Bars were drawn and doors closed)*

Hon. Senators, please, resume your seats and remove your cards. Serjeant-at-Arms, please, confirm that the cards are in order and once you have confirmed let me know.

Hon. Senators, you cannot insert your cards and log in.

*(Question, that New Clause 24A, New Clause 24B and New Clause 30A be now read a Second Time, proposed)*

*(Honourable Senators proceeded to vote)*

**The Temporary Chairperson** (Sen. Abdul Haji): Hon. Senators, prepare for the second vote.

*(Question, that Clauses 12,14,20,29,30,32,34,56 and Clause 2 be amended as proposed put and the Senate proceeded to vote by County Delegations)*

Senators, you can start voting.

*(Electronic voting in progress)*

**The Temporary Chairperson** (Sen. Abdul Haji): Senators, please make sure you vote. Sen. Cherarkey, Sen. (Dr.) Lelegwe Ltumbesi, approach the dispatch desk.

*(Sen. (Dr.) Lelegwe Ltumbesi and Sen. Cherarkey approached the Table and voted manually)*

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**The Temporary Chairperson** (Sen. Abdul Haji): Hon. Senators, we proceed to the third vote.

*(Question that Clauses 3 to 12 as amended, 13, 14 as amended, 15 to 20 as amended, 21 to 29 as amended, 30 as amended, 31, 32 as amended, 33,34 as amended, 35 to 56 as amended, 57, New Clause 24A, New Clause 24B and New Clause 30A, the First Schedule, Second Schedule, Third Schedule, and fourth Schedule, Clause 2 as amended, the title and Clause 1 be part of the Bill put and the Senate proceeded to vote by county delegations.)*

Senators, start voting.

*(Electronic voting in progress)*

THE NATIONAL RATING BILL (NATIONAL  
ASSEMBLY BILLS NO.55 OF 2022)

### DIVISION

#### ELECTRONIC VOTING

*(Question, that New Clause 24A, New Clause 24 B and New Clause 30A be now read a Second Time, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abass Sheikh Mohamed, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Faki, Mombasa County; Sen. Githuku, Lamu County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Maanzo, Makueni County; Sen. Madzayo, Kilifi County; Sen. Mariam Omar, Mandera County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Ogola, Homa Bay County; Sen. Olekina, Narok County; Sen. Sifuna, Nairobi City County; Sen. Thang'wa, Kiambu County; Sen. Tobiko, Kajiado County; Sen. (Prof.) Tom Ojienda Odhiambo, SC Kisumu County; Sen. Wamatinga, Nyeri County; Sen. Wambua, Kitui County.

**NOES:** Nil.

**The Temporary Speaker** (Sen. Abdul Haji): Hon. Senators, the results of the Division are as follows:

**AYES:** 26

**NOES:** Nil

**ABSTENTION:** Nil

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The “Ayes” have it.

*(Question carried by 26 votes to Nil)*

## DIVISION

### ELECTRONIC VOTING

*(Question, that Clauses 12, 14, 20, 29, 30, 32, 34, 56  
and Clause 2 be amended as proposed, put  
and the Senate proceeded to  
vote by County Delegations)*

**AYES:** Sen. Abass Sheikh Mohamed, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Faki, Mombasa County; Sen. Githuku, Lamu County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Maanzo, Makueni County; Sen. Madzayo, Kilifi County; Sen. Mariam Omar, Mandera County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Ogola, Homa Bay County; Sen. Olekina, Narok County; Sen. Sifuna, Nairobi City County; Sen. Thang’wa, Kiambu County; Sen. Tobiko, Kajiado County; Sen. (Prof.) Tom Ojienda Odhiambo, SC Kisumu County; Sen. Wamatinga, Nyeri County; Sen. Wambua, Kitui County.

**NOES:** Nil.

**The Temporary Speaker** (Sen. Abdul Haji): Result for all Clauses with Amendments-

**AYES:** 26

**NOES:** Nil

**ABSTENTION:** Nil

The “Ayes” have it.

*(Question carried by 26 votes to Nil)*

## DIVISION

### ELECTRONIC VOTING

*(Question, that Clauses 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 (as amended), 13, 14 (as amended), 15, 16, 17, 18, 19, 20 (as amended), 21, 22, 23, 24, 25, 26, 27, 28, 29 (as amended), 30 (as amended), 31, 32 (as amended), 33, 34 (as amended), 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56 (as amended), 57, New*

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*Clause 24A, New Clause 24B, New Clause 30A, First Schedule, Second Schedule, Third Schedule, Fourth Schedule, Clause 2(as amended), The Title and Clause 1 be part of the Bill put, and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abass Sheikh Mohamed, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Faki, Mombasa County; Sen. Githuku, Lamu County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Maanzo, Makueni County; Sen. Madzayo, Kilifi County; Sen. Mariam Omar, Mandera County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Ogola, Homa Bay County; Sen. Olekina, Narok County; Sen. Sifuna, Nairobi City County; Sen. Thang'wa, Kiambu County; Sen. Tobiko, Kajiado County; Sen. (Prof.) Tom Ojienda Odhiambo, SC Kisumu County; Sen. Wamatinga, Nyeri County; Sen. Wambua, Kitui County.

**NOES:** Nil.

**The Temporary Speaker** (Sen. Abdul Haji): Result for all Clauses are as follows-

**AYES:** 26

**NOES:** Nil

**ABSTENTION:** Nil

The "Ayes" have it.

*(Question carried by 26 votes to Nil)*

Sen. Methu, please approach the dispatch box.

*(Sen. Methu approached the dispatch box)*

**The Temporary Chairperson** (Sen. Abdul Haji): Mover, kindly proceed to move.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Temporary Chairperson, Sir, I beg to move that the Committee reports to the Senate its consideration of the National Rating Bill (National Assembly Bill No.55 of 2022) and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*[The Temporary Speaker (Sen. Abdul Haji) in the Chair]*

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**REPORT AND CONSIDERATION OF REPORT**THE NATIONAL RATING BILL (NATIONAL  
ASSEMBLY BILLS NO.55 OF 2022)

**The Temporary Speaker** (Sen. Abdul Haji): Chairperson, kindly report to the House consideration of the Bill.

**Sen. Methu:** Mr. Temporary Speaker, Sir, I beg to report that the Committee of the Whole has considered the National Rating Bill (National Assembly Bill No.55 of 2022) and its approval thereof with amendments.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, I beg to move that the House do agree with the Committee in the said Report. I ask the Senator for Laikipia, Sen. Kinyua, to second.

**Sen. Kinyua:** Mr. Temporary Speaker, Sir, I second.

*(Question proposed)*

*(Question put and agreed to)*

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, I beg to move that the National Rating Bill (National Assembly Bill No.55 of 2022) be now read a Third Time.

I request the Senator for Kisumu County to second.

**Sen. (Prof.) Tom Odhiambo Ojienda, SC:** Mr. Temporary Speaker, Sir, I second.

*(Question proposed)*

**The Temporary Speaker** (Sen. Abdul Haji): Hon. Senators, we will now go for Division.

Serjeant-at-Arms, ring the Bell for five minutes.

*(The Division Bell was rung)*

**The Temporary Speaker** (Sen. Abdul Haji): Serjeant-At-Arms you can stop the bell.

Clerk do we have quorum?

*(The Clerk-at-the-Table consulted with the Temporary Speaker)*

**The Temporary Speaker** (Sen. Abdul Haji): Kindly draw the bars and close the doors. .

*(The Bars were drawn and the Doors closed)*

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*(Question put)*

**The Temporary Speaker** (Sen. Abdul Haji): Hon. Senators, log out and log into the system. Kindly start the voting.

*(Electronic voting in progress)*

### **THIRD READING**

#### **DIVISION**

#### **ELECTRONIC VOTING**

*(Question, that the National Rating Bill (National Assembly Bills No. 55 of 2022) be now read a Third time, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Faki, Mombasa County; Sen. Githuku, Lamu County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang', Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Maanzo, Makueni County; Sen. Madzayo, Kilifi County; Sen. Mariam Omar, Mandera County; Sen. Methu, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Ogola, Homa Bay County; Sen. Olekina, Narok County; Sen. Sifuna, Nairobi County; Sen. Thang'wa, Kiambu County; Sen. Tobiko, Kajiado County; Sen. (Prof) Tom Ojenda Odhiambo, SC, Kisumu County; Sen. Wambua, Kitui County; and Sen. Wamatinga, Nyeri County.

**The Temporary Speaker** (Sen. Abdul Haji): Hon. Senators, the results of the Division for Third Reading are as follows -

**Ayes:** 26

**Noes:** 0

**ABSTENTIONS:** Nil

The "Ayes" have it.

*(Question carried by 26 to Nil)*

*(The Bill was accordingly read a Third Time and passed)*

Thank you very much, Senators.

Serjeant-at-Arms, you may draw the bars and open the doors.

*(The Bars were drawn and the Doors opened)*

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*[The Temporary Speaker (Sen. Abdul Haji) left the Chair]*

*[The Temporary Speaker (Sen. Veronica Maina) in the Chair]*

**The Temporary Speaker** (Sen. Veronica Maina): Hon. Senators, I will reorganize the Order Paper. We are done with Order No. 11. We will therefore go to Order No. 20.

Clerk, you can call it out?

## BILL

### *Second Reading*

#### THE HOUSES OF PARLIAMENT (BICAMERAL RELATIONS) BILL (NATIONAL ASSEMBLY BILLS NO.44 OF 2023)

**The Temporary Speaker** (Sen. Veronica Maina): The Senate Majority Leader?

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Madam Temporary Speaker. I beg to move that the Houses of Parliament (Bicameral Relations) Bill, 2023 be now a Second Time.

This is a very important Bill whose history we all know. Sometimes, around the year 2018, the Senate did something quite historic. The entire House folded and we walked hand-in-hand from these Chambers of Parliament, all the way to Milimani High Court. We had tried every known route of diplomacy to set normal relations between us and the National Assembly.

For various reasons that are well known and documented, both within and without the precincts of Parliament, we were unsuccessful. We thought that the best thing to do is to seek justice in the courts of law. Therefore, led by the then Speaker, Hon. Lusaka and now the Governor of Bungoma County, all the 67 delegations that day marched to the Milimani High Court and presented our Petition.

Madam Temporary Speaker, since then, we have had our victories and losses. While the judges of the High Court agreed with us, there were certain aspects of what we felt that they needed to set aside on procedures of Parliament and what is done. In the interpretation of Article 110 and the many disputes we have between us and the National Assembly, there have since been various positions from the Supreme Court, the Court of Appeal and to the High Court.

Basically, every level of the Judicial authorities of this country have had a say on this thorny and sticky issue. Unfortunately, there is lack of symphony in the guidance they have given to this House. While one court says this, the other holds a different view. One can see that this is something that will take us to reason together as the Houses of Parliament because we are the ones who are the users of this Clause of the Constitution and are better placed to understand how best we can work.

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Madam Temporary Speaker, on many occasions I have said that if the relation was to be kept as is the case right now, where Speakers of both Houses consult and agree prior to the publication of any Bill on both Houses, although it is not the ideal situation because there have been occasional squabbles that a certain Bill has not gone for concurrence from either House, but, that is what we seek from this Bill.

Considering we are doing this for posterity, we decided to draft and put this in a Bill, so that we document our relations, we agree and move forward. Something controversial I might say about this Bill is that the Bill as it is, is not the position of the Senate and this I must make clear.

It is upon our Members of the Committee on Justice, Legal Affairs and Human Rights (JLAC), including yours truly, to give perspective to this Bill. However, many times we have appeared before the judges of the Supreme Court, the highest court of the land, and they have asked our advocates on many occasions if it is possible for both Houses to agree. At times we file a consent and agree on certain issues and then, midway, positions change depending on convenience and many other things because of politics, institutional ego to protect and personality issues involved.

We felt that we better put this in law, so that nobody is ever in doubt on the procedure to follow. There are many Bills that have been challenged on account of concurrence alone. Today, many institutions are hamstrung on their operations because of this dispute between us and the National Assembly.

When we sat down, we decided that it will be better for us to put this into law and seek an agreement that will guide future relations for posterity. In another 20, 30 or 50 years from now when none of us will be within the precincts of Parliament, those who will be there will celebrate the good wisdom that this House guided regarding this issue.

I want to go on record as I move this Bill that it is the National Assembly's perspective on how to carry out bicameral relations. I look forward to having the final report of the Committee on Justice, Legal Affairs and Human Rights on this topic even as we debate it. In fact, this is an occasion of the many that I have spoken on the need for us to bring this matter to a close. That is, whether it is proper for Members to debate before or after the report. I have said both schools of thought are right. This is one of the occasions where I feel Members of that committee need to know the input of the users of that particular law. I can see quite a number of them in the House this evening as I move this Bill. The users of this law is we as Parliament.

I have always argued the case that nothing bars us from debating any Bill before a committee prepares and presents its report to the House. Sometimes even Members of Parliament (MPs) need to give our stakeholders views in our committees. Sometimes there is no better avenue than the Floor of the House. This is not to say that the route we have used on many Bills, which is to debate after a committee has tabled its report, is wrong. The experts of legislative processes, like Director Ruge here, can inform this debate even better because of their experience.

I said there is no better time to debate a Bill such as this than right now before the committee considers the views of the users. There are no other users, but us MPs. We should listen to what every Member of this House wants in a bicameral relation between

us and the National Assembly then input that into their report and bring us the amendments.

I expect a radical departure on what is proposed in this particular Bill. After that, we can meet with our colleagues of the National Assembly at the mediation stage and agree to something. If fine, then we should have a law that will guide this process. That way, this dispute will become something of the past and we would have behaved like a mature democracy as is expected of us. That is the context of this important Bill, which I will explain properly.

Clause three of the Bill provides for the various objects of this Act. For example, to provide a framework for the manner of conducting matters of bicameral nature; publication and gazetting of Bills to be introduced in Houses of Parliament as dictated by Article 109(4); and outline a sticky issue of Article 110(3), so that you define what constitutes consideration of a Bill for purposes of Article 110(3). It is something that has as varied opinions in this Parliament as you will ever imagine.

Part two of the Bill speaks of the publication and enacting formula. If a Bill is to be introduced by any Member of a committee of a House of Parliament, pursuant to Article 109(5) of the Constitution, it shall be published in a Gazette in such a manner as may be specified in the Standing Orders. This varies from one House to the other. What we do in the Senate does not necessarily hold true in the National Assembly and vice versa.

Madam Temporary Speaker, part three of the Bill, is at the heart of the dispute. It is something called the joint resolution of the question of whether that Bill concerns counties or not. At what point does that question arise? We in the Senate hold a completely different view with our colleagues in the National Assembly. We hold the view that that determination needs to be made prior to the publication of any Bill.

Our colleagues in the National Assembly say that until somebody rises on the Floor of the House, the Speaker is blind, deaf, and anything that you can imagine to the Constitution until they are appointed to by a Member of the House and told, I believe this Bill as drafted, concerns counties. Therefore, you need to make a determination. Then the Speaker rises and says, I will make a determination. Of course, there is an obvious flaw in that school of thought. The question then that you ask yourself is, after making that determination, where is the chance for the Speaker of the Senate? Yet at that particular time, they had not consulted as the two Speakers.

We will listen to them during the mediation process. I trust the ability of the Justice, Legal and Human Rights Committee (JLAHRC) to resolve this question very ably. We will listen to how they propose this particular section. Therefore, that is properly covered in Clause six of the Bill. When a Bill is published, what happens, and the nature of determination.

Clause 7 speaks to other consequential amendments that will come. There are various Bills relating to the election of a Member of County Assembly (MCA) or County Executive. For the provision of Clause 6, we are saying that there are certain Bills that these clauses do not apply to for obvious understanding. May be obvious to them, but not necessarily obvious to us.

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There are certain Bills which they hold the view that this is not even something for debate. They have listed a number of them including the annual County Allocation of Revenue Bill, which is something we do on both Houses, the Appropriation Bill, which is done in the National Assembly, the Finance Bill, any Bill that provides for taxation and revenue-raising powers of the national Government, and a Bill concerning county governments. Therefore, that is something, which I will request our Members of Justice, Legal Affairs and Human Rights Committee to guide us appropriately, even as we make that decision.

Clause 9 guides on after the resolution of the question has been arrived at. and it reads-

“Whenever a Speaker of the second House, agrees with this question raised as contemplated under Section 8.2, the Speaker shall prepare and transmit a certificate of joint resolution in duplicate for endorsement by the Speaker of the originating House.”

Remember, I have explained the history of how the National Assembly views this issue of the resolution of the question of whether it concerns or does not concern counties. That is why it is drafted as it is. Peg somewhere at the back of your mind what the views of the Senate are, and that is well known.

Then, finally, it is issues such as the money Bill in accordance with Article 109 (5). This is something that has also given us a lot of difficulty. In fact, until we resolve this issue of the money Bill being determined by the Parliamentary Budget Office (PBO)-

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I must thank the Parliamentary Budget Office. I must say, over time, their views on Article 109(5) have evolved as opposed to what I used to see in my earlier days in this House. If you raise any Bill and they feel that for whatever reason--- You imagine how difficult it is to have a Bill or a law that does not cost a charge to the exchequer. It is hard to imagine that you can come up with a law which, for one reason or the other, has absolutely no charge and responsibility to the Government.

So long as there is even the slightest imagination that somehow this Bill will create a charge to the exchequer then it was declared a money Bill and at that particular time the view was that money Bills could only commence in the National Assembly.

Therefore, as a Member of the Senate, even if you tried to think of whatever legislation, you would not succeed or there are certain provisions of your Bill, though close to you, though consequential, you had to drop for that Bill to pass. It happened to me a couple of times while considering certain Bills. That has since evolved and they are a bit more accommodating in their consideration. Therefore, I must thank the Parliamentary Budget office for that view.

Section 12 speaks on that particular Bill. I expect that the Committee on Justice and Legal Affairs will provide the cover. We know it is a constitutional doctrine that a money Bill can only be introduced in the National Assembly in accordance with Article 114.

That is fine, but then the devil is in the details, as they say. It is in the determination of what a money Bill is, that the fight is in and that is where we depend on our Members of the Committee on Justice and Legal Affairs to provide clarity on that particular issue.

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It is good that as I say this, I can see the chairperson of the Committee on Justice and Legal Affairs is in the House with us this evening. Section 13 speaks on something that we have since seen, a practice that is properly evolving. We have had this challenge of a Member saying: "After my Bill was moved it went and gathered dust in the other House." It speaks to the issue of the adoption of Bills where when you sponsor a Bill, you have to look for a co-sponsor in the other House; a practice that has already been established. However, part of the reason we are doing this law is so that we put what is in practice to be in law because we do not want to rely on just a gentlemen's understanding.

Part 4 of the Bill is just about the procedure, which is the conduct of joint proceedings and committees, that if you pass an ordinary Bill and there is one reason or the other, there is need to consider it jointly, between the Houses and how to resolve that particular committee. That is simply procedure, but we may seek further ways of advancing it better.

That is basically what this Bill is about. It is fairly straightforward, but as I have mentioned this particular Bill and as I move it, I am fully aware that this is the National Assembly's version of how to run a bicameral relationship.

A lot of the work has to be done by our Members of the Committee on Justice and Legal Affairs Committee. Allow me to repeat for emphasis's sake, so that we do justice to ourselves as a House, pay keen attention and give yourselves sufficient time, much as there is urgency in concluding this Bill.

We have been granted 90 days by the Supreme Court to try and hammer an agreement of some sort, but more than half of that period has lapsed. I am not very certain about the number of days left. However, its urgency does not mean you compromise the standing of the Senate. I expect that our Members of the Committee on Justice and Legal Affairs will bring us consequential amendments, our view and capture it in law. However, there were those who held the view that: "No, no, that is a flawed Bill; you should not even move it, Senate Majority Leader." However, I have explained time and again that there is nothing in a Bill that you cannot change. It is only those who do not understand legislative procedures who make such vain arguments. You can change everything in a Bill including even the title if you do not like what it is called and it is allowed. We have voted here many times. It is only that maybe sometimes people do not follow and say that the title of the Bill be changed to this. I have seen that happen.

I expect serious changes to this Bill from the JLAC, so that immediately after that we can reconvene and reach a middle ground, but then we will have succeeded in doing something for posterity, so that this business of very good legislation, well thought-out, being struck down by the courts on very simple arguments, such as the fact that it was not properly considered by this or the other House, becomes a thing of the past.

With those very many remarks, I beg to move and request the Senator for Tana River, Sen. Danson Buya Mungatana, to second.

I thank you.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Senate Majority Leader.

Proceed, Sen. Mungatana.

**Sen. Mungatana, MGH:** Thank you, Madam Temporary Speaker, for giving me the opportunity to speak on this Bill. I also want to thank the Senate Majority Leader because he moved this Bill in a very able manner.

I am currently sitting in a Mediation Committee. About two weeks ago, the Speaker of the National Assembly, the Hon. Moses Wetangula, announced that two Bills had been rejected in Second Reading in the National Assembly. One was a Land amendment Bill and another was the Natural Resources Benefit Sharing Bill, which was a Bill that I had sponsored.

So, I was named among the Senators who would be in the Mediation Committee with the National Assembly. This is my second time in a mediation arrangement with the National Assembly, so I will speak from experience.

The first experience we had was when there was a joint attempt by the National Assembly and the Senate to bring constitutional Bills. This attempt did not go far. There was a committee chairperson named from the National Assembly side and a committee chairperson named from this side. This came as a result of *Kamukunjis* that were trying to find a way forward on some difficult questions in the Constitution.

We only had two meetings and that Committee dissipated. The reason why that Committee was not successful was because the law that guides bicameral relations was nonexistent at that time. Even these mediation committees that we have try to make sense of the provisions in the Constitution.

As we all know, the Constitution gives wide proclamations. For those proclamations to be effective, there must be legislation that comes to the nitty gritty. When you look at the provisions as they stand now, a Bill may be rejected, or some sections of it may be rejected by the National Assembly and then a mediation committee is appointed. This is not in law. It is just what has been agreed upon as a procedure that is supposed to work between the National Assembly and the Senate. When a mediation committee meets, there are supposed to be discussions and negotiations on the contentious sections of the Bills that have issues.

When those clauses are agreed upon, a mediated version of the Bill is supposed to be presented in both the National Assembly and the Senate. From what we learnt and my experience, we are supposed to do a Motion attaching the mediated or agreed version on both sides. If we approve that mediated version and they approve it, it skips the other important stages like the Committee stage and the Third Reading. That Bill goes straight for assent. The timelines are also limited.

When you look at it, there is a problem in terms of the procedure and the detail of the procedure that is supposed to guide the relations between ourselves and the other House.

Practical difficulties also arise. For example, the Bill is supposed to go for mediation and a timeline is set. When does that timeline start running? It is when both Houses Mediation Committee sits. That is when the time for 90 days is supposed to run.

Madam Temporary Speaker, practically speaking, right now the other House has gone on recess. We are going to be in session until somewhere around 30<sup>th</sup> May, 2024. Therefore, when we will be going on recess, the other House will be resuming. We are talking of almost 60 days going without the Mediation Committee sitting. Why am I

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giving all these details? It is for those Senators who are listening to me, to appreciate that there is a legal lacuna that we need to fix in as far as the relationship between the National Assembly and the Senate is concerned. This must be fixed today, not tomorrow, because we have a lot of pending business between the two Houses and many times we have different viewpoints on the same issues.

The National Assembly, in my opinion, and with a lot of respect, for example, does not go beyond the moment they see, think or feel that this is a Money Bill. They are sort of held there and they decide to reject a Bill when in fact, they come from counties and those Bills assist their counties.

It is critical on my part to second this Bill. I urge Senators to speak to this Bill. I fully agree with the fact that the input of the Committee on Justice, Legal Affairs and Human Rights (JLAC) is truly required in this matter. I hope the Chairperson of the JLAC will have earlier opportunities to speak to this Bill, so that Members who are going to follow, can hear and see the thinking behind what we want as a Senate. Possibly at the earliest opportunity, let the report of JLAC be tabled, because we would want this debate to be well-informed and well-guided so that we can get the kind of results that we require.

I have a lot to say, but I do not want us to pass the time so I will stop there. I beg to second.

*(Question proposed)*

**The Temporary Speaker** (Sen. Veronica Maina): I can see the Chairperson of the JLAC is here.

Proceed, Sen. Methu.

**Sen. Methu:** Thank you, Madam Temporary Speaker. I have been struggling to check the time. Yesterday we had an issue with the various clocks in the House. They were reading different scripts and it was raised as a point of order and directions were given by the Chair then that the clock on my left, right and the one directly against the Chair should be in sync.

Madam Temporary Speaker, I believe there must have been a missing link in terms of administration. Indeed, that is what misguided Sen. Mungatana as he was struggling to check on the time. However, with that in mind, I believe that ---

**The Temporary Speaker** (Sen. Veronica Maina): Senator, if I can give a guide on that clock, in my view, I do notice that is a valid concern. The three clocks are reading differently. It is already 6.30 p.m. on the right-hand side, which is not the case for the clock in the middle aisle and on the Minority side. It is only on the Majority side that it is 6.30 p.m. Therefore, I will use the earliest time, which reports as 6.30 p.m.

Hon Senator, I hereby direct that in reorganizing the Order Paper, Orders No.12,13,14,15,16,17,18,19,21,22,23,24,25 and 26 be deferred to a later date which will be guided in the next session.

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**BILL**

*Second Reading*

THE MATERNAL, NEWBORN AND CHILD HEALTH BILL  
(SENATE BILLS NO.17 OF 2023)

*(Bill deferred)*

**BILL**

*Second Reading*

THE WILDLIFE CONSERVATION AND MANAGEMENT  
(AMENDMENT) BILL (SENATE BILLS NO.46 OF 2023)

*(Bill deferred)*

**BILL**

*Second Reading*

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

*(Bill deferred)*

**BILL**

*Second Reading*

THE CO-OPERATIVE SOCIETIES (AMENDMENT)  
BILL (SENATE BILLS NO.53 OF 2023)

*(Bill deferred)*

**BILL**

*Second Reading*

THE EARLY CHILDHOOD EDUCATION (AMENDMENT) BILL  
(SENATE BILLS NO.54 OF 2023)

*(Bill deferred)*

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**BILL***Second Reading*

THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL  
(SENATE BILLS NO.55 OF 2023)

*(Bill deferred)***BILL***Second Reading*

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES  
(CONTROL) (AMENDMENT) BILL (SENATE BILLS NO.1 OF 2024)

*(Bill deferred)***BILL***Second Reading*

THE CANCER PREVENTION AND CONTROL (AMENDMENT)  
(NO.2) BILL (NATIONAL ASSEMBLY BILLS NO.45 OF 2022)

*(Bill deferred)***MOTIONS**

ADOPTION OF REPORT ON FINANCIAL STATEMENTS  
OF VARIOUS COUNTY ASSEMBLIES

THAT, the Senate adopts the Report of the Select Committee on County Public Accounts on its consideration of the Report of the Auditor General on the financial statements of West Pokot County Assembly for the financial year 2018/2019 and Reports of the Auditor General on the financial statements of Isiolo, Kiambu, Kitui, Marsabit, Narok, Nyamira, Trans Nzoia, West Pokot and Murangá County Assemblies for the financial year 2019/2020 laid on the table of the Senate on Thursday, 7<sup>th</sup> March, 2024.

*(Motion deferred)*

DECLARATION OF CATTLE RUSTLING AND BANDITRY  
AS A NATIONAL DISASTER AND ESTABLISHMENT  
OF A SPECIAL FUND FOR VICTIMS

THAT AWARE THAT, cattle rustling/banditry is a major menace and security threat in the South and North Rift regions and some other regions of the country;

CONCERNED THAT, the menace has since left irreparable and negative socio-economic impact which include but are not limited to increased number of widows, widowers, orphaned children, poverty, displacement of people leading to Internally Displaced Persons (IDPS), disruption of educational health programs and other economic activities owing to the destruction and/or closure of educational, health and other institutions;

FURTHER CONCERNED THAT, the people living in the affected regions have been denied the enjoyment of their social, economic and political rights as guaranteed to them under the Bill of Rights as enshrined in Chapter Four of the Constitution;

NOW THEREFORE, the Senate resolves that the National Government through the Ministry of Interior and National Administration and in collaboration with the Council of Governors:

1. Declares cattle rustling a National Disaster;
2. Establish a National Task force on cattle rustling/banditry to:
  - (i) Investigate the causes of the rampant cattle rustling and banditry in the said region and the Country at large;
  - (ii) Establishes the extent of suffering, loss and damage the cattle rustling/banditry has occasioned to the communities in all the affected Counties;
3. Create a Special Fund for mitigating the losses suffered by and in compensating all victims of cattle rustling/banditry and settle all internally displaced persons occasioned by the menace.

*(Motion deferred)*

ADOPTION OF PROGRESS REPORT OF THE *AD HOC*  
COMMITTEE ON 1998 USA EMBASSY BOMBING

THAT, the Senate adopts the progress report of the Ad-Hoc Committee on the compensation to the Kenyan victims of the 1998 bombing of the United States of America Embassy in Nairobi, laid on the Table of the Senate on Thursday, 2<sup>nd</sup> May, 2024.

*(Motion deferred)*

ESTABLISHMENT OF NATIONAL TEACHING  
AND REFERRAL HOSPITALS IN KENYA

AWARE THAT Article 43 (1) (a) of the Constitution of Kenya provides that every person has the right to the highest attainable standard of health, including reproductive health care;

NOTING THAT in Kenya, we have five National Teaching and Referral hospitals with Kenyatta University Research and Teaching Hospital in Kiambu County and Moi Teaching and Referral Hospital in Eldoret, Uasin Gishu County being the only ones outside Nairobi County;

CONCERNED THAT the bed capacity, medical equipment and human capital in these National Teaching and Referral hospitals are not sufficient to absorb all the patients seeking specialized treatment;

FURTHER CONCERNED THAT many Kenyans with critical health conditions travel long distances in order to access specialized services in Moi Teaching and Referral Hospital in Eldoret or Nairobi where the other four National Teaching and Referral hospitals are located, leading to high cost of travel, augmented disease and in some cases deaths along the way;

NOW THEREFORE the Senate urges-

1. The Ministry of Health to:

(i) Establish National Teaching and Referral hospitals in the Coast, Eastern, North Eastern, Nyanza and Western regions; and

(ii) Fully equip the National Teaching and Referral Hospitals with modern medical equipment, medical supplies and personnel; and

2. The County Governments to allocate more funds to their respective health dockets to adequately facilitate their County Level 5 and Level 6 hospitals in order to enhance provision of critical health services to reduce the demand for such services from the National Teaching and Referral Hospitals.

*(Motion deferred)*

NOTING OF REPORT ON THE EXTRAORDINARY  
SESSION OF THE SIXTH PARLIAMENT OF PAP

THAT, the Senate notes the Report of the Kenya Delegation to the Extraordinary Session of the Sixth Parliament of the Pan-African Parliament (PAP) held at the Gallagher Convention Centre, Midrand, South Africa, from 20<sup>th</sup> to 27<sup>th</sup> March, 2024, laid on the Table of the Senate on Wednesday, 24<sup>th</sup> April, 2024.

*(Motion deferred)*



PLANTING AND PROTECTION OF INDIGENOUS  
TREES BY COUNTY GOVERNMENTS

THAT, AWARE of the crucial role played by indigenous trees in purification of air and combating of climate change, protection against floods and water pollution, in the field of medicine, nutrition and timber production, among other roles;

APPRECIATING that the National Government, through the National Landscape and Ecosystem Restoration Programme, plans to increase the national forest cover to 30% by planting fifteen (15) billion trees and, in furtherance of the Programme, gazetted 13<sup>th</sup> November, 2023 as a Public Holiday to allow Kenyans to plant trees;

CONCERNED that the Government is yet to establish elaborate measures for the growing and protecting of indigenous trees and to involve such crucial players as the County Governments, hence impeding the sustainability of the programme;

NOW, THEREFORE, the Senate urges the 47 county Governments to set aside land and resources to be used in the planting and protection of indigenous trees, in support of the initiatives by the National Government.

*(Motion deferred)*

I direct the secretariat desk to align those clocks to ensure they read simultaneously to avoid confusion.

Now, when we resume the debate on this Bill our Chairperson of JLAC will have a chance to contribute.

**ADJOURNMENT**

**The Temporary Speaker** (Sen. Veronica Maina): Hon Senators, it is now 6.30 p.m. time to adjourn the Senate. The Senate, therefore, stands adjourned until Tuesday 14<sup>th</sup> May, 2024 at 2.30 p.m.

The Senate rose at 6.30 p.m.