

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 28th November, 2024

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

[The Deputy Speaker (Sen. Kathuri) in the Chair]

PRAYER

DETERMINATION OF QUORUM
AT COMMENCEMENT OF SITTING

The Deputy Speaker (Sen. Kathuri): Clerk, do we have quorum?

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

Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

Order, hon. Senators! We now have the quorum, we can proceed. Clerk, called out the first Order.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM THE UNIVERSITY OF DENVER'S
JOSEF KORBEL, SCHOOL OF INTERNATIONAL STUDIES, USA

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, a visiting delegation from the University of Denver's Josef Korbel, School of International Studies, United States of America.

The delegation is in Nairobi for a Research Practicum under the Department of Diplomacy and International Studies (DDIS) at the University of Nairobi. This delegation comprising graduate students and faculty members are in the Senate on a one-day study visit.

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Hon. Senators, I request each Member of the delegation to stand when called out, so that they may be acknowledged in the Senate tradition—

- (1) Dr. Abigail Kabandula
- (2) Prof. Singumbe Muyeba
- (3) Grecia Fernanda Castel
- (4) Alex Nelson
- (5) Kaitlyn Victoria
- (6) Tirado Julia Frangul
- (7) Vincent Ziliak
- (8) Porter Julia Montgomery
- (9) Tobias Somers Ellison
- (10) Jacob Matthew Tonozzi
- (11) Olga Nseli Muanda
- (12) Dr. Winnie Rugutt
- (13) Noela Jerop
- (14) Cynthia Wanjiru

On behalf of the Senate and on my own behalf, I extend a warm welcome and wish you a fruitful visit.

Thank you.

The Senate Majority Leader, please proceed to welcome the delegation in one minute. You do understand, those names are a bit complicated, not like Aaron.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Deputy Speaker, Sir.

On behalf of the Senate, I welcome this visiting delegation from the University of Denver who are here on a study tour in partnership with the University of Nairobi. I hope that in the time they will be here, they will get to interact with our highly skilled technical staff and also this afternoon, witness debate, if you are going to have one, of us considering the various Bills that are listed on today's Order Paper.

Today being a Thursday, it is not one of those days when the House is pretty much full, but you can never tell with politicians what can happen in the next few minutes. So, I do not want to speak too soon. However, I would like to welcome them. I hope they get to stay long enough to enjoy as we do our work.

Mr. Deputy Speaker, Sir, I appreciate that they chose to visit us here at the Senate. I wish them well in the remainder of their tour here in Parliament and in Kenya generally. I also wish them a safe flight back home, when the time reaches.

Thank you, Mr. Deputy Speaker, Sir.

(Sen. Tabitha Mutinda spoke off record)

The Deputy Speaker (Sen. Kathuri): Sen. Mutinda, why are you behaving like you know this group from the University of Denver? Is it that you want to welcome them as well? You have 30 seconds.

Sen. Tabitha Mutinda: Thank you, Mr. Deputy Speaker, Sir.

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First, I would like to welcome the students, not because I am behaving in a way that I know them, but I am just priding by the fact that I am also an alumnus of the University of Nairobi.

It is the only university in this country that has the article 'the'. I am still a student. I specialized in International Relations when I was doing my Master's at the University of Nairobi. I would like encourage them to pursue further studies. Education has no limit. Thank you for choosing to be here in the Senate. We are going to have a lot in our Order Paper. We hope that you are going to learn a few.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Next Order, Clerk.

Chairperson, Standing Committee on Labor and Social Welfare, please proceed.

PAPER LAID

REPORT OF STANDING COMMITTEE ON LABOR AND SOCIAL WELFARE
ON CONSIDERATION OF THE PROVISION OF SANITARY
TOWELS BILL (SENATE BILL NO.7 OF 2024)

Sen. Faki: Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker, Sir, on behalf of the Chairperson of the Senate Standing Committee on Labour and Social welfare Committee, I beg to lay the following Paper on the Table of the Senate today, 28th of November, 2024-

Report of the Standing Committee on Labor and Social Welfare on its Consideration of the Provision of Sanitary Towels Bill (Senate Bill No.7 of 2024).

Thank you.

(Sen. Faki laid the document on the Table)

The Deputy Speaker (Sen. Kathuri): Next Order.

STATEMENTS

Hon. Senators, we have several Statements under Standing Order No.53(1). We shall start with the Senator for Marsabit County, Sen. Mohamed Chute.

STATUS OF REDEVELOPMENT OF ESTATES
IN LIKONI, MOMBASA COUNTY

Sen. Chute: Thank you, Mr. Deputy Speaker, Sir.

I have a request for a Statement on the status of development of an estate in Likoni, Mombasa County.

Mr. Deputy 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

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the status of redevelopment of estates in Likoni, especially on plot number Mombasa/MS/Block1/1840, in Mombasa County City.

Mr. Deputy Speaker, Sir, in 2022, the County Government of Mombasa initiated plans to redevelop estates in Likoni, including two estates owned by the County namely, Likoni Flats and Likoni Customs, which previously housed 348 families. The project was intended to be completed within two years through a partnership with Gold Land Rinco Company Limited under a public-private partnership agreement.

The County Government committed to providing each family with Kshs250,000 to facilitate their relocation to pave way for the project whose delivery timelines was two years. However, to date, the project has not commenced, leaving the displaced residents inconvenienced.

In the Statement, the Committee should-

(1) Clarify the terms of partnership between the County Government of Mombasa and Gold Land Rinco Company Limited and confirm whether the partnership complies with constitutional and legal requirements of public-private partnership.

(2) Provide details on the size of land occupied by the estates and ownership status of the said land.

(3) Outline measures implemented by the County Government of Mombasa to support the allocated residents, given that the estimated two-year project timeline has lapsed without progress.

(4) State the reason for the delay in the commencement of the project and provide a clear timeline for its completion.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Next is Sen. Joseph Githuku, who has two Statements.

MAINTENANCE OF MKUNUMBI-KIBAONI ROAD
BY LAMU COUNTY GOVERNMENT

(Statement dropped)

ROUTINE MAINTENANCE OF HINDI-KIBOKONI
ROAD IN LAMU COUNTY

(Statement dropped)

The third one is Sen. Gloria Orwoba. I can see that she has requested that the Statement be deferred.

ALLEGED UNILATERAL INVESTMENTS
BY UFAA MANAGEMENT

(Statement deferred)

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Before we move on to the Statement under Standing Order No.57(1) by the Senate Majority Leader, let me give Sen. Mohammed Faki a chance to speak.

Sen. Faki: Asante, Mhe. Naibu Spika kwa kunipa fursa hii.

Naona *Senator* wa Marsabit County, Sen. Chute, ametoa *Statement* kuhusu ujenzi wa nyumba katika maeneo ya Likoni.

Mhe. Naibu Spika, Sen. Chute hakunishauri kuhusu *Statement* hii. Kwa hakika---

(Sen. Wamatinga and Sen. Chute consulted loudly)

Sen. Wamatinga, wacha Sen. Chute askize ninayoyasema.

Kwa hakika ni makosa kwa Senator kwenda kwa Gatuzi lingine na kutafuta miradi bila ya ushauri wa Senator mhusika. Kuna wakati katika Bunge lililokwisha kulikuwa na Seneta wa West Pokot County, Sen. Pogishio. Wakati huo, Sen. Cherarkey alikuwa akizungumzia sana maswala ya West Pokot County kuliko maswala ya Nandi County. Sen. Pogishio akasema kuna mdudu anaitwa *mulmulwas* anayezunguka kila mahali.

Kwa hivyo, Sen. Chute usije ukawa kama *mulmulwas* wasiku za usoni kwa sababu kila mtu ako na gatuzi lake. Kama hujatoa *Statement* ya Gatuzi la mtu mwingine, ni swala la *courtesy* ama heshima uzungumze na mhusika ili akuwe *at par* wakati unatoa *Statement* hiyo.

Asante Mhe. Naibu Spika.

The Deputy Speaker (Sen. Kathuri): The Senate Majority Leader, please proceed.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, nothing captures what Sen. Faki is saying better than what Sen. Mundigi said a few weeks ago; that "*kila kitu ni Chute*".

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 3RD DECEMBER, 2024

This is the statement of the business for the week that commences on Tuesday, 3rd December, 2024; our last week this year. Finally, I cannot wait to break for recess and get to be with constituents and family. However, we still have a week to go Members. So, please, hang in there. I know there is a temptation to start switching off, but I still need you here for another one week.

Pursuant to Standing Order No.57(1) this is the business that is before us. We have 54 Bills that are pending conclusion of which 37 are at the Second Reading stage and 17 are the Committee of the Whole stage. We have 27 Motions that are pending conclusion as well. We have 26 Petitions before various committees, 21 of them are due for reporting by the various standing committees. It is my hope that committee Members can put in the hard work and give the reports of these Petitions, preferably the 26 of them, but most importantly, the 21 that are already out of time.

Mr. Deputy Speaker, Sir, we have 439 Statements that have been raised here or sought, in pursuant to Standing Order No.53(1) and they are under consideration by the

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various committees. I believe that those that are ready should be processed, so that Members can receive the responses and if they are satisfied, we put the matter to rest, if not, we canvass and debate on them.

I thank hon. Senators for the debate on the Motion of the President's address to Parliament and the report of the Mediation Committee on the Division of Revenue (Amendment) Bill, National Assembly Bill No.38 of 2024. However, we are not yet done with the Division of Revenue. What is pending on this matter is for division to be undertaken, I therefore urge hon. Members to remain in the Senate this afternoon. Members, I cannot overemphasize how important this Bill is.

The National Assembly, our colleagues and whom you understand their view of devolution, have already concluded on this business, but here we are, still hogging along. I know people have various views about this Bill, but we canvassed and said what needs to be done about it. Therefore, I request hon. Senators to stay in the House this afternoon until we conclude that Order.

Mr. Deputy Speaker, Sir, on Tuesday, 3rd December, 2024, the Senate Business Committee (SBC) will meet to consider business for the week. The tentative business for that day will include business not concluded from today's Order Paper, as well as business indicated in the notice paper. The tentative business for the morning and afternoon sittings on Wednesday, 4th December, 2024, will include business not concluded from the Order Paper on Tuesday, the 3rd December, 2024.

The following are the Bills that are at Second Reading, and we propose to give them priority-

The Environmental Laws (Amendment) Bill, the Narcotic Drugs and Psychotropic Substance (Amendment) Bill, the County Oversight and Accountability Bill, the County Civic Education Bill, the County Statistics Bill, the Statutory Instruments (Amendment) Bill, the County Wards Equitable Development Bill, the Public Finance Management (Amendment) Bill and the Livestock Protection and Sustainability Bill.

Then there are these Motions. One is a report of the Ninth IPU on the Global Conference of Young Parliamentarians that was held in Hanoi, Vietnam from 15th to 17th September, 2023. This report has been in our papers for over a year and we need to conclude it otherwise the next conference will happen before we consider the report of the previous committee or gathering.

There is a report also of the parliamentary delegation to the 2024 Joint United Nations (UN) IPU hearing held at the UN headquarters in New York, United States of America from 8th to 9th February, 2024. Then there is a report of the ordinary session of the plenary assembly and related meetings for the Forum of Parliamentarians of the International Conference of the Great Lakes Region that was held in Livingstone, Zambia, in April, 2024. We also have a report of OACPS Parliamentary Assembly and the 43rd and first session of ACP-EU Joint Parliamentary Assembly meetings held in Brussels, Belgium, Luanda, and Angola, respectively.

Mr. Deputy Speaker, Sir, I urge Members that the end of a trip does not mean conclusion of business. In all these reports, there are Members who consumed per diem and attended these gatherings. It is your business to come back to the House and table the

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report, and make sure that it is passed. Otherwise, there will never be a record in this House that you travelled, apart from the boarding pass that you will be carrying.

The projected business for Thursday 5th December, 2024, which will be our last day of sitting this calendar year God willing, and unless a certain county assembly decides to interrupt our long recess as they have often done during this month of recess, will include the business that we will not have concluded on Tuesday and Wednesday.

The SBC has also proposed that we conclude on the following Motions; the report of the Standing Committee on Devolution and Intergovernmental Relations on its inquiry into the personal security concerns raised by Philomena Kapokory, who is the Deputy Governor of Trans Nzoia County. I hope in the report Sen. Abass' Committee has led us into doing something better than just security concerns of this Deputy Governor, but looking to an obvious piece of challenge.

The Deputy Speaker (Sen. Kathuri): Just a minute, Senator Aaron Cheruiyot.

(Sen. Cherarkey crossed the aisle without bowing)

Sen. Cherarkey, this is the same thing you were doing with Sen. Phogisio's in the last Parliament. How can you just cross from Nandi to West Pokot without even noting the Chair? Can you walk to the aisle and then bow?

(Sen. Cherarkey walked to the aisle and bowed)

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Deputy Speaker, Sir. Sen. Cherarkey needs to know that this is not Chepterwai market where you just walk around haphazardly.

There is also the report of the Standing Committee on Devolution into the inquiry into the state of markets in Vihiga and Bungoma counties, arising from a statement raised by Sen. Osotsi and Sen. Wakoli. There is a progress report on the National Cohesion and Equal Opportunities and Regional Integration Committee on the diversity and inclusivity of staff composition of the state agencies.

This is a very important report. Why do I say this report is important? It is important because this is one of the things that we asked this Committee, led Sen. Chute, to look into at the height of the Motion that we passed here after the invasion of Parliament in June. I hope they have done a good report together with legislative proposals on how to equalize employment opportunities for all Kenyans from all walks of life and from all the 47 counties. If they have not done that, we need to return them back to work, to ensure that they do that in compliance with what that Motion required of them.

We also have a report on the Standing Committee on Energy on the challenge of power purchase agreements, renewals and electricity supply in Kenya. I know Sen. Wamatinga is about to exit the Chairmanship of Energy Committee to concentrate more on taking care of our welfare as our newly sworn-in Commissioner, but this is one business that he still owes to the House. Power purchase agreements remain to be extremely controversial in this country.

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The fact that we continue to purchase power at an exorbitantly high price, yet, year after year, if you go to the office of the Cabinet Secretary for Energy, you will see a long list of people who put in applications to do power exploration, far more cheaper power from either geothermal, wind and solar. However, because of these existing arrangements, Kenyans continue to buy power at an expensive price. I hope that the man or the woman that will take up that mantle at the Committee on Energy, the bulls-eye of a trophy for the Senate belongs to them eventually being able to unravel that mystery and ensure that we guide the country into an effective and affordable power for all citizens. That is the challenge. I may as well leak, that if someone was to write a dissertation on that topic specifically, then I may favourably consider that person to replace Sen. Wamatinga.

Mr. Deputy Speaker, Sir, in conclusion, there are critical businesses that are pending for consideration. We have the mediation reports, inter alia, on the Equalization Fund and the County Governments Additional Allocation. I must report---

(Loud consultations)

(Sen. Methu consulted loudly)

The Deputy Speaker (Sen. Kathuri): Order, Senators, Order, Sen. Methu, I can hear your voice from my right side.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I must report to the House that over the lunch hour today, somebody who sits in the county government's additional allocations Mediation Committee pointed out a serious concern to me. Out of the nine Members that we sent to that committee, they have had two meetings so far. Only three Members attended both meetings.

This is an extremely important Bill. You know what it means for county governments. Therefore, I want to reiterate before the entire House that if we grant you the opportunity to represent us in a Mediation Committee, you cannot treat it like an ordinary committee. We have sent you there to put the perspective, on behalf of all the 47 devolved units of this country. Therefore, I want to urge members that they take their work seriously.

I commit to pushing because it is my sincere hope that before we break for recess on 5th December, 2024, we will have concluded this particular business. This is more than Kshs60 billion that deserves to go to our county governments. Unfortunately, we cannot unlock it before considering this mediation report. The above may impact the business programme next week. Accordingly, we will make the necessary adjustments.

Mr. Deputy Speaker, Sir, I thank you and hereby lay this Statement on the Table of the Senate this afternoon.

(Sen. Cheruiyot laid the document on the table)

The Deputy Speaker (Sen. Kathuri): Thank you, Sen. Cheruiyot, the Senate Majority Leader. You mentioned something important to the Members. Besides these

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Interparliamentary Union (IPU) and conferences, this is a communication to the chairpersons of all committees that if your Committee makes a trip, within two weeks, you should table the report. This communication has gone on record, and the chairperson should take note. When I served at the National Assembly, that is what we used to do. Therefore, chairpersons, you are well advised.

Sen. Dullo, can you read your statements, the two of them?

(Sen. Dullo consulted the Speaker)

Okay, you will read your Statements on Tuesday next week.
Next Order.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM KENYATTA UNIVERSITY

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I would like to acknowledge the presence in the public gallery this afternoon, of a visiting delegation of 23 student leaders from Kenyatta University. The delegation is in the Senate for a one-day academic exposition.

Hon. Senators, on behalf of the Senate and my behalf, I extend a warm welcome and wish them a fruitful visit.

Thank you.

I am looking for alumni of Kenyatta University. Sen. Kisang, are you an alumnus of the Kenyatta University?

(Sen. Cheruiyot spoke off record)

Now, you do not qualify. You are not a good example. Sen. Beatrice Ogola, proceed.

Sen. Kisang: Mr. Deputy Speaker, Sir, I have already stood. Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to welcome the team from Kenyatta University.

Recently, Kenyatta University was vetted and rated the top university in the country. I was there between 28th August, 1988, and I left on 28th March, 1991. I was there for under three years because, during that time, the universities were stable. There were no strikes. I want to tell them that I did double math, statistics and computer science. I did well, and I wish you well.

I know you are student leaders, and I believe some of you in the near future will be in this House, others in the other House and some of you will be governors. I do not know whether you are going to K1. There was a famous place we used to call K1. I do not know if you still go there. We used to go to Ruiru.

There was no estate across the university opposite Kahawa Barracks. Kahawa Barracks and Kenyatta University were one. The military used to cross to Kenyatta

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University to practise. We used to go to the barracks to enjoy ourselves. So, we were like a team. However, because of your numbers, they have closed that small place we used to go across.

Enjoy yourselves, do well, behave, and get disciplined and you will go places. Professor Mugenda did well for the university.

Thank you.

The Deputy Speaker (Sen. Kathuri): Thank you. Sen. Ogola, I will allow you one minute.

Sen. Ogola: Mr. Deputy Speaker, Sir, I thank you for granting me the chance. I also happened to have done my second degree at Kenyatta University. I want to tell the students that leadership is universal. You are on the right track. Sen. Kisang reminds me of Kilometre One, where a number of us would spend only Kshs20 per day to survive. So, whatever you are going through, and any other student, is not only extraordinary to you.

We have all been there. We welcome you into leadership. All we ask is that you be the leaders this country aspires to have. Let us help everybody take this country to the next level and have one happy republic called Kenya. Welcome.

The Deputy Speaker (Sen. Kathuri): Thank you. Next Order.

MOTION

CONSIDERATION OF NATIONAL ASSEMBLY AMENDMENTS TO THE COTTON INDUSTRY DEVELOPMENT BILL (SENATE BILLS NO.5 OF 2023)

THAT, the National Assembly amendments to the Cotton Industry Development Bill (Senate Bills No. 5 of 2023) be now considered.

(Sen. (Dr.) Murango on 27.11.2024)

(Resumption of debate interrupted on 27.11.2024- Afternoon Sitting)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, this debate concluded yesterday. I want to ascertain whether we have a quorum to put the question.

(Question put and agreed to)

Next Order.

MOTION

ADOPTION OF REPORT OF THE MEDIATION
COMMITTEE ON THE DIVISION OF REVENUE
(AMENDMENT) BILL, 2024

THAT, the Senate adopts the Report of the Mediation Committee on the Division of Revenue (Amendment) Bill (National Assembly Bills No. 38 of 2024), laid on the table of the Senate on Tuesday, 26th November, 2024 and further that pursuant to Article 113 (2) of the Constitution and Standing Order 167 (3) of the Senate, approves the mediated version of the Bill.

(Sen. Mungatana, MGH on 27.11.2024)

(Resumption of debate interrupted on 27.11.2024 - Afternoon Sitting)

(Division)

The Deputy Speaker (Sen. Kathuri): Senators, regarding this particular Motion, we are going to division. I request the Serjeant-at-Arms to ring the division bell for 10 minutes.

(The Division bell was rung)

The Deputy Speaker (Sen. Kathuri): Senate Majority Leader, approach the Chair.

(Sen. Cheruiyot consulted with the Deputy Speaker)

Serjeant-at-Arms, close the Doors and draw the Bars, that is, both the front and back Doors.

(The Bars were drawn and Doors closed)

(Loud consultations)

Order, Hon. Senators.

(Sen. Methu approached the Door)

Sen. Methu, the Bar has been drawn, so you will wait until the voting is completed.

(Loud consultations)

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Order, hon. Senators. I now want to put the question, that the Senate adopts the Report of the Mediation Committee on the Division of Revenue (Amendment) Bill (National Assembly Bills No.38 of 2024), laid on the Table of the Senate on Tuesday, 26th November, 2024, and further that pursuant to Article 113 (2) of the Constitution and Standing Order No.167 (3) of the Senate, approves the mediated version of the Bill.

We are voting electronically. Serjeant-at-Arms, look out for cards that are not attended to.

Hon. Senators, you can log out and in. Can you log in?

Clerk, confirm whether the system is okay.

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

The Deputy Speaker (Sen. Kathuri): Proceed and vote.

(Hon. Senators proceeded to vote)

The Deputy Speaker (Sen. Kathuri): We have another Division on Order No.10, so you should wait.

(Loud consultations)

(The Clerk-At-The-Table approached the Chair)

The Deputy Speaker (Sen. Kathuri): Sen. Okiya Omtatah, kindly approach the Dispatch Box and vote. I am not also sure whether the Meru delegation has voted.

DIVISION

ELECTRONIC VOTING

(Question, that the Senate adopts the report of the Mediation Committee on the Division of Revenue (Amendment) Bill (National Assembly Bills No.38 of 2024), laid on the Table of the Senate on Tuesday, 26th November, 2024 and further that pursuant to Article 113(2) of the Constitution and Standing Order 167(3) of the Senate, approves the mediated version of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Ali Roba, Mandera County; Sen. Boy, Kwale County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang' Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka-Nithi; Sen. Githuku, Lamu County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo-Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Mandago, Uasin Gishu; Sen. Mungatana, MGH, Tana

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River County; Sen. Munyi Mundigi, Embu County; Sen. Okiya Omtatah, Busia County; Sen. Seki, Kajiado County; Sen. (Prof.) Tom Ojienda, SC, Kisumu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

NOES: Sen. Methu, Nyandarua County.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, these are the results of the Division-

AYES: 26

NOES: 1

ABSTENTIONS: 0

The “Ayes” have it.

(Question carried by 26 votes to nil)

The Deputy Speaker (Sen. Kathuri): Serjeant-At-Arms, kindly withdraw the Bars and open the doors.

(The Bars were undrawn and the Doors opened)

The Deputy Speaker (Sen. Kathuri): Clerk?

(The Clerk-At-The-Table approached the Chair)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I want to reorganize the Order Paper.

(Sen. Wambua and Sen. Cheruiyot stood in their places)

Sen. Wambua and Majority Leader, I want to reorganize the order of business. We defer Orders No.10, 11 and 12, then we handle the Committee of the Whole on Orders No.13, 14, 15, 16 and 17.

Next Order.

BILL

Second Reading

THE PUBLIC FUNDRAISING APPEALS BILL
(SENATE BILLS NO.36 OF 2024)

(Bill deferred)

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COMMITTEE OF THE WHOLE

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

(Bill deferred)

COMMITTEE OF THE WHOLE

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

(Bill deferred)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, we are going to the Committee of Whole.

COMMITTEE OF THE WHOLE

(Order for the Committee read)

[The Deputy Speaker (Sen. Kathuri) left the Chair]

IN THE COMMITTEE

[The Temporary Chairperson (Sen. Wakili Sigei) in the Chair]

THE PUBLIC TRANSPORT (MOTORCYCLE REGULATION)
BILL (SENATE BILLS NO.38 OF 2023)

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Members, let us resume our seats. Hon. Senators, do we have any Member of the Committee on Roads, Transportation and Housing in the House?

Sen. Chute, approach the Chair.

(Sen. Chute approached the Temporary Chairperson)

(Loud consultations)

The Temporary Chairperson (Sen. Wakili Sigei): Order, Members!
We are now going to the Committee of the Whole to consider the Public Transport Motorcycle Regulation Bill (Senate Bills No.38 of 2023)

Hon. Members, as you may recall, debate on this particular Bill at the Committee of the Whole commenced on Tuesday 19th November, 2024, but was not concluded.

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Consequently, and in order to bring all Senators on board, I direct that the Bill be canvassed afresh. So, we will proceed to canvass the Bill under the various Clauses, which I will ask that we call them upon.

Clerk, you may proceed to call the Clauses

Clause 3

(Question, that Clause 3 be part of the Bill proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

Clause 4

Sen. Chute: Mr. Temporary Chairperson, Sir, I beg to move—
THAT, the Bill be amended—

(a) by inserting the following new clause immediately before Clause 4—

Roles of the County executive committee member.	3A. (1) The county executive committee member shall be responsible for the regulation, management, and coordination of all matters relating to the motorcycle transport sector within the county.
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(2) Without prejudice to the generality of sub-section (1), the county executive committee member shall—

(a) develop policies, regulations, and guidelines on motorcycle transport and safety matters within the county;

(b) manage and control motorcycle transport services within the county, including registration and licensing of motorcycle riders, designate parking and routes;

(c) ensure compliance with the provisions of this Act and any other laws related to the transport sector within the county;

(d) conduct research and collect data on transport and safety matters within the county; and

(e) develop and implement programs to promote road safety, including training and civic education of riders and passengers.

(b) by deleting clause 4 and substituting therefor the following new clause—

Appointm ent of Board	4. The County executive member may delegate the functions under section 3A to a Board.
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(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

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Clause 5

The Temporary Chairperson (Sen. Wakili Sigei): This Bill has proposal by Sen. Osotsi. I call upon the Mover of the Bill, Sen. (Dr.) Boni Khalwale, who has adopted those proposals to move.

Sen. (Dr.) Khalwale: Mr. Temporary Chairperson, Sir, I move- THAT Clause 5 of the Bill be amended by –

- (a) deleting paragraph (f);
 - (b) deleting paragraph (g) and substituting therefore the following new paragraph—
- (f) six persons appointed by the county executive committee member responsible for matters relating to transport as follows –
- (i) two persons representing bodaboda riders;
 - (ii) two persons representing bodaboda owners; and
 - (iii) two persons representing Savings and Cooperative Societies in the county.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end. There is a further amendment to Clause 5. Proceed to move this amendment. This amendment is proposed by Sen. Osotsi and the amendments to (f) and (d) and captures the Committee Chairperson’s proposal.

The Chairperson is, therefore, directed and advised to consider withdrawing the Committee’s proposal, so that we adopt the proposals by Sen. Osotsi

Sen. Chute: I am okay withdrawing further amendments.

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Members, for purpose of clarity, the amendments by the Chairperson of the Standing Committee on Roads Transportation and Housing are hereby withdrawn and the further amendments by Sen. Osotsi are hereby adopted.

(Proposed further amendments to Clause 5 by the Chairperson of the Committee on Roads and Transport withdrawn)

(Question of the further amendment by Sen. Osotsi proposed)

Clause 6

Sen. Chute: Mr. Temporary Chairperson Sir, I beg to move- THAT the Bill be amended by deleting Clause 6 and inserting therefor the following new clauses—

- Qualifications for appointment. **6.** (1) A person qualifies to be appointed as the Chairperson of the Board if that person—
- (a) holds a degree from a university recognized in

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Kenya;

(b) has at least five years' experience in matters relating to transport;

(c) has resided in the county for a period of not less than five years.; and

(d) meets the requirements of Chapter Six of the Constitution.

(2) A person qualifies to be appointed as a member of the Board, if the person—

(a) meets the requirements of Chapter Six of the Constitution;

(b) has not been convicted of a criminal offence which attracts imprisonment for a term not exceeding six months;

(c) has not been adjudged bankrupt or entered into a composition or arrangement with the creditors of the person;

(d) is not disqualified under any other written law from appointment as such; and

(e) in the case of a member under paragraph (f) has at least a post-secondary education qualification;

(g) in the case of a member under paragraph (g) has at least a secondary school qualification.

Tenure of office.

6A. (1) The Chairperson and members of the Board, shall hold office for a term of three years and may be eligible for re-appointment for an additional final term of three years.

(2) Notwithstanding the provisions of subsection (1), the Chairperson or a member of the Board may be removed from office if that person—

(a) has been absent from three consecutive meetings of the Committee without justifiable cause or the written permission of the Chairperson;

(b) is adjudged bankrupt or enters into a composition or arrangement with the creditors of the person;

(c) is convicted of an offence involving anti-economic crimes or corruption;

(d) becomes incapable of carrying out the functions of their office due to an infirmity of mind or body;

(e) violates Chapter Six of the Constitution; or

(f) fails to disclose any interest in a matter under consideration by the Committee as provided for

- under this Act.
- Remuneration of the Board. **6B.** The Chairperson and the members of the Board shall be paid such sitting allowances or other remuneration for expenses as recommended by the Salaries and Remuneration Commission.
- Vacancy. **6C.** (1) The office of the Chairperson or a member of the Board shall become vacant if the holder—
dies;
(a) resigns from office in writing addressed to the county executive committee member;
(b) is absent from three consecutive meetings of the Board without good cause; or
(c) is removed from office under subsection (2).
(2) A person may be removed as a chairperson or member of the Board if that person—
(a) is absent without permission of the Chairperson or the county executive committee member from three consecutive meetings of the Board;
(b) contravenes the provisions Chapter Six of the Constitution;
(c) is incapacitated by prolonged physical or mental illness and is unable to discharge the duties of his or her office;
(d) is convicted of an offence and imprisoned for a term of more than six months;
(e) fails to comply with the provisions of the Act relating to disclosure of interest; or
(g) is adjudged bankrupt or enters into a composition scheme or arrangement with his or her creditors.
- Committees of the Board. **6D.** The Board may establish such committees as it may consider necessary for the performance of its functions and the exercise of its powers under the Act.
- Conduct of affairs and business of the County Committee. **6E.** (1) The conduct of affairs and business of the Board shall be in accordance with the First Schedule of this Act.
(2) Subject to subsection (1), the Board may amend its own procedures for the better carrying out of its functions.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 7

Sen. Chute: Mr. Temporary Chairman, Sir, I beg to move—
THAT Clause 7 of the Bill be amended—
(a) by deleting subclause (1);

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- (b) in subclause (2) by deleting the words “with the Board” and substituting therefor the words “in accordance to the Act”;
- (c) in subclause (3) by deleting the word “Board” appearing immediately after the words “made to the” and substituting therefor the words “the county executive committee member”
- (d) in subsection (4) by deleting the word “Board” appearing immediately after the word “The” at the beginning of the subclause and substituting therefor the words “county executive committee member;
- (e) by inserting the following new subsection immediately after subsection (5)—
 - (6) The county executive committee member shall submit a copy of the register to the Authority every three months.
- (f) by inserting the following new clause immediately after clause 7 –

Power to suspend or revoke certificate of registration. **7A.** (1) The county executive committee member may suspend or revoke any certificate of registration issued under this Act on the grounds that the owner of the motorcycle or the rider of the motorcycle has failed or neglected to comply with the provisions of the Act.

 - (2) Prior to suspension of the certificate of registration under subsection (1) the county executive committee member shall—
 - (a) inform the holder of a registration certificate of the reasons for the proposed suspension or revocation; and
 - (b) give the holder of a registration certificate an opportunity to be heard in respect to the proposed suspension or revocation.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

Clause 8

Sen. Chute: Mr. Temporary Chairman, Sir, I beg to move—
THAT the Bill be amended by deleting Clause 8.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

Clause 9

Sen. Chute: Mr. Temporary Chairman, Sir, I beg to move—
THAT the Bill be amended by deleting Clause 9 and substituting therefor the following new clause—

Cooperative

9. (1) A person who owns a motorcycle for commercial

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Societies
Membership. purposes shall register with a Cooperative Society recognised under the Cooperative Societies Act.

Cap. 490.

(2) Each Cooperative Society shall provide proof of registration of an owner confirming their membership at the request of the county executive committee member.

(3) For purposes of this Act, the membership of an owner to a Cooperative Society shall not be for purposes of forming a gang or cartel by the owners or the riders who work for them.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Senator, there is a further amendment to Clause 9 by Sen. Osotsi. I call upon Sen. (Dr.) Boni Khalwale to consider amending the Committee's amendment to Clause 9(1), rather than moving yours provided under the further amendment.

Sen. (Dr.) Khalwale: Mr. Temporary Chairman, Sir, I propose-

THAT Clause 9 of the Bill be amended in subsection (1) by inserting the words "that relates to motorcycle riders and owners" immediately after the words "Savings and Cooperative Societies".

(Question of the further amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

What is it, Sen. Cherarkey?

Sen. Cherarkey: Mr. Temporary Chairman, Sir, has the Supplementary Order been circulated because the Clause 9 I am reading on the Order Paper says something else as opposed to the amendment that the Mover is reading?

The Temporary Chairperson (Sen. Wakili Sigei): There are two amendments to Clause 9, one by the Chairperson of the Standing Committee on Roads, Transportation and Housing and the second one by Sen. Osotsi, which has now been adopted by Sen. (Dr.) Boni.

Sen. Cherarkey: Mr. Temporary Chairman, Sir, I wanted to say something to that Clause 9 by the Chairperson of the Standing Committee on Roads, Transportation and Housing, where it says that each co-operative society shall provide proof of registration of an owner confirming their membership at the request of the county executive committee member.

I do not know whether that is correct as per the Order Paper.

The Temporary Chairman (Sen. Wakili Sigei): Sen. Cherarkey, Clause 9, under the Supplementary Order Paper, is exactly what you have read.

Sen. Cherarkey: Yes, I wanted to make a comment.

The Temporary Chairman (Sen. Wakili Sigei): Sen. Cherarkey, you may proceed to make your comments on that proposal for amendment by Sen. Osotsi.

Sen. Cherarkey: Mr. Temporary Chairman, Sir, Clause 9(2) says that each co-operative society shall provide proof of registration of an owner confirming their

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membership at the request of the county executive committee member. It should not be a request, but mandatory in order to allow the running of *boda boda* and sometimes, they are many in our counties and in the country, such that it needs accountability and reporting.

When you look at sub-article (3), it says that for purposes of this Act, the membership of an owner to a cooperative society shall not be for purposes of forming a gang or cartel by the owners or the riders who work for them. Under sub-article (2) and (3), there is no flow, and I, therefore, request the Chairperson of the Committee on Roads, Transport and Housing to make it mandatory for the county executive in charge of roads and transport at the counties to know the *boda bodas* co-operative societies.

If we say ‘upon the request,’ it means will be done on spot-check. It should be mandatory and should not be upon request. I hope the Chairperson can consider this.

We are all aware that some criminal elements have infiltrated the *boda* sector. They use *boda* riders in the City to snatch phones from motorists. They even snatched a phone from an *askari* around Roysambu in Kasarani. Therefore, let us make it mandatory, so that there is an inventory of *boda boda* SACCOS within a particular locality.

The Temporary Speaker (Sen. Wakili Sigei): When you read the provisions of sub-clause (2), the obligation is that it shall provide proof, meaning, it is already made a mandatory requirement. The only issue is, it has got to be requested by the CECM, so that each co-operative society shall.

As a matter of fact, it is mandatory, but it has to be requested so that in the event no one requests for it, there is nowhere you will avail it. However, if it is requested, then you are under an obligation as a mandatory requirement to avail that proof of registration. I hope that suffices for the explanation, Sen. Cherarkey. Place your comments on record. Use the Dispatch Box.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, mine was that it should be mandatory. It should have ended at, ‘each co-operative society shall provide proof of registration of an owner confirming their membership to the county executive.’ It should not be a request because the reading of this law, and you are a senior lawyer, means that it must be requested. However, you know how criminal gangs operate. They can appear in Bomet Longisa Boda Boda Co-operative Society, give out documents on that day, and yet, you are not sure. It should be mandatory. It should not be upon request. The CECM shall ensure that they are registered. If you add the word “request,” it shall negate the word “shall”.

I know the professor of law is here. If we are saying “shall” and then “request”, it defeats the statement in its entirety. So, the word “shall” should not come with requests. It should be mandatory.

The Temporary Speaker (Sen. Wakili Sigei): Very well, Senator. The proposal will make the sub-clause to read as follows-

“Each co-operative society shall provide proof of registration of an owner confirming their membership to the county executive committee member.”

(The Temporary Chairperson (Sen. Wakili Sigei) consulted

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with the Clerks-at-the-Table)

Sen. Cherarkey, please, approach the Chair.

(Sen. Cherarkey approached the Chair)

Hon. Members, let us proceed to the next Clause.

Clause 10

Sen. Chute: Mr. Temporary Chairperson Sir, I beg to Move—

THAT clause 10 of the Bill be amended—

(a) in subclause (1) by deleting the word “ Board” appearing immediately after the words “approved by the” and substituting therefor the word “Authority”

(b) in subclause (2) by deleting the word “Board” appearing immediately after the word “The” and substituting therefor the word “Authority”

(c) by inserting the following new subsection immediately after subsection (3)—

(4) The county executive committee member may provide for the manner in which the training may be offered in the local languages in the county.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

Clause 11

Sen. Chute: Mr. Temporary Chairperson, Sir, I beg to move—

THAT Clause 11 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (2)—

(3) Every owner shall ensure—

(a) no structural modifications to the motorcycle are undertaken that may obstruct the visibility of the rear number plates;

(b) no structural modifications to the motorcycle are undertaken that may affect the safe operation of the motorcycle;

(c) no modifications to the exhaust system or any other noise abatement device of a motorcycle are done so as to cause the noise emitted by the motorcycle to be above that emitted by the motorcycle as originally manufactured.

(Question of the amendment proposed)

Further amendment to Clause 11

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end. There is a further amendment to Clause 11 by Sen. Osotsi.

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Sen. (Dr.) Khalwale: Mr. Temporary Chairperson, Sir, I beg to move—
THAT Clause 11 of the Bill be amended by inserting the following new subsection immediately after subsection (2)—

(3) The helmet and the reflector jacket provided in subsection (2) shall have the registration number of the motorcycle embossed on the helmet and jacket.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

Clause 12

- Sen. Chute:** Mr. Temporary Chairperson, Sir, I beg to move –
THAT Clause 12 of the Bill be amended
- (a) in subsection (1)—
- (i) by deleting the word “Board” appearing immediately after the words “issued by the” in paragraph (b) and substituting therefor the words “ county executive committee member”;
 - (ii) by deleting the word “person” appearing immediately after the words “more than one” in paragraph (d) and substituting therefor the words “adult passenger”;
 - (iii) by deleting the words “passengers are carried on a proper seat with foot rests securely fixed to the motorcycle behind the rider’s seat” appearing immediately after the words “ensure that” in paragraph (e) and substituting therefor the words “a passenger is carried on a proper seat with foot rests securely fixed to the motorcycle behind the seat of the rider”; and
 - (iv) by deleting the words “loads exceeding fifty kilograms and passengers” appearing immediately after the words “ensure that” in paragraph (h) and substituting therefor the words “a load exceeding fifty kilograms and an adult passenger”.
- (b) in subsection (2) by deleting the words “unless that person has a valid certificate of registration issued by the Board” appearing immediately after the words “not ride a motorcycle” in paragraph (b) and substituting therefor the words “that has not been duly registered under this Act”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

Clause 13

- Sen. Chute:** Mr. Temporary Chairperson, Sir, I beg to move—
THAT clause 13 of the Bill be amended in sub-clause in subsection (2)-
- (i) by deleting paragraph (a) and substituting therefor the following new paragraph-
 - (a) a child who is less that thirteen years old may be carried together with an adult passenger provided the child is seated between the rider and the adult passenger.

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(ii) by deleting paragraph (b).

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

Clause 14

Sen. Chute: Mr. Temporary Chairperson, Sir, I beg to move –

THAT Clause 14 of the Bill be amended in subclause (3) by deleting the word “Board” appearing immediately after the word “The” and substituting therefor the following new words: “county executive committee member”

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end. Sen. Osotsi has proposed a further amendment to Clause 14. I ask the Mover to proceed to move.

Further amendment to Clause 14

Sen. (Dr.) Khalwale: Mr. Temporary Chairperson, Sir, I beg to move –

THAT clause 14 of the Bill be amended—

- (a) in subsection (1) by deleting the word “employment” appearing immediately after the words “enter into a written”;
- (b) in subsection (2)–
 - (i) by deleting the word “employment” appearing immediately after the word “The” in the introductory statement; and
 - (ii) in paragraph (a) by deleting the word “employment” appearing immediately after “terms and conditions of employment”; and
- (c) in subsection (3) by deleting the word “employment” appearing immediately after the words “shall develop model”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

Clause 15

Sen. Chute: Mr. Temporary Chairperson, Sir, I beg to move—

THAT Clause 15 of the Bill be amended by deleting the word “Board” appearing immediately after the words “authorised by the” and substituting therefor the following new words “ county executive committee member”

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(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

Clause 16

Sen. Chute: Mr. Temporary Chairperson, Sir, I beg to move—
THAT Clause 16 (3) of the Bill be amended by deleting the word “nine” appearing immediately after the words “is less than” and substituting therefor the word “thirteen”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 17

Sen. Chute: Mr. Temporary Chairman, Sir, I beg to move –
THAT Clause 17 of the Bill be amended in subclause (1) by deleting the word “thirty kilograms for a motorcycles whose carrying capacity does not exceed fifty cc and kilograms for a motorcycle whose carrying capacity does not exceed four hundred cc” appearing immediately after the words “ is more than” in paragraph (c) and substituting therefor the word “fifty kilograms”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

Clause 18

Sen. Chute: Mr. Temporary Chairperson, Sir, I beg to move—
THAT clause 18 of the Bill be amended —
(a) in subclause (1) by deleting the words “county transport and safety board” appearing immediately after the word “The” and substituting therefor the words “county executive committee member”; and
(b) in subclause (6) “county transport and safety board” appearing immediately after the word “The” and substituting therefor the words “county executive committee member”

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

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Clause 19

Sen. Chute: Mr. Temporary Chairman, Sir, I beg to move—
THAT Clause 19 of the Bill be amended—

(a) in subclause (1) by deleting the word “ Board” appearing immediately after the words “issued by the” and substituting therefor the words “county executive committee member”;

(b) in subclause (2) “Board” appearing immediately after the word “The” and substituting therefor the words “county executive committee member”; and

(c) in subclause (4) “Board” appearing at the beginning of the subclause and substituting therefor the words “The county executive committee member”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

Clause 20

(Question, that Clause 20 be part of the Bill proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

Clause 21

Sen. Chute: Mr. Temporary Chairperson, Sir, I beg to move—
THAT the Bill be amended by deleting clause 21.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

Clause 22

(Question, that Clause 22 be part of the Bill proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 23

Sen. Chute: Mr. Temporary Chairman, Sir, I beg to move—
THAT Clause 23 of the Bill be amended—

(a) in subclause (1) by deleting the word “Board” appearing immediately after the words “device approved by” and substituting therefor the words “the county executive committee member”

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(b) in subsection (2) by inserting the word “(1)” immediately after the words “to in sub-section”

(c) in subsection (3) by deleting the word “Board” appearing immediately after the words “The” and substituting therefor the words “the county executive committee member”

(d) in subclause (4) by deleting the word “Board” appearing immediately after the words “device to the” and substituting therefor the words “the county executive committee member”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

Clause 24

Sen. (Dr.) Khalwale: Mr. Temporary Chairman, Sir, after consultations with Sen. Osotsi, we have dropped the proposed amendment in Clause 24.

*(Proposed amendment to Clause 24 by
Sen. Osotsi dropped)*

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

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end

Clause 25

Sen. (Dr.) Khalwale: Mr. Temporary Chairperson, Sir, after consultations with Sen. Osotsi, we have agreed to drop the amendment in Clause 25.

*(Proposed amendment to Clause 25 by
Sen. Osotsi dropped)*

(Question, that Clause 25 be part of the Bill proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end

Clause 26

Sen. Chute: Mr. Temporary Chairperson, Sir, I beg to move –
THAT Clause 26 of the Bill be amended by deleting the word “County Transport and Safety Board” appearing immediately after the word “The” and substituting therefor the words “county executive committee member.”

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(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

Further amendment to Clause 26

The Temporary Chairperson (Sen. Wakili Sigei): There is a further amendment to Clause 26. I ask the Sen. (Dr.) Boni Khalwale to move the proposed amendment by Sen. Godfrey Osotsi.

Sen. (Dr.) Khalwale: Mr. Temporary Chairman, Sir, after consultations with Sen. Osotsi, we have agreed that the amendment be withdrawn in Clause 26.

*(Proposed further amendment to Clause 26 by
Sen. Osotsi withdrawn)*

The Temporary Chairperson (Sen. Wakili Sigei): For clarity, Hon. Members, the amendment which you are carrying under Clause 26 is the proposed amendment by the Chairperson, Standing Committee on Roads, Transportation, and Housing.

Clause 27

The Temporary Chairperson (Sen. Wakili Sigei): I ask Sen. (Dr.) Boni Khalwale to move the proposed amendments by Sen. Godfrey Osotsi.

Sen. (Dr.) Khalwale: Mr. Temporary Chairman, Sir, after consultations with Sen. Osotsi, we have agreed that the proposed amendments of Clause 27 on the Order Paper be withdrawn.

*(Proposed amendment to Clause 27 by
Sen. Osotsi withdrawn)*

The Temporary Chairperson (Sen. Wakili Sigei): For clarity, the Chairperson's Committee has a further amendment to Clause 27.

Further amendment to Clause 27

Sen. Chute: Mr. Temporary Chairperson, Sir, I beg to move-
THAT Clause 27 of the Bill be amended by deleting the word “these” appearing immediately after the words “any provision of” and substituting therefor the word “this”.

(Question of the further amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

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Clauses 28 and 29

(Question, that Clauses 28 and 29 be part of the Bill proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

New Clause 3A

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Senators, I will call upon the mover to move that new Clause 3A be now read a second time. The Chairperson, Standing Committee on Roads, Transportation, and Housing proceeds to move.

Sen. Chute: Mr. Temporary Chairperson, I beg to move-
THAT Clause 3A be now read a Second time.

(Question of the New Clause 3A proposed)

(New Clause 3A was read a First Time)

(Question, that New Clause 3A be read a Second Time proposed)

(Question, that New Clause 3A be part of the Bill proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

New Clause 6A

The Temporary Chairperson (Sen. Wakili Sigei): I call upon the Chairperson, Standing Committee on Roads, Transportation, and Housing to move.

Sen. Chute: Mr. Temporary Chairperson, Sir, I beg to move-
THAT Clause 6A be read a Second time.

(Question of the New Clause 6 A proposed)

(New Clause 6 A was read a First Time)

(Question that New Clause 6A be read a Second Time proposed)

(Question, that New Clause 6A be part of the Bill proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

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New Clause 6B

Sen. Chute: I beg to move-
THAT Clause 6B be now read a second time.

(Question of the New Clause 6B proposed)

(New Clause 6B was read a First Time)

(Question that New Clause 6B be read a Second Time proposed)

(Question, that New Clause 6B be part of the Bill proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

New Clause 6C

Sen. Chute: I beg to move-
THAT New Clause 6C be read a second time.

(Question of the New Clause 6C proposed)

(New Clause 6C was read a First Time)

(Question, that New Clause 6C be read a Second Time proposed)

(Question, that New Clause 6C be part of the Bill proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

New Clause 6D

Sen. Chute: Mr. Temporary Chairperson, Sir, I beg to move-
THAT New Clause 6D be read a second time.

(Question of the New Clause 6D proposed)

(New Clause 6D was read a First Time)

(Question that New Clause 6D be read a Second Time proposed)

(Question, that New Clause 6D be part of the Bill proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

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New Clause 6E

The Temporary Chairperson (Sen. Wakili Sigei): Hon Senators, I ask the mover, Senator Chute, to move.

Sen. Chute: Mr. Temporary Chairperson, Sir, I beg to move- THAT new Clause 6E be read a second time.

(Question of the New Clause 6E proposed)

(New Clause 6E was read a First Time)

(Question, that New Clause 6E be read a Second Time proposed)

(Question, that New Clause 6E be part of the Bill proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

New Clause 7A

Sen. Chute: Mr. Temporary Chairperson, Sir, I beg to move- THAT new Clause 7A be read a second time.

(Question of the New Clause 7A proposed)

(New Clause 7A was read a First Time)

(Question, that New Clause 7A be read a Second Time proposed)

(Question, that New Clause 7A be part of the Bill proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end. Sen. (Dr.) Boni Khalwale and Sen. Chute, could you please approach the Chair?

(Sen. (Dr.) Khalwale and Sen. Chute consulted with the Temporary Chairperson)

New Clause 28A

Sen. Chute: Mr. Temporary Chairperson, Sir, I beg to move- THAT New Clause 28A be read a second time.

(Question of the New Clause 28 A proposed)

(New Clause 28A was read a First Time)

(Question, that New Clause 28A be read a Second Time proposed)

(Question, that New Clause 28A be part of the Bill proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end. There is a further proposed amendment to New Clause 28A by Senator Godfrey Osotsi, and in this case, Sen. (Dr.) Boni Khalwale is present. In the circumstances of the adoption of the proposed amendment by the Chairperson, I ask Sen. (Dr.) Boni Khalwale to move to withdraw the proposed amendments by Sen. Godfrey Osotsi to new Clause 28A. Use the microphone in the next approach to the Dispatch.

Sen. (Dr.) Khalwale: Mr. Temporary Chairperson, I am satisfied that the amendment by the Chairperson of the Committee is more elaborate and representative of what we desire in our proposed amendment to 28A. I therefore withdraw.

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Senators, in view of that withdrawal, then that further amendment is hereby withdrawn and the Chairperson's amendment is carried.

*(Proposed amendment by Sen. Osotsi to
New Clause 28A withdrawn)*

New Clause 30

Sen. Chute: Mr. Temporary Chairperson, Sir, I beg to move- THAT the Bill be amended by inserting the following new clause immediately after Clause 29- Consequential amendments. **30.** Section 21 and 22 of the National Transport and Safety Act are repealed.

(Question of New Clause 30 proposed)

(New Clause 30 read a First Time)

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

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

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

New Schedule

Sen. Chute: Mr. Temporary Chairpersons, Sir, I beg to move- THAT the Bill be amended by inserting the following New Schedule-

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Meetings of the Board

(1). The Board shall meet at least once in every three months to conduct the business of the Board

(2) The Chairperson shall convene the ordinary meetings of the Board.

(3) Despite the provisions of subparagraph (1), the Chairperson shall, upon a written request by at least five members, convene a special meeting of the Board at any time where the chairperson considers it expedient for the transaction of the business.

(4) Unless three quarters of the total number of the members of the Board otherwise agree, at least fourteen days written notice of every meeting shall be given to every by the respective Secretary.

(5) The quorum for the conduct of the business of the Board shall be five members.

(6) The chairperson shall preside at every meeting of the Board at which the Chairperson is present and in the Chairperson's absence, the members present shall elect one person from their number to preside over the meeting and that person shall have all the powers of the Chairperson.

(7) Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of the votes of the members present and voting and in the case of an equality of votes, the Chairperson or person presiding over the meeting shall have a casting vote.

(8) The proceedings of the Board shall not be invalidated by reason of a vacancy within its membership.

(9) Subject to provisions of this Schedule, the Board may determine its own procedure and for the attendance of other persons at its meetings thereof.

Disclosure of interest.

2. (1) If a member of the Board is directly or indirectly interested in any matter before the Council or the county e-waste committee and is present at the respective meeting at which the matter is the subject of consideration, that member shall, at the meeting and as soon as reasonably practicable after the commencement thereof, disclose the member's interest in the matter and shall not take part in the deliberations relating to the matter, or vote on, the matter.

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

(Question of New Schedule proposed)

(New Schedule read a First Time)

(Question, that the New Schedule be read a Second Time, proposed)

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(Question, that the New Schedule be part of the Bill, proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 2

Sen. (Dr.) Khalwale: Mr. Temporary Chairman, Sir, after consultation with Sen. Osotsi, we have agreed that the proposed amendments to Clause 2 be withdrawn.

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Senators, in view of that withdrawal, then that amendment is hereby withdrawn.

*(Proposed amendment to Clause 2
by Sen. Osotsi withdrawn)*

(Question, that Clause 2 be part of the Bill, proposed)

Division will be at the end.

The Title and Clause 1

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

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Hon. Senators, earlier on when we were dealing with Clause 9, Sen. Cherarkey had proposed a further amendment to that Clause. In his absence, we will not consider that proposed amendment. Therefore, we will go by amendment by the Chairperson as well as the proposal by Sen. Osotsi.

*(Proposed amendment to Clause 9
by Sen. Cherarkey was dropped)*

Hon. Senators, we will proceed to deal with the next Bill. We will report upon conclusion of the next Bill. In the absence of the Chairperson of the Committee on Devolution and Intergovernmental Relations, we will have the Senate Majority Leader to move the amendments on his behalf.

THE INTERGOVERNMENTAL RELATIONS (AMENDMENT)
BILL (SENATE BILLS NO.12 OF 2024)

Clause 3

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, Sir, I beg to move –

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- THAT Clause 3 of the Bill be amended—
- (a) in paragraph (d) in the proposed new sub-section (4) (a) by inserting—
- i. the words “in law, humanities or social sciences” immediately after the words “a Master’s degree”;
 - ii. the following new paragraph immediately after paragraph (c)
 - (d) has at least 15 years working experience, ten of which should have been held in a managerial position;
- (b) in paragraph (e) by deleting the proposed new section 5(b) and substituting therefor the following new paragraph –
- (b) has knowledge and experience of at least ten years in matters relating to—
 - i. law;
 - ii. public administration;
 - iii. alternative Dispute Resolution;
 - iv. economics;
 - v. finance;
 - vi. human rights;
 - vii. management; or
 - viii. social sciences;

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 4

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, Sir, I beg to move—

- THAT Clause 4 of the Bill be amended—
- (a) by deleting paragraph (a) and substituting therefor the following new paragraph-
 - (a) The Agency shall be responsible for the day to day administration of the Summit and in particular—
 - (i). facilitate the activities of the Summit; and
 - (ii). implement the decisions of the Summit.
 - (iii) in paragraph (b) by inserting the following new paragraph immediately after paragraph (ci)—
 - (cj) undertake research on intergovernmental matters.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

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Clause 5

(Question, that Clause 5 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 6

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, Sir, I beg to move—

THAT Clause 6 of the Bill be deleted and substituted with the following new clause—

6. Section 13 of the principal Act, is amended-

(i) in subsection (1) by deleting the words “Technical Committee” appearing at the beginning of the subsection and substituting therefor the word “Agency”;

(ii) by inserting the following new subsection immediately after sub-section (1)—

1A The Council of Governors may establish and convene sector forums on sectoral issues of common interest among county governments.

(Question of the amendment proposed)

Clauses 7-11

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

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 12

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, Sir, I beg to move –

THAT Clause 12 of the Bill be amended in the proposed new Section 20A (1) by inserting the following new paragraph immediately after paragraph (a)—

(aa) Monies allocated annually by Parliament for the purposes of the Council.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 13

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, Sir, I beg to move—

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- THAT Clause 13 of the Bill be amended-
- (a) in the new proposed new section 23C by deleting the words “the it can only be staff of the council secretariat” appearing in the marginal note;
 - (b) by inserting a new Section immediately after the proposed new section 23C-
23CA. The staff serving in the Council shall at the commencement of this Act be deemed to be staff of the Council as provided for under section 23C;
 - (c) in the proposed new section 23E (3)-
 - (i). by inserting the following new paragraph immediately after paragraph (b)-
 - (ba). a Secretary General who shall be a member of a County Assembly;
 - (ii). by deleting the word “seven” appearing at the beginning of paragraph (c) and substituting therefor the word “Six” ;
 - (d) in the proposed new section 23F(1) –
 - (i). by inserting the word “resolution” immediately after the words “facilitating disputes” in paragraph (c);
 - (ii). by inserting the following new paragraphs immediately after paragraph (e)-
 - (f). representing County Assemblies in all engagements with Intergovernmental Forums;
 - (g). considering reports from other intergovernmental forums on matters affecting County Governments;
 - (e) in the proposed new Section 23G (1) by inserting the following new paragraph immediately after paragraph (a)—
 - (aa) Monies allocated annually by Parliament for the purposes of the Forum.
 - (f) In the proposed new Section 23K by deleting the words “for— - where has this entity come from?” appearing immediately after the words “conditions of service”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clauses 14, 15 and 16

*(Question, that Clauses 14, 15, and 16
be part of the Bill, proposed)*

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 17

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, Sir, I beg to move—

THAT Clause 17 of the Bill be deleted.

(Question, that Clause 17 be deleted proposed)

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The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

New Clause 11A

The Temporary Chairperson (Sen. Wakili Sigei): Senate Majority Leader, proceed.

The Senate Majority Leader (Sen. Cheruiyot): I beg to move -

THAT the Principal Act is amended by inserting the following new sections immediately after Section 19-

11A. Establishment of Pension Scheme

(1) Employees and staff of a county government shall subscribe to an existing pension scheme for officers and staff of county governments prescribed under this Act.

(2) The pension scheme shall be one which is-

(a) established under irrevocable trusts or under regulations made under section 19D;

(b) registered under the Retirement Benefits Act prior to the Commencement of this Act;

(c) a retirement benefit scheme which offers lifetime periodical pension;

(d) a defined contribution (umbrella) pension scheme;

(e) subscribed to by a majority of employees in all the county governments in Kenya as at the coming into force of this section; and

(f) not a defined benefits pension scheme.

(3) The Scheme shall be one administered by an administrator of the Scheme appointed by the Trustees.

(4) The benefits entitlement shall not be less than those provided for under a Scheme existing at the commencement of this Act.

(Question of the New Clause 11A proposed)

(New Clause 11A read a First Time)

(Question, that New Clause 11A be read a Second Time proposed)

(Question, that New Clause 11A be part of the Bill, proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

New Clause 11B

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, Sir, I beg to move-

THAT the Principal Act is amended by inserting the following new sections immediately after Section 19-

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11B. Trustees of the Scheme

(1) There shall be a Board of Trustees which shall be a body corporate registered as such under the Trustees (Perpetual Succession) Act.

(2) The Scheme shall have at least four and not more than nine trustees.

(3) The Council shall ensure that at least one of the nine trustees is an independent trustee who—

(a) shall be sourced through a competitive recruitment process by the Council; and,

(b) possesses all relevant qualifications required of trustees under the Retirement Benefits Act.

(Question of the New Clause 11B proposed)

(New Clause 11B read a First Time)

(Question, that New Clause 11B be read a Second Time proposed)

(Question, that New Clause 11B be part of the Bill proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

New Clause 11C

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, Sir, I beg to move-

THAT the Principal Act is amended by inserting the following new sections immediately after Section 19-

11C. The Schemes shall have reciprocal arrangements for purposes of portability of benefits with a contributory scheme for national government public service and any other registered pension scheme in Kenya and compatible schemes in any foreign country.

(Question of the New Clause 11C proposed)

(New Clause 11C read a First Time)

(Question, that New Clause 11C be read a Second Time proposed)

(Question, that New Clause 11C be part of the Bill, proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

New Clause 11D

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The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, Sir, I beg to move-

THAT the Principal Act is amended by inserting the following new sections immediately after Section 19-

11D. Any law or regulation on retirement benefits for counties which existed at the commencement of this Act shall within one year be amended to conform to this Act.

(Question of the New Clause 11D proposed)

(New Clause 11D read a First Time)

(Question, that New Clause 11D be read a Second Time proposed)

(Question, that New Clause 11D be part of the Bill, proposed)

New Clause 11E

The Senate Majority Leader (Sen. Cheruiyot): I beg to move-

THAT the Principal Act is amended by inserting the following new sections immediately after Section 19-

THAT the principal Act is amended in Section 20 subsection (1) by inserting the following new paragraphs immediately after paragraph (i) —

(j) coordinate the appointment of Trustees to the Schemes upon receipt of nomination by relevant stakeholders and appoint independent trustees in accordance with the Retirement Benefits Act;

(k) perform such other coordination functions as may be necessary for the efficient functioning of the Schemes; and

(l) ensure the respective counties perform their responsibilities as sponsors of the scheme effectively for the best interest of their employees and in accordance with the Retirement Benefits Act.

(Question of the New Clause 11E proposed)

(New Clause 11E read a First Time)

(Question, that New Clause 11E be read a Second Time proposed)

(Question, that New Clause 11E be part of the Bill, proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 2

The Senate Majority Leader (Sen. Cheruiyot): I beg to move—

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THAT, the Principal Act be amended in Section 2 by inserting the following new definitions in their proper alphabetical order —

“Agency” means the Intergovernmental Relations Agency established under section 11;

“Administrator” has the meaning assigned to it under the Retirement Benefits Act;

“Existing scheme” means a retirement benefit pension scheme which existed prior to the setting up of county governments and meets the criteria stipulated under Section 19A of this Act;

“liabilities” means pension debts owing to a retirement benefit scheme as a result of unremitted contributions, and may include principal debt, actuarial deficits, interests or penalties and profits;

“Pension Scheme” means a retirement benefit scheme for the payment of regular or periodical payments of benefits to the members or employees when they leave employment or to the dependants of members or employees on the death of those employees;

“Umbrella Scheme” means a retirement benefits scheme grouping with members employed by several employers, in which employees and employer's contributions are paid into the fund established for that purpose;

“Scheme rules” means regulations made under section 19D providing for establishment of a pension scheme for county government employees and related purposes;

“Trustees” means the trustees of the Scheme;

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

The Title and Clause 1

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

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

That brings us to the end of consideration of those clauses. We shall Report Progress once the other Bills are considered. We move on to the next Bill.

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT)
BILL (SENATE BILLS NO.40 OF 2023)

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Members, we are now on the Committee of the Whole on the Public Finance Management (Amendment) Bill (Senate Bill No.40 of 2023).

Clause 2

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The Temporary Chairperson (Sen. Wakili Sigei): I call the Mover, Sen. Hamida, to move the proposed amendments on behalf of the Chairperson Standing Committee on Finance and Budget.

Sen. Kibwana: Mr. Temporary Chairperson, I beg to move –

THAT the Bill be amended by deleting Clause 2 and substituting therefore the following New Clause-

Insertion of new sections in Cap. 412A
2. The principal Act is amended by inserting the following new sections immediately after section 160 —

Establishment of Revenue Collection System Committee.
160A. (1) There is established a Revenue Collection System Committee which shall consist of-

- (a) the Cabinet Secretary or a person designated in writing;
- (b) the Principal Secretary for matters related to Devolution;
- (c) the Controller of Budget or a person designated in writing;
- (d) the Commissioner General of the Kenya Revenue Authority or a person designated in writing; and
- (e) two persons nominated by the Council of Governors.

(2) The Committee shall, within nine months of the coming into force of this Act, design, develop and coordinate integrated county revenue system which shall—

- (a) be transparent, efficient, effective and verifiable;
- (b) ensure data accuracy and protection;
- (c) respect and promote the distinctiveness of the national and county governments;
- (d) be adequately secure to prevent any fraud, losses or leakages; and
- (e) provide for separate accounting and reporting

(3) Within three months of the development of the system under subsection (3), each county government shall adopt and implement the integrated county revenue management system

Reports.
160B. (1) A county treasury shall prepare and submit a quarterly report on the status of the adoption and implementation of the

integrated county revenue management system.

(2)A report under subsection (1) shall be submitted to the respective county assembly, the Senate and the Controller of Budget.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 3

Sen. Kibwana: Mr. Temporary Chairperson, I beg to move—
THAT Clause 3 of the Bill be amended in the proposed new section 191F (1) by inserting the words “in consultation with the respective county executive committee member” immediately after the words “Cabinet Secretary shall”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

The Title and Clause 1

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

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.
Hon. Members, we are done with the Public Finance Management (Amendment) Bill (Senate Bills No.40 of 2023). We shall Report Progress after conclusion of the other Bills.

THE POLITICAL PARTIES (AMENDMENT) (NO. 2) BILL
(SENATE BILLS NO. 26 OF 2024)

The Temporary Chairperson (Sen. Wakili Sigei): We are now in the Committee of the Whole to consider the Political Parties (Amendment) (No.2) Bill (Senate Bills No.26 of 2024).

Clauses 3 and 4

(Question, that Clause 3 and 4 be part of the Bill proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 5

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The Temporary Chairperson (Sen. Wakili Sigei): I call Sen. Mungatana to move the proposed amendments on behalf of the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights.

Sen. Mungatana, MGH: Mr. Temporary Chairperson, I beg to move – THAT the Bill be amended by deleting Clause 5 and substituting therefor the following New Clause –

Repeal and **5.** The principal Act is amended by repealing section 33 and substituting replacement of therefor the following new sections— section 33 of Cap.

7D

Establishment of the Independent Political Parties Regulatory Commission. **33.** (1) There is established a Commission known as the Independent Political Parties Regulatory Commission.

(2) The Commission shall be a body corporate with perpetual succession and a seal, and shall be capable, in its own name of—

(a) acquiring and disposing of property;

(b) suing and being sued; and

(c) doing or performing all such acts and things as a body corporate may by law do or perform.

Functions of the Commission. **33A.** (1) The Commission is responsible for —

(a) the registration of political parties and their office holders;

(a) the management of the Political Parties' Fund established under this Act;

(b) ensuring the publication of audited annual accounts of political parties;

(c) the verification and making publicly available the list of all members of political parties;

(d) keeping and maintaining a register of members of registered political parties;

(e) maintaining a register of political parties and the symbols of the political parties;

(f) ensuring and verifying that no person is a member of more than one political party and notifying the Independent Electoral and Boundaries Commission of its findings;

(g) certifying that an independent candidate in an election is not a member of any registered political party;

(h) certifying that the symbol intended to be used by an independent candidate in an election does not resemble the symbol of a registered political party;

(i) certifying that the names appearing in a party list are the names of members of the political party; presenting the party list;

(j) regulating political party nominations in accordance with this Act;

(k) training political party election agents upon the request and financing

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by the political party;

(l) investigating complaints received under this Act; and

(m) such other functions as may be conferred on the Commission by national legislation.

(2) The Commission, in the performance of its functions, shall be independent and not subject to the direction or control of any person or authority.

Membership of
the
Commission.

33B. (1) The Commission shall comprise of five members nominated in accordance with subsection (2) and appointed by the President with the approval of Parliament.

(2) The members of the Commission shall be nominated as follows—

(a) two members, one man and one woman, nominated by the majority party or coalition of parties in Parliament;

(b) two members, one man and one woman, nominated by the minority party or coalition of parties in Parliament;

(c) one member nominated by the Parliamentary Service Commission being a representative of non-parliamentary registered political parties.

(3) The members of the Commission shall elect a chairperson and vice chairperson from among themselves—

(a) at the first sitting of the Commission; and

(b) whenever it is necessary to fill a vacancy in the office of the chairperson and vice-chairperson.

(4) The chairperson and vice chairperson of the Commission shall not be of the same gender.

Qualifications
for appointment
as member of
the
Commission.

33C. (1) A person is qualified for appointment as member of the Commission if that person—

(a) holds a degree from a university recognised in Kenya;

(b) has proven knowledge and experience in any of the following fields—

(i) finance;

(ii) management;

(iii) political science;

(iv) electoral matters

(v) law;

(vi) governance; or

(vii) public administration;

(c) has at least ten years post qualification experience in the relevant areas of expertise; and

(d) meets the requirements of Chapter Six of the Constitution.

(2) A person is not qualified for appointment as a member of the

Commission if the person –

- (a) has, at any time within the preceding five years, held office or stood for election for any elective position in Kenya or as a member of a governing body of a political party;
- (b) is an undischarged bankrupt; or
- (c) has been removed from office for contravening the provisions of the Constitution or any other law.

(3) A person who serves as a member of the Commission is not eligible to contest for any elective position or as a member of a governing body of a political party within five years of the person ceasing to be a member of the Commission.

Tenure of office. **33D.** (1) The members of the Commission shall be appointed for a single term of six years and are not eligible for re-appointment.

(2) The members of the Commission shall serve on a full-time basis.

Vacancy in the office of a member of the Commission. **33E.** (1) The office of a member of the Commission shall become vacant if the holder—

- (a) dies;
- (b) resigns from office by notice in writing addressed to the President; or
- (c) is removed from office in accordance with section 33F.

(2) The President shall publish a notice of a vacancy in the Gazette within seven days of the occurrence of such vacancy.

(3) Whenever a vacancy arises under subsection (1), the nominating body shall, within sixty days from the date of publication of the vacancy, competitively recruit and submit the name of the nominee to the President for appointment.

(4) The members of the Commission shall, before assuming office, take and subscribe to the oath or affirmation prescribed in the Fourth Schedule.

Removal from office. **33F.** (1) A member of the Commission may be removed from office only on grounds of—

- (a) serious violation of the Constitution or of this Act;
- (b) gross misconduct whether in the performance of the member's or office holder's functions or otherwise;
- (c) physical or mental incapacity to perform the functions of office;
- (d) bankruptcy; or
- (e) incompetence.

(2) A person desiring the removal of a member of the Commission shall present a petition to the Public Service Commission which shall be in writing, setting out the alleged facts constituting the grounds for the

removal of the member.

(3) The Public Service Commission shall consider the petition and, if it is satisfied that it discloses the existence of a ground under subsection (1), send the petition to the President.

(4) On receipt and examination of the petition, the President shall—

- (a) suspend the member pending the outcome of the petition; and
- (b) appoint a tribunal in accordance with subsection (5).

(5) The President shall appoint a tribunal consisting of—

- (a) a chairperson who shall be nominated by the Judicial Service Commission and who shall be a person who is qualified to hold office as a judge of a superior court;
- (b) two other persons, a man and a woman, who shall be nominated by the Law Society of Kenya and who shall be qualified to hold office as a judge of a superior court; and
- (c) two persons, a man and a woman, who shall be nominated by the Association of Professional Societies in East Africa and who have knowledge and experience in public affairs and are competent to assess the facts in respect of the particular ground for removal.

(6) The tribunal shall, within thirty days, investigate the matter and report on the facts to the President who shall act in accordance with the recommendation.

(7) A person who is suspended under this section shall continue, while on suspension, to receive one-half of the remuneration and benefits of the office.

Procedure of
the
Commission.

33G. (1) The business and affairs of the Commission shall be conducted in accordance with the Sixth Schedule.

(2) Except as provided in the Sixth Schedule, the Commission may regulate its own procedure.

Terms and
conditions of
service.

33H. The salaries and allowances payable to, and other terms and conditions of service of the members of the Commission shall be determined by the Salaries and Remuneration Commission.

Appointment of
the secretary.

33I. (1) There shall be a secretary to the Commission who shall be competitively recruited and appointed by the Commission.

(2) The secretary shall be –

- (a) the chief executive officer of the Commission; and
- (b) the head of the secretariat and shall be responsible to the Commission.

(3) A person is qualified for appointment as a secretary to the Commission if the person—

- (a) is a citizen of Kenya;

- (b) holds a degree from a university recognized in Kenya;
 - (c) has had at least ten years proven experience at management level;
 - (d) has extensive experience in public administration; and
 - (e) meets the requirements of Chapter Six of the Constitution.
- (4) The secretary shall hold office for a term of five years and shall be eligible for re-appointment for a further term of five years.

Removal of the secretary.

33J. (1) The secretary may be removed from office by the Commission in accordance with the terms and conditions of service for—

- (a) inability to perform the functions of the office of secretary arising out of physical or mental incapacity;
- (b) gross misconduct;
- (c) incompetence or neglect of duty;
- (d) violation of the Constitution; or
- (e) any other ground that would justify removal from office under the terms and conditions of service.

(2) Before the secretary is removed under subsection (1), the Secretary shall be given—

- (a) sufficient notice of the allegations made against him or her; and
- (b) an opportunity to present his or her defence against the allegations.

Powers of the Commission to appoint staff.

33K. The Commission shall have the power to appoint such other staff as may be necessary for the proper discharge of its functions under this Act and on such terms and conditions of service as the Commission may determine in consultation with the Salaries and Remuneration Commission.

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end. There is a further amendment to Clause 5 proposed by Sen. Osotsi. In the absence of Sen. Osotsi, that proposal is hereby dropped.

(Further amendment to Clause 5 by Sen. Osotsi dropped)

Clause 6

(Question, that Clause 6 be part of the Bill proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 7

Sen. Mungatana, MGH: Mr. Temporary Chairperson, I beg to move –

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THAT the Bill be amended by deleting Clause 7 and substituting therefor the following New Clause –

Amendment 7. Section 34C of the principal Act is amended –
of section 34C of Cap 7D. (a) in subsection (1) by deleting the words “or is deemed to have resigned from the political party and the Registrar has been notified of the resignation” appearing in paragraph (c); and
(b) by deleting subsection (4) and substituting therefor the following new subsection –
(4) A political party that is dissatisfied by the decision of the Commission under subsection (1) may appeal to the High Court.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 8

Sen. Mungatana, MGH: Mr. Temporary Chairperson, Sir, I beg to move –

THAT the Bill be amended by deleting clause 8 and substituting therefor the following new clause –

Savings and transition.

8. On the commencement of this Act –
(a) all the funds, assets and other property movable and immovable which immediately before that day, were held in the name of the Office of the Registrar of Political Parties shall, without further assurance, vest in the Commission;
(b) all rights, powers, liabilities and duties, whether arising under any written law or otherwise, which immediately before that day were vested in, imposed on or enforceable by or against the Office of the Registrar of Political Parties shall, be transferred to, vested in, imposed on or enforceable by or against the Commission;
(c) all actions, suits or legal proceedings pending by, against or before the Office of the Registrar of Political Parties shall be carried on or prosecuted by, against or before the Commission;
(d) all records kept, certificate issued, actions taken and decisions made by the Office of the Registrar of Political Parties shall, deemed to have been kept, issued or made by the Commission;
(e) a person who immediately before that day was a member of staff of the Office of the Registrar of Political Parties shall be deemed to be a member of staff of the Commission and shall continue to serve under the same terms and conditions.

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(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

New Clause 2A

Sen. Mungatana, MGH: Mr. Temporary Chairperson, Sir, I beg to move-
THAT the Bill be amended by inserting the following new clause immediately after
clause 2 –

Amendment of section 21 of Cap.

7D. **2A.** Section 21 of the principal Act is amended by deleting subsection (7) and substituting therefor the following new subsection –

(7) A political party which is dissatisfied with the decision of the Commission under subsections (1) or (2) may appeal to the High Court against the decision.

(Question of the New Clause 2A proposed)

(New Clause 2A was read a First Time)

(Question, that New Clause 2A be read a Second Time proposed)

(Question that New Clause 2A be part of the Bill proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

New Clause 4A

Sen. Mungatana, MGH: Mr. Temporary Chairman, Sir, I beg to move –

THAT the Bill be amended by inserting the following new clause immediately
after clause 4 –

Amendment of section 32 of Cap. 7D.

4A. Section 32 of the principal Act is amended by –
(a) deleting subsection (1) and substituting therefor the following new subsection – (1) The Commission shall keep proper books of account of

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the income, expenditure and assets of the Commission.

(b) by deleting subsection (2) and substituting therefor the following new subsection – (2) Within a period of three months after the end of a financial year, the Commission shall submit to the Auditor-General, the accounts of the Commission together with—

(a) a statement of the income and expenditure of the Commission during that year; and

(b) a statement of the assets and liabilities of the Commission during that year.

(Question of the New Clause 4A proposed)

(New Clause 4A was read a First Time)

(Question, that New Clause 4A be read a Second Time proposed)

(Question that New Clause 4A be part of the Bill proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

New Clause 6A

The Temporary Speaker (Sen. Wakili Sigei): Kindly use the microphone next to you. That one is not working.

Sen. Mungatana, MGH: Mr. Temporary Chairperson, Sir, I beg to move—
THAT the Bill be amended by inserting the following new clause immediately after clause 6 –

Repeal of section 34A of Cap.7D

6A. The principal Act is amended by repealing section 34A.

(Question of the New Clause 6A proposed)

(New Clause 6A was read a First Time)

(Question, that New Clause 6A be read a Second Time proposed)

(Question, that New Clause 6A be part of the Bill proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

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There is a further proposed amendment to New Clause 6A by Sen. Osotsi, and in his absence, it is dropped. Next.

*(Proposed amendment to New Clause 6A by
Sen. Osotsi dropped)*

New Clause 7A

The Temporary Speaker (Sen. Wakili Sigei): You can use that one Sen. Mungatana, MGH it is on now.

Sen. Mungatana, MGH: Mr. Temporary Chairperson, Sir, I beg to Move – THAT the Bill be amended by inserting the following new clause immediately after Clause 7 –

Repeal of section 36 of Cap. 7D.

7A. The principal Act is amended by repealing section 36.

(Question of the New Clause 7A proposed)

(New Clause 7A was read a First Time)

(Question, that New Clause 7A be read a Second Time proposed)

(Question that New Clause 7A be part of the Bill proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

New Clause 7B

Sen. Mungatana, MGH: Mr. Temporary Chairperson, Sir, I beg to move – THAT the Bill be amended by inserting the following new clause immediately after Clause 7 –

Repeal of section 37 of Cap 7D.

7B. The principal Act is amended by repealing section 37.

(Question of the New Clause 7B proposed)

(New Clause 7B was read a First Time)

(Question, that New Clause 7B be read a Second Time proposed)

(Question that New Clause 7B be part of the Bill proposed)

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The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

New Clause 7C

Sen. Mungatana, MGH: Mr. Temporary Chairperson, Sir, I beg to move –
THAT the Bill be amended by inserting the following new clause immediately after Clause 7–

Amendment of section 38 of Cap 7D.

7C. Section 38 of the principal Act is amended in subsection (3) by inserting the words “Independent Electoral and Boundaries” immediately after the words “between the Registrar”.

(Question of the New Clause 7C proposed)

(New Clause 7C was read a First Time)

(Question, that New Clause 7C be read a Second Time proposed)

(Question that New Clause 7C be part of the Bill proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

New Clause 7D

Sen. Mungatana, MGH: Mr. Temporary Chairperson, Sir, I beg to move–
THAT the Bill be amended by inserting the following new clauses immediately after Clause 7–

Amendment of section 40 of Cap. 7D.

7D. Section 40 of the principal Act is amended in subsection (1) by deleting paragraph (f).

(Question of the New Clause 7D proposed)

(New Clause 7D was read a First Time)

(Question, that New Clause 7D be read a Second Time proposed)

(Question that New Clause 7D be part of the Bill proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

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New Clause 7E

Sen. Mungatana, MGH: Mr. Temporary Chairman, Sir, I beg to Move –
THAT the Bill be amended by inserting the following new clause immediately after Clause 7–

Repeal and substituting of the Sixth Schedule.

7E. The principal Act is amended by repealing the Sixth Schedule and substituting therefor the following new schedule –

SIXTH SCHEDULE

MEETINGS AND PROCEDURE OF THE COMMISSION

1. Meetings

(1) The Commission shall decide when and where it meets and the meetings shall be convened by the chairperson.

(2) The Commission shall have at least four meetings in every financial year and not more than four months shall elapse between one meeting and the next meeting.

(3) Unless three members otherwise agree, at least seven days' notice in writing of a meeting shall be given to every member.

(4) A meeting shall be presided over by the chairperson or in the absence of the chairperson, by the vice-chairperson.

(7) The Commission may invite any person to attend any of its meetings and to participate in its deliberations, but such person shall not have a vote in any decision of the Commission.

2. Committees of the Commission

(1) The Commission may, from time to time, establish committees for the better carrying out of its functions.

(2) The Commission may—

(a) co-opt into the membership of a committee established under subsection (1) other persons whose knowledge and skills are necessary for the functions of the Commission;

(b) hire such experts or consultants as are necessary for the functions of the Commission.

3. Conflict of interest

(1) If any person has a personal or fiduciary interest in any matter before the Commission, and is present at a meeting of the Commission or any committee at which any such matter is the subject of consideration, that person shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not take part in any consideration or discussion of, or vote on any question touching such matter.

(2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made.

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(3) A person who contravenes subparagraph (1) commits an offence.

(4) No member or staff of the Commission shall transact any business or trade with the Commission.

3. Quorum

Subject to subparagraph (2), the quorum of the meeting shall be three members.

4. Voting

A question before the Commission shall be decided with a supporting vote majority of the members present.

5. Rules of procedure and minutes

The Commission shall—

(a) determine rules of procedure for the conduct of its business; and keep minutes of its proceedings and decisions.

(Question of the New Clause 7E proposed)

(New Clause 7E was read a First Time)

(Question, that New Clause 7E be read a Second Time proposed)

(Question, that New Clause 7E be part of the Bill proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 2

The Temporary Speaker (Sen. Wakili Sigei): Could you kindly use the Senate Majority Leader's microphone.

Sen. Mungatana, MGH: Mr. Temporary Chairperson, Sir, I beg to move – THAT Clause 2 of the Bill be amended by deleting paragraph (a) and substituting therefor the following new paragraph –

(a) deleting the definition of the word “Commission” and substituting therefor the following new definition -

“Commission” means the Independent Political Parties Regulatory Commission established under section 33.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

The Title and Clause 1

(Question, that the Title and Clause 1 be

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part of the Bill, proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.
Hon. Members we are now done with the Political Parties (Amendment (No.2) Bill (Senate Bills No.26 of 2024). We shall proceed to the Elections (Amendment (No.2) Bill (Senate Bills No.29 of 2024).

THE ELECTIONS (AMENDMENT) (NO.2) BILL
(SENATE BILLS NO.29 OF 2024).

Clause 3

Sen. Mungatana, MGH: Mr. Temporary Chairperson, Sir, I beg to move –
THAT Clause 3 of the Bill be amended by deleting paragraph (c)

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division at the end.

Clause 4

- Sen. Mungatana, MGH:** Mr. Temporary Chairperson, Sir, I beg to move –
THAT Clause 4 of the Bill be amended in paragraph (a) by—
- (a) deleting the introductory clause of the proposed new subsection 1A and substituting therefor the following new introductory clause –
(1A) The Commission may revise the particulars of voters at any time except-
 - (b) inserting the words “within the affected electoral area” immediately after the words “such by-election” in the proposed new subsection (1A)(b).

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clauses 5, 6, 7, 8, 9, 10, 11, 12 and 13

*(Question, that Clauses 5, 6, 7, 8, 9, 10, 11, 12 and 13
be part of the Bill, proposed)*

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 14

Hon. Senators, I call upon Sen. Mungatana, on behalf of the Chairperson Standing Committee on Justice, Legal Affairs and Human Rights (JLACHR) to move the proposed amendment.

Sen. Mungatana, MGH: Mr. Temporary Chairperson, I beg to move—
THAT, the Bill be amended by deleting Clause 14 and substituting therefor the following new clause –

14. Section 27 of the principal Act is amended –

Amendment of section 27 of No. 24 of 2011

(a) by inserting the following new subsection immediately after subsection (1A) —
(1B) Notwithstanding the provisions under subsection (1) a coalition political party shall, within fourteen days of registration, submit to the Commission a copy of the coalition political party’s nomination rules certified by the Registrar of Political Parties.

(b) in subsection (2A) by deleting the words “from a political party under subsection (1)” appearing immediately after the words “the nomination rules” and substituting therefor the words “under subsection (1) and (1B)”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.
Proceed, Sen. Mungatana.

Clause 15

Sen. Mungatana, MGH: Mr. Temporary Chairperson, I beg to move—
THAT, Clause 15 of the Bill be amended by—

- (a) Deleting paragraph (b).
- (b) Deleting paragraph (c).

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 16

Hon. Senators, I call upon Sen. Mungatana to move the proposed amendments.

Sen. Mungatana, MGH: Mr. Temporary Chairperson, I beg to move—
THAT, Clause 16 of the Bill be amended by inserting the following new paragraph immediately after paragraph (b) –

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(c) in subsection (3) by deleting the word “candidate” appearing immediately after the words “the symbol of another” in paragraph (a) and substituting therefor the words “independent candidate within the same county.”

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clauses 17, 18, 19 and 20

(Question, that Clauses 17, 18, 19 and 20 be part of the Bill, proposed)

Division will be at the end.

Proceed, Sen. Mungatana to move the proposed amendments.

Clause 21

Sen. Mungatana, MGH: Mr. Temporary Chairperson, I beg to move-
THAT, the Bill be amended by deleting clause 21 and substituting therefor the following new clause –

Amendment of section 38A of Act No. 24 of 2011

21. Section 38A of the principal Act be amended by –

(a) renumbering it 38B; and

(b) by deleting the words “not exceed seven hundred” appearing immediately after the words “polling station shall not exceed” and substituting therefor the words “be between fifty and one thousand”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 22

(Question, that Clause 22 be part of the Bill, proposed)

Division will be at the end.

Proceed, Sen. Mungatana.

Clause 23

Sen. Mungatana, MGH: Mr. Temporary Chairperson, I beg to move-
THAT, Clause 23 of the Bill be amended in the proposed new subsection (4A) by inserting the following new paragraph immediately after paragraph (iii) —

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(iv) processing of data is only effected through a server or a data centre located in Kenya.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 24

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

Hon. Senators, Division will be at the end.

Clause 25

Sen. Mungatana, MGH: Mr. Temporary Chairperson, I beg to move—
THAT, the Bill be amended by deleting clause 25 and substituting thereof the following new clause—

Amendment of 25. Section. 45 of the principal Act be amended by—

Section 45 of Act No. 24 of 2011.	(a) deleting subsection (2) and substituting therefore the following new subsection— (2) A member may be recalled on the following grounds — (a) misconduct likely to bring hatred, ridicule, contempt or disrepute to the office; and, (b) persistent desertion of the electorate without reasonable cause. (b) deleting subsection (3); and (c) deleting subsection (6).
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(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clauses 26, 27, 28 and 29

(Question, that Clauses 26, 27, 28 and 29 be part of the Bill, proposed)

Division will be at the end.
Proceed, Sen. Mungatana.

Clause 30

Sen. Mungatana, MGH: Mr. Temporary Chairperson, I beg to move—
THAT, the Bill be amended by deleting Clause 30.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 31

Sen. Mungatana, MGH: Mr. Temporary Chairperson, I beg to move—
THAT, Clause 31 of the Bill be amended in the proposed new section 82A by inserting the following new subsection immediately after subsection (4) —

(5) The Commission shall, in ensuring access to information, ensure that the information is in accessible formats for persons with a disability where such a request is made or where the information is required to be made available to the general public.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clauses 32 and 33

(Question, that Clauses 32 and 33 be part of the Bill, proposed)

Division will be at the end.

I call upon Sen. Mungatana, to move the proposed amendments.

Clause 2

Sen. Mungatana, MGH: Mr. Temporary Chairperson, I beg to move—
THAT, Clause 2 of the Bill be amended—

(a) in paragraph (c) by deleting the proposed new definition of the word “political party” and substituting therefor the following definition —

“political party” has the meaning assigned to it under Article 260 of the Constitution; and

(c) in paragraph (e) by inserting words “and is cleared by” immediately after the words “applies to”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

The Title and Clause 1

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

Division will be at the end.

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Hon. Members, we are now done with the Elections (Amendment No.2) Bill (Senate Bills No.29 of 2024). We shall report at the end of consideration of the other Bills.

PROGRESS REPORTED

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Members, we are proceeding to report of the progress by the Committee of the Whole on the Bills, which we have just dealt with. I call upon the Mover on the Public Transport Motorcycle Regulation Bill (Senate Bills No.38 of 2023), to move.

Sen. Boni Khalwale, please proceed.

THE PUBLIC TRANSPORT MOTORCYCLE REGULATION BILL (SENATE BILLS NO. 38 OF 2023)

Sen. (Dr.) Khalwale: Hon. Temporary Chairperson, Sir, pursuant to Standing Order No.153, I beg to move that the Committee of the Whole do report on this consideration of the Public Transport Motorcycle Regulation Bill (Senate Bills No. 38 of 2023) and seek leave to sit again tomorrow.

(Question put and agreed to)

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 40 OF 2023)

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Members, we will proceed to also give a report of progress by the Committee of the Whole on the Public Finance Management (Amendment) Bill (Senate Bills No. 40 of 2023).

I call upon Sen. Hamida to move the Bill.

(Technical hitch)

Give her the microphone. Use the next microphone.

Sen. Kibwana: Thank you, Hon. Temporary Chairperson, Sir. Pursuant to Standing Order No.153, I beg to move that the Committee of the Whole do report progress on its consideration of the Public Finance Management Amendment Bill (Senate Bills No. 40 of 2023) and seek leave to sit again tomorrow.

(Question put and agreed to)

THE POLITICAL PARTIES (AMENDMENT) (NO.2) BILL
(SENATE BILLS NO.26 OF 2024)

The Temporary Chairperson (Sen. Wakili Sigei): We shall proceed to report of progress by the Committee of the Whole on the Political Parties (Amendment) (No. 2) Bill (Senate Bills No.26 of 2024).

I call upon Sen. Mungatana to move.

Sen. Mungatana, MGH: Hon. Temporary Chairperson, Sir, pursuant to Standing Order 153, I beg to move that the Committee of the Whole do report progress on its consideration of the Political Parties (Amendment) (No.2) Bill (Senate Bills No.26 of 2024) and seek leave to sit again tomorrow.

(Question put and agreed to)

THE INTERGOVERNMENTAL RELATIONS (AMENDMENT)
BILL (SENATE BILLS NO. 12 OF 2024)

The Temporary Chairperson (Sen. Wakili Sigei): We shall proceed to report of progress by the Committee of the Whole on the Intergovernmental Relations (Amendment) Bill (Senate Bills No.12 of 2024).

I call upon Sen. Mungatana to move.

Sen. Mungatana, MGH: Mr. Temporary Chairman, Sir, pursuant to Standing Order No.153, I beg to move that the Committee of the Whole do report to the Senate its consideration of the Intergovernmental Relations (Amendment) Bill (Senate Bills No.12 of 2024) and seek leave to sit again tomorrow.

(Question put and agreed to)

THE ELECTIONS (AMENDMENT) (NO.2) BILL
(SENATE BILLS NO. 29 OF 2024)

The Temporary Chairperson (Sen. Wakili Sigei): Lastly, hon. Members, we are reporting of progress by the Committee of the Whole on the Elections (Amendment) (No.2) Bill (Senate Bills No.29 of 2024).

I call upon Sen. Mungatana to proceed to move.

Sen. Mungatana, MGH: Hon. Temporary Chairperson, Sir, pursuant to Standing Order No.153, I beg to move that the Committee of the Whole do report to the Senate its consideration of the Elections (Amendment) (No.2) Bill (Senate Bills No.29 of 2024) and seek leave to sit again tomorrow.

Thank you.

(Question put and agreed to)

The Temporary Chairperson (Sen. Wakili Sigei): Let us all rise.

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(The House resumed)

(The Temporary Speaker (Sen. Wakili Sigei) in the Chair)

PROGRESS REPORTED

THE PUBLIC TRANSPORT (MOTORCYCLE REGULATION) BILL (SENATE BILLS NO. 38 OF 2023)

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, we are now resuming and I would like to call upon the Chairperson to proceed to report of progress by the Committee of the Whole on the Public Transport (Motorcycle Regulation) Bill (Senate Bills No. 38 of 2023).

Sen. Chute: Hon. Temporary Speaker, Sir, I beg to report that the Committee of the Whole has considered the Public Transport (Motorcycle Regulation) Bill (Senate Bills No.38 of 2023) and seeks leave to sit again tomorrow.

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Dr.) Boni Khalwale, the Mover, please proceed.

Clerk, give him the microphone.

Sen. (Dr.) Khalwale: Hon. Temporary Speaker, Sir, I beg to move that the House do agree with the Committee in the said report.

The Temporary Speaker (Sen. Wakili Sigei): Do we have somebody to second?

Sen. (Dr.) Khalwale: I request the Senator from Tana River County, Buya Mungatana, please second.

Sen. Mungatana, MGH: I second.

Thank you.

(Question proposed)

(Question put and agreed to)

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO.40 OF 2023)

The Temporary Speaker (Sen. Wakili Sigei): We shall now move to the next Bill, the Public Finance Management (Amendment) Bill (Senate Bills No. 40 of 2023).

I call upon Sen. Chute to report and then Sen. Hamida to move.

Sen. Chute: Thank you, Mr. Temporary Speaker, Sir. I beg to report that the Committee of the Whole has considered the Public Finance Management (Amendment) Bill (Senate Bills No. 40 of 2023) and seeks leave to sit again tomorrow.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Hamida, proceed to move.

Sen. Kibwana: Mr. Temporary Speaker, Sir, I beg to move that the House do agree with the Committee in the said report.

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I request Sen. (Dr.) Khalwale to kindly second.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I second.

(Question proposed)

(Question put and agreed to)

THE INTERGOVERNMENTAL RELATIONS (AMENDMENT)
BILL (SENATE BILLS NO.12 OF 2024)

The Temporary Speaker (Sen. Wakili Sigei): We will now proceed to report on the Intergovernmental Relations (Amendment) Bill (Senate Bills No.12 of 2024).

I call upon the Chairperson to report.

Sen. Chute: Mr. Temporary Speaker, Sir, I beg to report that the Committee of the Whole has considered the Intergovernmental Relations (Amendment) Bill (Senate Bills No. 12 of 2024) and seeks leave to sit again tomorrow.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Mungatana, proceed to move.

Sen. Mungatana: Mr. Temporary Speaker, Sir, I beg to move that the House do agree with the Committee in the said report and ask hon. Sen. Hamida to second.

Sen. Hamida: Mr. Temporary Speaker, Sir, I second.

(Question proposed)

(Question put and agreed to)

THE POLITICAL PARTIES (AMENDMENT) (NO. 2) BILL
(SENATE BILLS NO. 26 OF 2024)

The Temporary Speaker (Sen. Wakili Sigei): We will now move to the next Bill, the Political Parties (Amendment) (No.2) Bill (Senate Bills No. 26 of 2024). I call upon the Chairperson to report.

Sen. Chute: Mr. Temporary Speaker, Sir, I beg to report that the Committee of the Whole has considered the Political Parties (Amendment) (No.2) Bill (Senate Bills No.26 of 2024) and seeks leave to sit again tomorrow.

The Temporary Speaker (Sen. Wakili Sigei): On behalf of the Senate Majority Leader, Sen. Mungatana proceed to move.

Sen. Mungatana, MGH: Mr. Temporary Speaker, Sir, I beg to move that the House do agree with the Committee on the said report and request hon. Hamida to second.

Sen. Kibwana: Mr. Temporary Speaker, Sir, I second.

(Question proposed)

(Question put and agreed to)

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THE ELECTIONS (AMENDMENT) (NO. 2) BILL
(SENATE BILLS NO. 29 OF 2024)

The Temporary Speaker (Sen. Wakili Sigei): Lastly, hon. Members, we are reporting on the Elections (Amendment) (No.2) Bill (Senate Bills No. 29 of 2024). I call upon the Chairperson to report.

Sen. Chute: Mr. Temporary Speaker, Sir, I beg to report that the Committee of the Whole in the Senate has considered the Elections (Amendment) (No. 2) Bill (Senate Bills No. 29 of 2024) and seeks leave to sit again tomorrow.

The Temporary Speaker (Sen. Wakili Sigei): I call upon the Mover, Sen. Mungatana.

Sen. Mungatana: Mr. Temporary Speaker, Sir, I beg to move that the House do agree with the Committee on the said report and request hon. Hamida to second.

Sen. Kibwana: Mr. Temporary Speaker, Sir, I second.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Dr.) Boni Khalwale, please approach the Chair.

(Sen. (Dr.) Khalwale approached the Chair and consulted)

Hon. Senators, we are now resuming the normal business. We have two papers to lay as well as a Motion to issue notice.

Clerk, go back to the Order Paper for purposes of that.

PAPERS LAID

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I beg to lay the following Papers on the Table of this Senate today, Thursday, 28th November, 2024-

REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET
ON ITS CONSIDERATION OF THE PUBLIC FINANCE MANAGEMENT
(AMENDMENT) BILL (SENATE BILLS NO.27 OF 2024)

Report of the Standing Committee on Finance and Budget on its consideration of the Public Finance Management (Amendment) Bill (Senate Bills No.27 of 2024).

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REPORT ON NOMINATION OF MR. GERALD NYAOMA
ARITA FOR APPOINTMENT TO THE POSITION OF DEPUTY
GOVERNOR, CENTRAL BANK OF KENYA

Report of the Joint Sitzings of the Standing Committee on Finance and Budget of the Senate and the Departmental Committee on Finance and National Planning of the National Assembly on the nomination of Mr. Gerald Nyaoma Arita for appointment to the position of Deputy Governor of the Central Bank of Kenya.

I thank you.

(Sen. Dr.) Khalwale laid the documents on the Table)

The Temporary Speaker (Sen. Wakili Sigei): Next Order. Proceed, Sen. (Dr.) Khalwale.

NOTICE OF MOTION

ADOPTION OF REPORT ON NOMINATION OF MR. GERALD NYAOMA
ARITA FOR APPOINTMENT TO THE POSITION OF DEPUTY
GOVERNOR, CENTRAL BANK OF KENYA

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I beg to give notice of the following Motion-

THAT, the Senate adopts the report of the joint sittings of the Standing Committee on Finance and Budget of the Senate and the Departmental Committee on Finance and National Planning of the National Assembly, on the nomination of Mr. Gerald Nyaoma Arita for appointment to the position of Deputy Governor of the Central Bank of Kenya that was laid on the Table of the Senate today, Thursday, 28th November, 2024 in pursuant to Section 13(b)(1) of the Central Bank of Kenya Act and Section 88 of the Public Appointments (Parliamentary Approval) Act, approves the nomination of Mr. Gerald Nyaoma Arita for appointment to the position of Deputy Governor of the Central Bank of Kenya.

I thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Clerk, let us call the next Order. Hon. Members, for the convenience of the House, we will rearrange the Order Paper, so that we call out Order No.25, the County Assembly Services (Amendment) Bill (Senate Bill No.34 of 2023). Thereafter, we shall proceed as per the Order Paper.

So, Clerk, call out Order No.25.

BILL*Second Reading*THE COUNTY ASSEMBLY SERVICES (AMENDMENT) BILL
(SENATE BILLS NO.34 OF 2023)

The Temporary Speaker (Sen. Wakili Sigei): Sen. Chute, this is your Bill. You may proceed to Move.

Sen. Chute: Thank you, Mr. Temporary Speaker, Sir. I beg to move—
That the County Assembly Services (Amendment) Bill (Senate Bills No.34 of 2023), be now read a Second Time.

What this Bill is meant for is to align what is happening in the National Assembly and the Senate. If you look at the management of the Senate and the National Assembly, the Speaker is in charge of the House business only. What is happening at the county assembly is that the speaker is in charge of the management of the county assembly.

Clause Four states that—
“4. Section 11 of the principal Act is amended in subsection (1)—
(a) by deleting paragraph (a); and,
(b) inserting the following new paragraph immediately after the paragraph
(c)— (ca) The Board shall approve the membership of the assembly to any national, regional or international organization.”

According to the county assembly's setup, the speaker is in charge of the board. In our case, at the Senate and the National Assembly, the clerk is in charge of the board.

If you look at the board's membership, you will see that the board is always in charge of employment in the National Assembly and the Senate. In the County Assembly, the same board is in charge, but it is managed and chaired by the Speaker. We are trying to align the happenings in the National Assembly and the Senate with the County Assembly.

This Bill proposes an amendment to the County Assembly Service Act, which provides for efficient management of the county assemblies. Article 176(1) provides that there shall be a county government for each county, comprising the county assembly and the county executive. What we are trying to separate is the County Assembly and the County Executive.

What is the county assembly? It is the clerk and the team of the clerks. The Bill is, therefore, one that concerns county governments in terms of Article 110(1)(a) of the Constitution. This Bill is not a Money Bill within the meaning of Article 114 of the Constitution.

Let me also allow my Hon. Friends to contribute to this Bill.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Chute, you will, upon your moving, ask someone to second your Bill. We will then proceed from there upon it being seconded.

Sen. Chute: Let me ask my friend, Sen. Lomenen, the Senator for Turkana, to second this Bill.

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Sen. Lomenen: Mr. Temporary Speaker, Sir, I second.

(Question proposed)

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, this Bill is now open and available for contribution by Members. For those who would be keen on rendering their contribution, the Floor is open and available for contribution.

Sen. Mungatana MGH: Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity to contribute to the County Assembly Services (Amendment) Bill (Senate Bills No.34 of 2023),

I want to thank Sen. Chute for moving this amendment. He has mentioned some of the important issues that the amendment of this County Assembly Services Bill seeks to advance.

This Bill seeks to ensure that the clerk of a county assembly exercises effective control over the staff of the Assembly in order to ensure the efficient running of the respective legislature. It is important that the Clerk of the Assembly be given sufficient power to manage the staff or the secretariat that runs the assembly.

This Bill is simply seeking to align what happens in the National Assembly and the Senate. This exercise of efficient control over the staff and the secretariat at the county assemblies throughout Kenya can be replicated in the same way that the clerk of the National Assembly and the Clerk of the Senate does. There must be a law that makes it clear. This is necessary because since we got our counties, we have passed several laws one of which was the County Assemblies Act.

Let me give the background. At the time that we were passing these laws, we went to the Naivasha Accord and we brokered the deal that created the Constitution of 2010. In that Constitution, at the Schedule, there was a clear provision of the laws that must be brought to the National Assembly.

Some laws had to be passed to make sure that the new Constitution gave the new counties effective management of the affairs of the new governments, which were being formed.

After we brokered the big deal, I was part of that select committee for making the Constitution that went to Naivasha. After a lot of negotiations, we were able to come up with a new Constitution. In that Constitution, we created a schedule. Under that schedule, we created the laws that must be passed to make sure that they align with the new Constitution. Also to make sure that the old laws which were there would be deleted. Then the new laws that are coming in would be given effective control of the new form of government.

We also gave timelines for these new laws to be passed. One of them was the County Assemblies Act. The fact that there was a lot of legislation that needed to be passed, some of this legislation passed very fast. It is possible that in some of the clauses that were passed, some things were not aligned between the county assembly and the Senate or the National Assembly. In fact, details such as the management of the staff obviously may have escaped the attention of the drafters.

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So, what Sen. Chute is seeking in this Bill is to make sure that if there were some oversights here and there, they are amended, created and an alignment is sought. This again gives us an opportunity to debate the whole question of employees and staff within county assemblies in all 47 counties. We need to agree as we debate this. County assemblies have bloated staff. Almost all the 47 counties have more staff than they require.

There is a question of politics and we are all alive to this reality. When a new Speaker comes because he has just been elected, he wants to exercise influence and make sure that his cronies friends and his relatives are also absorbed in the county assembly. So, in the third session of governments that have come in the county assemblies, we have had a problem. The clerk does not have a lot of management within the assemblies because this section gave leeway to the speakers in the county assemblies to do whatever they wanted.

So, the head of the secretariat is then told, you must employ so-and-so and yet there is no budgetary provision for it. As a result, continuously we have had an increase of people who are employed in county assemblies. As a result, county assemblies, as I speak today, are bursting with unwanted staff and the secretariat cannot do anything about it.

Most professional people who went to work in the county assemblies were professionals. They were seconded from the National Assembly and the Senate. Many of them are trained and they understand the system. They know what to do.

Mr. Temporary Speaker, Sir, when you are working under an overbearing speaker, you will find yourself having to comply with things that may not necessarily be correct. So, this is a good Bill that returns the power of staff management into the hands of the clerks of our 47 county assemblies. Clerks will have full power, upon the passage of this law, to allow the proper management of our county assemblies. They can now deal with bloated staff, indiscipline, failing to report to work and normal misbehavior of staff working in our assemblies. These people will no longer be said to be protected by the speaker.

I thank Sen. Chute for thinking about this amendment because we need this kind of alignment. We need this kind of management power, so that we now summon clerks to come before our committees at the Senate. They will not have a reason to escape responsibility on how their assemblies are managed and their secretariats is being run.

Mr. Temporary Speaker, Sir, I support.

The Temporary Speaker (Sen. Wakili Sigei): There seems to be no other Member who is interested in contributing to this Bill. I now call upon the Mover, Sen. Chute, to reply.

Sen. Chute: Thank you, Mr. Temporary Speaker, Sir. Pursuant to Standing Order No.66(3), I request that the putting of the question be deferred to a later date.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, pursuant to provisions of Standing Order No.66(3), the putting of the question to this particular Bill is deferred to the next sitting of the House.

(Putting of the question on the Bill deferred)

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Now, having earlier rearranged the Orders to accommodate that Bill, we will resume. We dealt with the Committee of the Whole up to Order Number 17.

Clerk, call out Order No 18.

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

Now, hon. Senators, the County Assembly's Pension Scheme Bill, (Senate Bills No. 14 of 2024, is Order No.18. In the absence of Members to contribute to it, it is deferred to the next---

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

Okay, proceed to call it out then, so that I give directions.

BILL

Second Reading

THE COUNTY ASSEMBLIES PENSIONS SCHEME BILL (SENATE BILLS NO.14 OF 2024)

The Temporary Speaker (Sen. Wakili Sigei): Now, hon. Members, in the absence of Members to contribute to the County Assemblies Pensions Scheme Bill (Senate Bills No.14 of 2024); that is Order No.18. The Bill is deferred to the next sitting.

(Bill deferred)

Hon. Members, similarly, Order No.19 is deferred to the next sitting of the House.

BILL

THE ENVIRONMENT LAWS (AMENDMENT) BILL (SENATE BILLS NO.23 OF 2024).

(Bill deferred)

From Order No.20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30, the Movers are not present in the House. Therefore, they are all deferred to the next sitting of the House.

MOTION**ADOPTION OF REPORT ON DISCRIMINATION IN PAYMENT OF
HARDSHIP AND ENHANCED HOUSE ALLOWANCE TO TEACHERS
IN KILIFI AND TAITA TAVETA COUNTIES**

THAT, the Senate adopts the Report of the Standing Committee on Education on a Petition to the Senate regarding the discrimination by Teachers Service Commission (TSC) on payment of hardship and enhanced house allowances to some teachers in Kilifi and Taita Taveta counties, laid on the Table of the Senate on Tuesday, 8th October, 2024.

(Motion deferred)

MOTION**ADOPTION OF AUDIT REPORTS ON FINANCIAL
STATEMENTS OF VARIOUS COUNTY EXECUTIVES**

THAT, the Senate adopts the Report of the Select Committee on County Public Accounts on its consideration of the Reports of the Auditor General on the Financial Statements of Tharaka Nithi, Homa Bay, Kakamega, Kirinyaga, Makueni, Meru, Bomet, Murang'a, Nandi, Nyamira, Nyeri, Siaya, Vihiga, Wajir and Samburu County Executives for the Financial Year 2019/2020 laid on the table of the Senate on Tuesday, 5th March, 2024.

(Motion deferred)

MOTION**ADOPTION OF AUDIT REPORTS OF VARIOUS WATER, SANITATION AND
SEWERAGE SERVICE COMPANIES FOR 2018, 2019, 2020 AND 2021**

THAT, the Senate adopts the Reports of the Select Committee on County Public Investments and Special Funds on its consideration of the Audit Reports for the Financial Years 2018/2019 (Volume IV), 2019/2020 (Volume V) and 2020/2021 (Volume VI), for the following Water Service Companies, laid on the table of the Senate on Wednesday, 29th May, 2024;

- (i) Busia Water and Sewerage Services Company Limited;
- (ii) Iten-Tambach Water and Sewerage Company Limited;
- (iii) Kirinyaga Water and Sanitation Company Limited;
- (iv) Malindi Water and Sewerage Company Limited;
- (v) Mandera Water and Sewerage Company Limited;
- (vi) Migori Water and Sanitation Company Limited;

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- (vii) Mombasa Water and Sanitation Company Limited;
- (viii) Nanyuki Water and Sanitation Company Limited; and,
- (ix) Nithi Water and Sanitation Company Limited.

(Motion deferred)

MOTION

ADOPTION OF REPORT ON INQUIRY INTO THE LPG EXPLOSION IN MRADI, NAIROBI CITY COUNTY

THAT, the Senate adopts the Report of the Standing Committee on Energy on its inquiry into the Liquefied Petroleum Gas (LPG) explosion in Mradi Area, Embakasi, Nairobi City County, laid on the Table of the Senate on Thursday, 8th August, 2024.

(Motion deferred)

BILL

Second Reading

THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 8 OF 2023)

(Bill deferred)

BILL

Second Reading

THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 18 OF 2023)

(Bill deferred)

BILL

Second Reading

THE COUNTY ASSEMBLY SERVICES (AMENDMENT) BILL (SENATE BILLS NO. 34 OF 2023)

(Bill deferred)

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BILL*Second Reading*

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

(Bill deferred)

BILL*Second Reading*

THE WILDLIFE CONSERVATION AND MANAGEMENT
(AMENDMENT) BILL (SENATE BILLS NO. 49 OF 2023)

(Bills deferred)

MOTION

ADOPTION OF REPORT ON CONSIDERATION OF AUDIT
REPORTS OF VARIOUS WATER SERVICE PROVIDERS

THAT, the Senate adopts the Reports of the Select Committee on County Public Investments and Special Funds on its consideration of the Audit Reports for the Financial Years 2018/2019 (Volume VI), 2019/2020 (Volume VII) and 2020/2021 (Volume IX), for Eldama Ravine, Eldoret, Embu, Githunguri, Homabay, Kahuti, Kakamega Kapenguria, Kapsabet, Nandi, Karuri, Kericho, Kiambu, Kibwezi-Makindu, Kikuyu, Kitui, Lamu, Limuru, Mathira, Matungulu – Kangundo, Mbooni, Meru, Municipal Council of Machakos, Murangá, Murang'a South, Naivasha, Nakuru Rural, Nakuru, Narok, Olkalou, Olkejuado, Othaya Mukurweini, Ruiru-Juja, Siboi, Tavevo, Tetu Aberdare and Wote Water, Sanitation and Sewerage Service Companies laid on the table of the Senate on Wednesday, 2nd October, 2024.

(Motion deferred)

MOTION**ADOPTION OF REPORT ON WELFARE OF WORKERS IN
EPZs IN MOMBASA AND KILIFI COUNTIES**

THAT, the Senate adopts the Report of the Standing Committee on Labour and Social Welfare on an inquiry into the plight of workers in the Export Processing Zones (EPZs) in Mombasa and Kilifi Counties, laid on the Table of the Senate on Tuesday, 1st October, 2024.

(Motion deferred)

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, you may all rise. There being no other Business on the Order Paper, the Senate stands adjourned until Tuesday, 3rd December, 2024, at 2.30 p.m.

The Senate rose at 6:01 p.m.