

PARLIAMENT OF KENYA**THE SENATE****THE HANSARD****Thursday, 12th October, 2023**

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

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

PRAYER**DETERMINATION OF QUORUM
AT COMMENCEMENT OF SITTING**

The Speaker (Hon. Kingi): Clerk, do we have quorum?

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

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

(The Quorum Bell was rung)

(Several Senators walked into the Chamber)

I am informed we now have quorum. Clerk, proceed to call the first Order.

PETITIONS

The Speaker (Hon. Kingi): Hon. Senators, due to the business ahead, we will defer the Petitions until next week on Tuesday.

Proceed to call the next order.

**REPORT ON PETITION: ALLEGED FRAUD BY FIRST CHOICE
RECRUITMENT AND CONSULTANCY AGENCY**

(Petition Deferred)

INSECURITY IN TURKANA COUNTY

(Petition Deferred)

PAPERS LAID

The Speaker (Hon. Kingi): Senate Majority Leader, do you have any Papers to lay?

REPORT ON NATIONAL GOVERNMENT FUNDS FOR FY2020/2021

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today 12th October, 2023 -

Report of the Auditor General for the National Government Funds for the Financial Year 2020/2021.

(Sen. Cheruiyot laid the document on the Table)

The Speaker (Hon. Kingi): The Chairperson Mediation Committee, proceed to table the report.

REPORT OF THE MEDIATION COMMITTEE ON THE PUBLIC
FINANCE MANAGEMENT (AMENDMENT) BILL, 2023

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today 12th October, 2023-

Report of the Mediation Committee on the Public Finance Management (Amendment) Bill (National Assembly Bills No. 16 of 2023).

(Sen. (Dr.) Lelegwe Ltumbesi laid the document on the Table)

The Speaker (Hon. Kingi): Clerk, kindly proceed to call the next order.

NOTICE OF MOTIONADOPTION OF THE MEDIATION COMMITTEE REPORT ON THE
PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL, 2023

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Speaker, Sir, I beg to give Notice of the following Motion-

THAT the Senate adopts the Report of the Mediation Committee on the Public Finance Management (Amendment) Bill (National Assembly Bills No. 16 of 2023) laid on the table of the Senate on Thursday, 12th October, 2023, and pursuant to Article 113(2) of the Constitution and Standing Order 167(3) approve the agreed version of the Public Finance Management (Amendment) Bill (National Assembly Bills No. 16 of 2023).

The Speaker (Hon. Kingi): Hon. Senators, pursuant to Standing Order 45(2) allow me to rearrange the sequence of today's Order Paper for the convenience of the House. We will move to prosecute Order No. 14. Thereafter, we shall proceed to the Committee of the Whole. If you look at today's Order Paper, quite a number of Bills are

stuck at the Committee of the Whole. Once we are done with Order No.14, we will proceed to the Committee of the Whole. Clerk, kindly proceed to call the order as amended.

MOTION

ADOPTION OF THE MEDIATION COMMITTEE REPORT ON THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL, 2023

The Speaker (Hon. Kingi): Chairperson, proceed to Move the Motion.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. I beg to move-

THAT the Senate adopts the Report of the Mediation Committee on the Public Finance Management (Amendment) Bill (National Assembly Bills No.16 of 2023) laid on the table of the Senate on Thursday, 12th October, 2023, and pursuant to Article 113(2) of the Constitution and Standing Order 167(3) approve the agreed version of the Public Finance Management (Amendment) Bill (National Assembly Bills No.16 of 2023).

I must begin by congratulating our Budget and Finance Committee. If this Committee had not stood its ground and insisted on an obvious constitutional provision; the Senate must be part and parcel of the reporting mechanism on the debt situation in the country that is filed annually. The Bill proposed by the National Assembly would not have been considered.

Not that this provision matters, it is a constitutional provision that cannot be taken away by a statute. However, it is important for good order. On many occasions, the National Assembly has promised us that as we undergo the process of arguing before the Supreme Court there will be good order and they will respect constitutional provisions.

Mr. Speaker, Sir, I would like to appreciate the good work that was done by the Committee on Budget and Finance. The National Assembly had rejected our amendments. However, Members of the Senate in the Mediation Committee met with those in the National Assembly and were able to convince them. They saw sense in the proposal that is being made. It is on this premise that I want to urge the House to support the recommendations of the Committee, as contained in the report which is being presented before us.

As the Senate proposed in the report, the Mediation Committee now recommends to this House that both Houses approve the new version, which will include an amendment to Clauses 2(e) and 2(f) in the proposed amendment Bill. Then Senate will become part and parcel of the reporting mechanism of the debt reports that come to the House. This is a straightforward issue.

Nonetheless, the trophy and the honour go to our Budget and Finance Committee. This is important because, on many occasions, some Committees and I do not have any in mind – to avoid Members reaching out to me later to ask the Committee I was referring to – are not as diligent as this.

If Members from the Budget and Finance Committee had not flagged this situation and held their ground the National Assembly would never have acceded to this.

I am glad that you stood your ground this is why we are here today. We celebrate their good work.

With those few remarks, given it is a straightforward amendment and something we had discussed at length, I beg to Move and request Sen. (Dr.) Lelegwe Ltumbesi, who was a Member of the Committee, to second.

Sen. (Dr.) Lelegwe Ltumbesi: Thank you, Mr. Speaker, Sir. I rise to second the Motion as moved by the Senate Majority Leader. I would like to inform the House that we had an easy time in the Mediation Committee because all the clauses considered by the Committee were agreeable to the Members who went through the report. I thank the Members of the Mediation Committee and Members from the National Assembly who agreed on all the clauses. As a result, we have tabled the report for adoption by the Senate.

Thank you.

I beg to second.

(Sen. Ali Roba stood at the Bar)

The Speaker (Hon. Kingi): Sen. Ali Roba, there is a reason why we gave the Senators the Senators Lounge. It was so that they could consult. Once they are done, they come in here to transact business of the House and not to extend their consultation.

(Sen. Ali Roba proceeded to take his seat)

(Question proposed)

Sen. Cherarkey: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): What is your point of order, Sen. Cherarkey?

Sen. Cherarkey: Mr. Speaker, Sir, I rise pursuant to Standing Order No.111 on the limitation of debate to three minutes and three Members. This is so that we can expedite this matter. Since it is a straightforward matter, I call upon Sen. Mungatana to second.

Sen. Mungatana, MGH: Mr. Speaker, Sir, I second.

On another matter, the systems are not operational, thus, you will guide us on how to seek your attention.

The Speaker (Hon. Kingi): Well, the dashboard is pretty much on with only one Senator through. I have Sen. Olekina now.

(The Clerk-at-the-Table consulted the Chair)

Hon. Senators, kindly take your seats. As the system is being worked on, we can dispose of this Procedural Motion by the Senator for Nandi County.

(Sen. Mandago consulted Sen. Korir loudly)

Sen. Mandago and Sen. Korir, kindly.

We can dispose of the Motion by the Senator for Nandi County as we wait for the system to be rebooted. I will proceed to put the question on the Motion as moved by the Senator for Nandi County.

(Question put and agreed to)

The Motion as carried is that three minutes and three Senators speaking from each side. That is the Motion that you have just passed. On my dashboard, I have Sen. Maanzo.

You will use the traditional way of raising hands when I come to this side.

Sen. Maanzo: Thank you, Mr. Speaker, Sir, for giving me an opportunity to support this important mediation. Mediation arises when the two Houses have differed on a matter. On this particular matter of the debt ceiling, the idea was that the matter also be reported to the Senate. This debt ceiling eventually affects part of the monies that are acquired through borrowing and end up in devolution. Our Members were perfectly in order to negotiate with the National Assembly so that the matter does not just lie and end at the National Assembly.

I was in the National Assembly for 10 years and these matters ended at the National Assembly yet they largely affected devolution. In defense of devolution, which is what we stand for as a House, it is only fair that all those matters are reported through the Senate. The Senate is very important when it comes to devolution.

Also, when it comes to the Division of Revenue Bill, the matter ends up here. Therefore, whatever is being debated in the Division of Revenue Bill, which begins at the National Assembly must end up here. They are the same.

For the protection of devolution, it is very important that the Senate gets involved, not only that, but any matter that touches on devolution such as agriculture, water and even delegated issues. This is so that we do not have a delegated issue ending at the National Assembly and it is a matter touching on devolution. If Senate is not involved, the whole idea of the Constitution of the devolved units would then be negated.

I beg to support and thank the Members of the Mediation Committee of the Senate for being very good at this job and serving the interests of devolution.

Thank you.

The Speaker (Hon. Kingi): Sen. Wamatinga, you may have the Floor.

Sen. Wamatinga: Thank you very much, Mr. Speaker, Sir. I also rise to support the report of the Mediation Committee where I sat as a Member. It is very important for the House of Senate to ensure that every Bill that is enacted does not claw back on the benefits of devolution. As champions and people mandated by the electorate to protect devolution, it is important that we ensure that the roles and functions that have been devolved are protected.

Further, it is also our mandate and duty to ensure that we continue unbundling more of those functions and ensure that the funds also follow them. It has happened in the past. It will continue to happen that Bills will come before this House as they are coming. The most important thing is we should always ensure that the functions that are devolved, the funds that are supposed to be allocated to the county governments and the oversight role by the county government do not get too concentrated at the national Government.

Fellow Senators, it is high time that we look into the State Corporation Act, which gives the Principal Secretaries a lot of power and then being Members of oversight committees and reporting back to themselves. This has been one of the major impediments to the implementation of the functions, the roles and service delivery by the Government to the people.

Mr. Speaker, Sir, it will be prudent for us to look at that Act and ensure that when we make formations of regulatory bodies, they are not mandated to be controlled by Permanent Secretaries, but they are delineated from them, so that those functions can be as was foreseen by our Constitution 2010 and given to the county governments.

Equally important---

(Sen. Veronica Maina moved from her seat to consult with Sen. (Dr) Lelegwe Ltumbesi and Sen. Cherarkey)

The Speaker (Hon. Kingi): Order, hon. Senators! Sen. Veronica Maina, as a Member of the Speakers Panel, you know better.

(Sen. Veronica Maina resumed her seat)

Sen. Wamatinga: Thank you, Mr. Speaker, Sir. All those functions that belong to the county government must be protected. All these regulatory bodies that the national Government purports to want to formulate to be oversighted or to be controlled by the Permanent Secretaries, we must refrain from and discourage that.

One of the ways will be to look at the State Corporations Act, which requires that Permanent Secretaries, in particular line Ministries, oversight those state bodies so that we do not claw back on the devolved units.

Mr. Speaker, Sir, I support.

The Speaker (Hon. Kingi): Sen. Olekina, you have the Floor.

Sen. Olekina: Thank you, Mr. Speaker, Sir. I rise to support the Motion that the Senate adopt the Report on the Mediation Committee on the Public Finance Management Bill (Amendment No.16 of 2023.)

Mr. Speaker, Sir, whenever there is dialogue, we make progress. I think it is about time that we all appreciate that when the framers of the Constitution were drafting the Constitution, what they had in mind was to have a Parliament made up of two Houses.

(Sen. Nyamu walked into the Chamber while talking on her phone)

When it is an issue of debt---

The Speaker (Hon. Kingi): Order! Sen. Nyamu, kindly have your seat. Going forward, Hon. Senators, I am not here to remind you of the behaviour that you are expected to uphold once you are in this Chamber.

I have warned Members before and I have read the Standing Orders before, but apparently it is becoming a habit. The next time I will call a Member to order is when I will be asking him to leave the Chamber.

Proceed, Sen. Olekina.

Sen. Olekina: Mr. Speaker, Sir, let me thank you for your protection. If my thoughts would be kind to me, what I was prosecuting here is the importance of the National Assembly accepting the role of the Senate.

It is imperative that the definition of Parliament be entrenched in every member of this country because outside there when people talk about Parliament, they are referring to the National Assembly. However, Parliament is made up of the two Houses.

The issue of national debt is a matter that affects counties. It does not matter how you look at it. The issue of exceptional circumstances in an event like this COVID is a matter that affects every member of this country. So, I support this Motion because for once, as a Senator, I will stand here and can authoritatively say, that Kenya owes this country 'x' amount of money.

Article 211 of the Constitution is very clear. I thank the Mediation Committee, particularly the Committee on Finance and Budget, Governor- Senator- Party Leader- Pilot - Sen. Roba, has done a tremendous job. We have to give credit where it is due.

(Applause)

We have managed to break grounds where we have seen hurdles in the past. It is imperative that all Members must appreciate the role of the Senate. This is a first step for us to appreciate that Senators here represent 6, 7, 8 or 13 constituencies when it comes to Nairobi City County. Sen. Sifuna here must understand how much debt this country has. This amendment is extremely important.

The other important amendment is the issue of exceptional circumstances. We do not need to burden Parliament. It is good that we can give leeway to the Cabinet Secretary to make certain decisions when we have a pandemic.

I support it.

(Sen. Olekina's microphone went off)

The Speaker (Hon. Kingi): Sen Tabitha Mutinda, you need to show by way of raising your hand because my dashboard is blank.

Sen. Tabitha Mutinda: Thank you, Mr. Speaker, Sir. I rise to support because I was privileged to be the Co-Chair of the Mediation Committee. It was my first time. I am happy because we were able to deliberate and agree on these amendments that we focused on. I was so glad.

Mr. Speaker, Sir, I want to state two issues that made us go to mediation. First is the issue of the exceptional circumstances as it had been put. You know very well that you cannot foresee a adversity that comes in the future. It would have been difficult for the Cabinet Secretary for National Treasury to table to Parliament an increment of the debts because he would not have known when. You note that like the case example of COVID-19 pandemic, at that time we were asked to stay indoors. Maybe Parliament would not have existed and the Cabinet Secretary for the National Treasury needed to surpass the debt.

Mr. Speaker, Sir, it would have been difficult within that time to table to this House seeking approval. That is what we had vouched for as a House, but it would have been difficult considering various factors.

Another issue that would have also been a bit tricky is the market matrix in terms of the Kenyan shilling. It would have been difficult for the Cabinet Secretary to present to the Kenyans in terms of the dollar and the Kenyan shilling. It would have given worry to the market difficult because it would have been an exposure. That is how we were able to agree with National Assembly.

Article 211 of the Constitution stipulates very clearly that ours is a bicameral Parliament.

(Loud consultations)

Mr. Speaker, Sir, if I could be heard in silence?

The Speaker (Hon. Kingi): Order, Hon. Senators!

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

As I was saying, Article 211 of the Constitution stipulates very clearly that we are a bicameral Parliament. So, matters of debt are matters that still need to be tabled. The proposal was by 30th April of every month. However, it was a bit tricky to be able to give timelines. Especially if there is an exception circumstance that occurs maybe in May or June, then it becomes tricky for it to be tabled the next year, 30th April.

So, we said that at the end of the day, because it is the obligation of each House to ask for the reports to be tabled in Parliament, then that would happen. We did not want to give the timelines of it.

Mr. Speaker, Sir, I rise to support and I am happy to table a report that we can agree with the National Assembly.

The Speaker (Hon. Kingi): Sen. Mumma, please proceed.

Sen. Mumma: Thank you, Mr. Speaker, Sir, for the opportunity to contribute to this very important issue. I begin by congratulating the Senate Standing Committee on Finance and Budget under the leadership of Sen. Roba, and all Members of the Mediation Committee.

This is so important because the biggest hindrance to devolution has been the unnecessary rivalry that has seen very good laws not get passed because of brinkmanship.

(Sen. Cheptumo walked in and went to consult with Sen. Cherarkey)

Mr. Speaker, Sir, I wish Sen. Chetumo would stop interfering.

The Senate Majority Leader has raised something important that we need to be vigilant about as committees and as a House. He did not mention any committee, but I would want to bring it to our attention that any law that passes through the Senate and is struck down in the courts for being unconstitutional is an indictment to the Senate.

So, everything that comes to the Senate, all the laws, whether in which committee, we need to be careful enough to ensure that nothing can be struck down because it is unconstitutional.

We are not the only oversight people. We have civil society out there that can go to court and challenge any unconstitutional law. If that law passed through our hands, we stand indicted. So, I am glad that at least the Mediation Committee has managed to get the other side to see the sense.

I am glad the spirit of Constitution is now moving. We are at that level where we need to bridge the intergovernmental gaps to bring more cooperation and cohesion. We are at that stage where the two Houses need to focus on the Constitution and work together to deliver laws that are about the people of Kenya and not about either of the Houses.

Mr. Speaker, Sir, I support.

The Speaker (Hon. Kingi): There being no other Senator wishing to speak on this Motion, I call upon the Mover to reply.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I thank Members for taking their time to respond to the Motion and the very positive feedback that has been raised.

I believe that if we keep and maintain this spirit, we shall continue to safeguard devolution. We ensure that our Members in our committees are extremely diligent, especially when we accord our committees the time, chance and opportunity to look into matters as the Committee on Finance and Budget did.

Congratulations to all Members of Committee on Finance and Budget and the Committee on Mediation for a job well done.

The Speaker (Hon. Kingi): Hon. Senators, my determination on this matter is that it is a matter that affects counties. Therefore, voting shall be by delegation. At this juncture, I will ask the Serjeant-at-Arms to ring the division bell for five minutes.

(The Division Bell was rung)

Hon. Senators, kindly take your seats. Before I direct you on how we are going to vote, Serjeant-at-Arms, kindly close the doors and draw the bar.

(The Doors were closed and the Bar Drawn)

Hon. Senators, we are going to vote electronically. So, kindly pull out your cards from the delegates units. Serjeant-at-Arms, proceed to pick the cards that are remaining in the delegates units. If you are ready, signal us so that we move to the next stage. You can now log in. I know there is a problem. We will proceed to vote electronically. We will call out the names of those who have a challenge to come and cast their votes at the Dispatch Box.

Hon. Senators, I will proceed to put the question.

(Question put)

You may now proceed to vote.

(The Clerk-at-the-Table Consulted the Speaker)

The system refused to pick. Therefore, we shall resort to manual voting. In this case, I will call for us to nominate the tellers. One for 'Noes' and one for 'Ayes'. Sen. Tabitha Mutinda for the 'Ayes' and Sen. Beth Syengo for the 'Noes'.

In this case, voting shall be by roll call. The Clerk will call the names. Once the tellers are fully inducted, they can take their position so that we may proceed.

Proceed, Clerk.

(Voting in progress)

DIVISION

ROLL CALL VOTING

(Question that the Senate adopts the Report of the Mediation Committee on the Public Finance Management (Amendment) Bill (National Assembly Bills No. 16 of 2023) laid on the Table of the Senate on Thursday 12th October, 2023 and pursuant to Article 113 (2) of the Constitution and Standing Order No. 167(3) approve the agreed version of the Public Finance Management (Amendment) Bill (National Assembly Bills No. 16 of 2023), put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cheptumo, Baringo 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 County; Sen. Joe Nyutu, Murangá County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. M. Kajwang', Homa Bay County; Sen. Mandago, Uasin Gishu; Sen. Methu, Nyandarua County; Sen. Munyi Mundigi, Embu County; Sen. Mungatana, Tana River County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Mwaruma, Taita Taveta County; Sen. Murgor, West Pokot County; Sen. (Dr.) Oburu, Siaya County; Sen. Oketch Gicheru, Migori County; Sen. Okiya Omtatah, Busia County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi County; Sen. (Prof.) Tom Ojienda, SC, Kisumu County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County and Sen. Wamatinga, Nyeri County.

Teller of the Ayes: Sen. Tabitha Mutinda

NOES: Nil.

Teller of the Noes: Sen. Beth Syengo

The Speaker (Hon. Kingi): Hon. Senators, kindly take your seats so that I announce the results.

(Sen. Cherarkey consulted with Sen. Cheruiyot)

Senator for Nandi, take your seat.

The results of the Division are now in and they are as follows:

AYES: 40

NOES: Nil

ABSENCES: Nil

The “Ayes” have it.

(Question carried by 40 votes to Nil)

The Speaker (Hon. Kingi): Searjeant-at-Arms, you may open the doors and withdraw the Bars.

(The Bars were undrawn and Doors opened)

Clerk, next Order.

COMMITTEE OF THE WHOLE

(Order for Committee read)

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

IN THE COMMITTEE

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

THE DIGITAL HEALTH BILL (NATIONAL ASSEMBLY BILLS NO.57 OF 2023)

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Members, we may take our seats. Let us not leave the Chamber.

We are going to start with the Digital Health Bill (National Assembly Bills No.57 of 2023). I ask Members to remain in the Chamber.

Clauses 3, 4 and 5

*(Question that Clauses 3, 4 and 5 be part
of the Bill, proposed)*

Division will be at the end.

Clause 6

The Temporary Chairperson (Sen. Wakili Sigei): Sen. Osotsi, proceed to move the amendment. Give the Senator a microphone.

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

THAT clause 6 of the Bill be amended -

(a) in paragraph (b) by deleting the words “consultation with” appearing immediately after the words “establish registries, in” and substituting therefor the words “collaboration with county governments and”; and

(b) in paragraph (n) by inserting the words “and county governments” immediately after the words “the Cabinet Secretary”.

This is to allow for consultation with the county governments in establishing the registries. Some of these registries are going to be established in counties. Therefore, the involvement of county governments is very critical given that health is a devolved function. The import of this amendment is to factor in the involvement of the county government.

Part (b) of it is also doing the same by allowing the Cabinet Secretary to consult the county government in this process.

Mr. Temporary Chairperson, this is very important because if we do not do this, then we will have a situation where the national Government is going to have direct control over our registries in counties and that will claw back the gains of devolution. So, this is just a minor amendment to factor in the involvement of county governments in establishing registries in counties.

Sen. Sifuna will second.

The Temporary Chairperson (Sen. Wakili Sigei): There is no need for secondment on that.

Hon. Members I request that since we are not going to be debating, let us be very brief when we are moving the proposed amendments.

(Question of the amendment proposed)

Division will be at the end.

Clause 7

The Temporary Chairperson (Sen. Wakili Sigei): Sen. Osotsi, please proceed to move your proposed amendment.

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

THAT Clause 7 of the Bill be amended in subclause (2) by deleting the words “the National Assembly” appearing immediately after the words “approval of the” in the proviso to paragraph (a) and substituting therefor the word “Parliament”.

That will now involve the Senate as well.

(Question of the amendment proposed)

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

Clause 8

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

THAT Clause 8 of the Bill be amended -

(a) in subclause (1) by -

(i) inserting the word “digital” immediately after the words “Secretary responsible for” in paragraph (b);

(ii) deleting paragraph (e) and substituting therefor the following new paragraph

(e) a representative of the county executive committee members responsible for health nominated by the county executive committee members from amongst their number; and

(iii) deleting the words “not being Governors” appearing immediately after the words “one person” in paragraph (g);

(b) in subclause (2) by deleting the expression “(1)(f)” appearing immediately after the words “appointed under subsection” and substituting therefor the words “(1)(e), (f)”;

(c) in subclause (3) by deleting the words “appointing persons as members of the Board under subsection (1)(f) and (g), the Cabinet Secretary” appearing immediately after the word “In” and substituting therefor the words “nominating and appointing persons as members of the Board under subsection (1)(e), (f) and (g), the nominating and appointing authorities”;

(d) in subclause (4) by deleting the words “sub-section (1)(a), (f)” appearing immediately after the words “the Board under” and substituting therefor the words “subsection (1)(a), (e), (f)”.

Mr. Temporary Chairman, Sir, just to summarise, this is talking about the composition of the agency. In terms of the Cabinet Secretary, I think there is clarity to say “Cabinet Secretary in charge of digital health.” This is because we have more than one Cabinet Secretary. So, that clarity is very important.

Secondly, we also need to enhance representation of counties. I propose that we have a representation of the County Executive Committee Member (CECM) instead of the Data Commissioner. The Data Commissioner is supposed to be the one overseeing this agency. So, he cannot be the one sitting on the Board again.

The other aspect is to also remove the provision that the Cabinet Secretary, after the Council of Governors (CoG) has nominated its three people, the Cabinet Secretary will now have a role in deciding whether they belong to the youth, women or that kind of category. When CoG has decided, they will know that they need to ensure that youths, women and Persons Living with Disabilities (PWD) are represented. That decision should not be subjected to another level of approval. That is the import of this amendment.

(Question of the amendment proposed)

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

Clause 9

(Question, that Clause 9 be part of the Bill, proposed)

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

Clause 10

The Temporary Chairperson (Sen. Wakili Sigei): Sen. Osotsi, proceed to move your amendment.

Sen. Osotsi: Mr. Temporary Chairperson, Sir, I beg to move:
THAT, Clause 10 of the Bill be amended by deleting subclause (2).

Mr. Temporary Chairperson, Sir, the import of this amendment is that Clause 10(2) proposes that after the Board has set up Committees, there will be other people who are not employees, Board members who will be co-opted into the Committees. I think this is wrong governance-wise. As such, I am proposing to delete that clause.

(Question of the amendment proposed)

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

Clauses 11 and 12

(Question that Clauses 11 and 12 be part of the Bill, proposed)

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

Clauses 13

The Temporary Chairperson (Sen. Wakili Sigei): There is a proposed amendment by Sen. Osotsi. Proceed to move your amendment.

Sen. Osotsi: Mr. Temporary Chairperson, Sir, I beg to drop the amendment. Initially, I thought that if we have a Corporation Secretary who is defined in this Bill, it contradicts other parts of this Bill, which says that the Board will have flexibility to determine the staffing. After consultation, I think it is important to retain Clause 13

(The proposed amendment by Sen. Osotsi was dropped)

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

Clause 14

(Question, that Clause 14 be part of the Bill, proposed)

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

Sen. Osotsi, kindly confirm that the amendment you want to move is for Clause 16, yet we were on Clause 15. Just confirm that.

Sen. Osotsi: Mr. Temporary Chairperson, Sir, I confirm that I do not have any amendment on Clause 15.

The Temporary Chairperson (Sen. Wakili Sigei): You do not have any amendment on Clause 15?

Sen. Osotsi: No, Mr. Temporary Chairperson, Sir.

The Temporary Chairperson (Sen. Wakili Sigei): Very well. Proceed.

Clause 16

Sen. Osotsi: Mr. Temporary Chairperson, Sir, I beg to move:
THAT Clause 16 of the Bill be amended by inserting the following new paragraph immediately after paragraph (e) -

(f) a comprehensive and effective data governance and management structure.

The import of this amendment is that this clause talks about the components of the system. However, it has omitted the very important component of a system, which is security and data management. So, I am proposing to include another additional component of a comprehensive and effective data governance and management structure. It is because we cannot have this kind of system without an integrated security infrastructure. This will cater to things like cybercrime and related issues.

(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)

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

Clause 21

Sen. Osotsi: Mr. Temporary Chairperson, I beg to move:

THAT clause 21 of the Bill be amended -

(a) in subclause (1) by deleting the word “Director-General” appearing immediately after the words “consultation with the” and substituting therefore the words “Board and the Council of County Governors”; and

(b) in subclause (2) by inserting the words “in consultation with Board and the Council of County Governors” immediately after the words “Cabinet Secretary shall” appearing in the introductory clause.

Mr. Temporary Chairperson, Sir, in this case, it is basically to introduce an element of consultation with the Council of Governors (CoG). As it is, it means the Cabinet Secretary shall only consult the director general on the issue of health data governance.

Remember, the data governance starts from the counties. So, I think it would be important to consult the CoG. That is for the first part.

For the second part, I am also amending to include that – in performing the tasks under subclause (2) the Cabinet Secretary shall also consult the Board of the agency and the CoG. This is important.

(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)

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

Clause 23

Sen. Osotsi: Mr. Temporary Chairperson, I beg to move

THAT clause 23 of the Bill be amended in subclause (1) by deleting the words “Cabinet Secretary” appearing immediately after the word “The” and substituting therefor the word “Agency”.

The import of this amendment is that somewhere in this Bill, it clearly says the custodian of data will be the agency. However, in this case in Clause 23, it says -

“The Cabinet Secretary shall ensure the health data is used for public good.”

I think that obligation should fall on the person who is the custodian of data and in this case is the Agency. So, it is simply removing “Cabinet Secretary” to replace with the “Agency” because they handle the day to day management of the data.

(Question of the amendment proposed)

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

Clause 24

Sen. Osotsi: Mr. Temporary Chairperson, I beg to move:

THAT clause 24 of the Bill be amended -

- (a) in subclause (1) by deleting the words “Cabinet Secretary” appearing immediately after the word “The” and substituting therefor the word “Agency”;
- (b) in subclause (3) by deleting the words “Cabinet Secretary” appearing immediately after the word “The” and substituting therefor the word “Agency”; and
- (c) in subclause (5) by deleting the words “Cabinet Secretary” appearing immediately after the word “The” in the introductory clause and substituting therefor the word “Agency”.

The import of this amendment is similar to Clause 21, because the duties listed here are a routine and it will not be administratively possible for the Cabinet Secretary to perform that. That should be the work of the Agency, which is mandated to be the custodian of data.

(Question of the amendment proposed)

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

Clause 25

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

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

Clause 26

Sen. Osotsi: Mr. Temporary Chairperson, I beg to move:

THAT Clause 26 of the Bill be amended in subclause (1) by inserting the words “in collaboration with county governments” immediately after the words “Cabinet Secretary shall” appearing in the introductory clause.

This is similar to the previous amendments which require that the Cabinet Secretary in performing some county-related task consults the county governments. In this case, the Cabinet Secretary will be designating county health data banks.

It would be illegal for him to do that without consulting the county governments. I am simply saying he will do so in consultation and collaboration with the county governments.

(Question of the amendment proposed)

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

Clauses 27,28,29,30,31,32 and 33

(Question, that Clause 27,28,29,30,31,32 and 33 be part of the Bill, proposed)

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

Clause 34

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

THAT clause 34 of the Bill be amended by inserting the words “in consultation with the Council of County Governors” immediately after the words “Cabinet Secretary shall”.

The import of this amendment as per the previous ones is to allow the involvement of CoG in formulation of regulations, because the Clause 34 as it is, it will give the Cabinet Secretary total powers to develop regulations without consultation.

I think it is necessary for him to consult the CoG given that health is a devolved function.

(Question of the amendment proposed)

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

Clauses 35, 36, 37, 38, 39 and 40

(Question, that Clauses 35, 36, 37, 38, 39 and 40 be part of the Bill, proposed)

40 be part of the Bill, proposed)

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

Clause 41

Sen. Osotsi: Mr. Temporary Chairperson, I beg to move:

THAT clause 41 of the Bill be amended -

(a) by inserting the following new subclause immediately after subclause (2) -

(2A) Foreign facilities under subsection (2)(d) shall comply with this Act and any other relevant law.

(b) in subclause (3) by inserting the words “in consultation with the Council of County Governors” immediately after the words “Cabinet Secretary shall”.

Mr. Temporary Chairperson, Clause 41 lists a number of entities which shall provide E- Health Services.

The last one is the foreign facilities, meaning foreign hospitals. However, there is a problem there. It does not make specific requirement for those hospitals to comply with this Act.

So, I am simply adding a new sub-section there, to allow these foreign facilities to be compliant to the provisions of this Act, apart from being licensed by relevant regulators.

(Question of the amendment proposed)

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

Clauses 42, 43, 44 and 45

(Question, that Clauses 42, 43, 44 and 45 be part of the Bill, proposed)

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

Clause 46

Sen. Osotsi: Mr. Temporary Chairperson, I beg to move:

THAT clause 46 of the Bill be amended -

(a) in subclause (1) by deleting the words “Cabinet Secretary” appearing immediately after the word “The” and substituting therefor the word “Agency”;

(b) in subclause (2) by -

(i) deleting the words “Cabinet Secretary” appearing immediately after the words “without notifying the” in paragraph (b) and substituting therefor the word “Agency”; and

(ii) deleting the words “Cabinet Secretary” appearing immediately after the words “guidance from the” in paragraph (c) and substituting therefor the word “Agency”.

Again, the import of this amendment is that, the Bill as it is, allocates the duty to safeguard the transfer of medical records to and from facilities outside the country on the Cabinet Secretary.

As I said earlier, this is more of an administrative role, which should be done by agency for effectiveness. We are simply removing the Cabinet Secretary in charge of the Agency. That is for the first part. In the second part, it is basically doing the same for the functions under subclause (2), which looked like administrative and routine functions. So, we remove that burden from the Cabinet Secretary in charge of the agency because they are more of routine-based functions.

(Question of the amendment proposed)

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

Clause 47, 48, 49, 50 and 51

(Question that Clause 47, 48, 49, 50 and 51 be part of the Bill proposed)

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

Clause 52

The Temporary Chairperson (Sen. Wakili Sigei): I invite Sen. Osotsi to move his proposed amendments.

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

THAT Clause 52 of the Bill be amended in subclause (2) by deleting the words “the National Assembly” appearing immediately after the words “for tabling in” and substituting therefor the word “Parliament”.

The import of the amendment is that Clause 52(2) is talking about the annual reports that shall be tabled in the National Assembly which include the Auditor General’s report, financial statements of the Agency, activities or programmes of the Agency, together with any other information related to the Agency.

Considering that the agency shall be dealing with health data, it is important for the Senate to participate in this. I am simply removing “National Assembly” and replacing it with “Parliament” so that the Senate can be involved.

(Question of the amendment proposed)

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

Clause 53, 54, 55, 56, 57, 58, 59, 60, 61 and 62

(Question that Clause 53, 54, 55, 56, 57, 58, 59, 60, 61 and 62 be part of the Bill, proposed)

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

The Schedule

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

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

Clause 2, Title and Clause 1

(Question that Clause 2, Title, and Clause 1 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end. Sen. Osotsi could you kindly approach the Dispatch Box?

(Sen. Osotsi approached the Dispatch Box)

The Temporary Chairperson (Sen. Wakili Sigei): Sen. Osotsi, what is your point of order?

Sen. Osotsi: Mr. Temporary Chairperson, Sir, after consulting the Clerks-at-the Table, I have realised that there is a typo on the Order Paper, which left out Clause 15 which I had an amendment on.

The Temporary Chairperson (Sen. Wakili Sigei): Very well proceed.

Clause 15

The Temporary Chairperson (Sen. Wakili Sigei): I invite Sen. Osotsi to move his proposed amendments. Proceed.

Sen. Osotsi: Mr. Temporary Chairperson, Sir, I propose-

THAT Clause 15 of the Bill be amended in subclause (2) by inserting the words “and the Council of County Governors” immediately after the words “the Cabinet Secretary”

The import of the amendment just like the previous ones is to ensure that the involvement of the Council of Governors (COG) in some of these processes, unlike the current clause which talks about the Cabinet Secretary alone.

(Question of the amendment proposed)

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

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Members we are now moving to Division on this particular Bill. Once we are done with it, we shall come back to the other Bills. I direct that the Division Bell be rung for five minutes.

(The Division Bell was rung)

The Temporary Chairperson (Sen. Wakili Sigei): Serjeant-at-Arms, ring the bell for an additional three minutes.

(The Division Bell was rung)

(Several Senators stood at the bar)

The Temporary Chairperson (Sen. Wakili Sigei): Serjeant-at-Arms, ring the bell for an extra minute to allow those at the bar to enter the Chamber.

(Several Senators walked into the Chamber)

(The Division Bell was rung)

(Several Senators stood in their places and consulted loudly)

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Senators, let us resume our seats. Sen. Wafula and Sen. (Dr.) Murango, kindly take your seats as the Serjeant-at-Arms rings the bell for an extra two minutes.

The Temporary Chairperson (Sen. Wakili Sigei): Members, you may now resume your seats. Sen. Dullo and Sen. (Prof.) Kamar, kindly, settle down. Members, let us settle down.

Serjeant-at-Arms, close that door and draw the Bar.

(The Door was closed and the Bar drawn)

(The Clerk-at-the-Table consulted the Chairperson)

Members, we are informed that the system is back and we are going to vote electronically. Hon. Senators, proceed to log out from the system. Serjeant-at-Arms, collect all the cards from the unattended delegates units. Hon. Members, log out from the system. Pull out your card.

Senators, you may now log in. If you have not logged in, please do for us to establish whether the system is fully functional or not. We can only see five Senators logged in.

(Technical hitch)

Hon. Members, we are going to attempt to use the system. If it fails, we will just do the division manually.

(Question put)

Hon. Senators, you may proceed to vote right now.

(Electronic voting in progress)

(Technical hitch)

All right, hon. Members, we are going to proceed to division manually. Let us have Tellers. From the Majority side, we have Sen. Tabitha Mutinda and Sen. Betty Montet from the Minority side.

(Tellers approached the Dispatch Box)

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Members, for clarity, voting is on the proposed amendments that have just been read.

Members, we will now proceed to call out the names.

(Voting in progress)

DIVISION

ROLL CALL VOTING

(Question, that Clause 6,7,8,10,16,21,23,24,26,34,41,46 and 52 be amended as proposed put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Faki, Mombasa County; Sen. Kavindu Muthama, Machakos County; Sen. Ogola, Homa Bay County; Sen. Osotsi, Vihiga County; Sen. Sifuna, Nairobi City County.

Teller of the Ayes: Sen. Tabitha Mutinda

NOES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang', Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Gataya Mo Fire, Tharaka-Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. Kinyua, Laikipia County; Sen. Kisang', Eleyo-Marakwet County; Sen. (Dr.) Khalwale, Kakamega County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murang'o, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County and Sen. Wamatinga, Nyeri County.

Teller of the Noes: Betty Montet.

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Senators, the results of the division are as follows: -

AYES: 5

NOES: 31

ABSENTIONS: Nil

(Question negated by 31 to 5)

The Temporary Chairperson (Sen. Wakili Sigei): Members, please proceed to log in. We will use the system and attempt to see if it works.

(Voting in progress)

The Temporary Chairperson (Sen. Wakili Sigei): Sen. Methu and Sen. Ogola, proceed to approach the Chair.

DIVISION

ROLL CALL VOTING

(Question, that Clause 3, Clause 4, Clause 5, Clause 6, Clause 7, Clause 8, Clause 9, Clause 10, Clause 11, Clause 12, Clause 13, Clause 14, Clause 15, Clause 16, Clause 17, Clause 18, Clause 19, Clause 20, Clause 21, Clause 22, Clause 23, Clause 24, Clause 25, Clause 26, Clause 27, Clause 28, Clause 29, Clause 30, Clause 31, Clause 32, Clause 33, Clause 34, Clause 35, Clause 36, Clause 37, Clause 38, Clause 39, Clause 40, Clause 41, Clause 42, Clause 43, Clause 44, Clause 45, Clause 46, Clause 47, Clause 48, Clause 49, Clause 50, Clause 51, Clause 52, Clause 53, Clause 54, Clause 55, Clause 56, Clause 57, Clause 58, Clause 59, Clause 60, Clause 61, Clause 62, the Schedule, Clause 2, the Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba Mandera County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Gataya, Tharaka-Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; and, Sen. Wamatinga, Nyeri County.

Teller of the Ayes: Sen. Tabitha Mutinda.

NOES: Sen. Faki, Mombasa County; Sen. Kavindu Muthama, Machakos County; Sen. M. Kajwang', Homa Bay County; Sen. Osotsi, Vihiga County; and, Sen. Sifuna, Nairobi City County.

Teller of the Noes: Sen. Betty Montet.

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Senators, we now have the results of the Division:

AYES: 30

NOES: 5

ABSTENTIONS: Nil

The “Ayes” have it.

(Question carried by 30 votes to 5)

I now call the Majority Leader, the Mover to proceed to move.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Chairman, Sir, I beg to move that the Committee do report to the Senate, its consideration of the Digital Health Bill (National Assembly Bills No.57 of 2023) and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Members, we are going to the next Bill. I direct the Serjeant-at-Arms to open the door and draw the bar.

(The Bar was undrawn and doors opened)

THE SOCIAL HEALTH INSURANCE BILL
(NATIONAL ASSEMBLY BILLS NO.58 OF 2023)

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Members, we are going to resume on the Social Health Insurance Bill (National Assembly Bills No.58 of 2023).

I request Senators not to leave the Chamber. There will still be voting once we are done with the division on this particular Bill. So, do not leave the Chamber.

Clauses 3, 4, 5, 6, 7, 8, 9 and 10

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

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

Clauses 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20

*(Question, that Clauses 11, 12, 13, 14, 15, 16, 17,
18, 19 and 20 be part of the Bill, proposed)*

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

Clauses 21, 22, 23, 24, 25 and 26

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

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

Clauses 27

The Temporary Chairperson (Sen. Wakili Sigei): Sen. Sifuna has an amendment. Proceed to move.

Sen. Sifuna: Thank you, Mr. Chairman, Sir. I beg to move:

THAT Clause 27 of the Bill be amended by inserting the following new subclause immediately after subclause (2) -

(2A) The rate prescribed under subclause (2)(a) shall -

(a) be on a graduated scale; and

(b) not exceed two thousand shillings per month

Mr. Temporary Chairperson, Sir, the reason for this amendment is very simple. We understand that Kenyans have different earning capacities. So, it is only fair that contributions to the Fund be graduated. In recognition of the overburdening of Kenyans with taxation, we feel it is important for us to introduce a capping. This is because as I said yesterday during debate, the Bill is silent on how much money we are supposed to contribute. This introduction of the capping is to make sure that Kenyans who are already overburdened with taxation are not further crippled by these deductions.

As we speak, the latest Kenya National Bureau of Statistics (KNBS)---

(Loud consultations)

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Senators, let Sen. Sifuna be heard in silence. If you are consulting, please, do so in low tones.

Sen. Sifuna: It is only about three per cent of Kenyans who earn more than Kshs50,000 a month. Given the rating of taxes that have been introduced especially this financial year, it is my feeling that Kenyans cannot take any more taxation. I feel that a cap is necessary, so that the Cabinet Secretary responsible knows that they cannot exceed a maximum of Kshs2000.

(Question of the amendment proposed)

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

Clauses 28, 29 and 30

(Question, that Clauses 28, 29 and 30 be part of the Bill, proposed)

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

Clauses 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40

(Question, that Clauses 31, 32, 33, 34, 35, 36, 37,

38, 39 and 40 be part of the Bill, proposed)

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

Clauses 41, 42, 43, 44, 45, 46, 47, 48, 49 and 50

*(Question, that Clauses 41, 42, 43, 44, 45, 46, 47,
48, 49 and 50 be part of the Bill, proposed)*

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

Clauses 51, 52, 53, 54 and 55

*(Question that Clauses 51, 52, 53, 54 and 55 be part
of the Bill, proposed)*

Division will be at the end.

The First Schedule

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

The Temporary Chairperson (Sen. Wakili Sigei): Sen. Sifuna has an amendment. Proceed to move your proposed amendment.

Sen. Sifuna: Thank you, Mr. Temporary Chairman, Sir. I pray to be heard in silence.

(Loud consultations)

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Senators, kindly, maintain silence and let Sen. Sifuna be heard. Proceed, Senator.

Sen. Sifuna: Mr. Temporary Chairman, Sir, I propose:

THAT the First Schedule to the Bill be amended in paragraph 6 by –

(a) deleting subparagraph (3) and substituting thereof the following new subparagraph -

(3) Despite subparagraphs (1) and (2) -

(a) a person who immediately before the commencement of this Act was an employee of the Fund under the National Health Insurance Fund Act (now repealed) shall be an employee of the Authority as if appointed under this Act; and

(b) all benefits accruing to an employee under the National Health Insurance Fund Act (now repealed) shall continue to accrue to that employee under this Act.

(b) deleting subparagraph (4); and

(c) deleting subparagraph (5).

As I said yesterday, that there a lot of jitters within the current NHIF and people are afraid of the processes at the beginning of a new law where they are required to reapply for their positions; having been employed properly, their qualifications and

experience ascertained. So, there is really no need to subject the current employees of NHIF to a process of reapplication.

As I said, again, yesterday, in this current environment of shareholding, there are people who are afraid they might lose their positions they are perceived not to be shareholders in the current regime. I thank you, Mr. Temporary Chairman, Sir.

(Question of the amendment proposed)

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

The Second Schedule

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

Division at the end.

Clause 2, the Title and Clause 1

(Question that Clause 2, the Title and Clause 1 be part of the Bill, proposed)

Division at the end.

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Senators, we are now proceeding to the Division. I ask the Serjeant-at-Arms to ring the Division Bell for five minutes.

(The Division Bell was rung)

Hon. Senators, let us resume our seats. Sen. Kathuri, Sen. Kibwana and Sen. Cherarkey, resume your seats.

(Sen. Kathuri, Sen. Kibwana and Sen. Cherarkey walked back to their seats)

Serjeant-at-Arms, close the doors and draw the Bars.

(The Bars were drawn and doors closed)

(Voting in progress)

Sen. Ogola, Sen. Joe Nyutu, please, approach the Chair.

(Sen. Ogola and Sen. Joe Nyutu approached the Chair)

DIVISION**ELECTRONIC VOTING**

(Question that, Clause 27 and the First Schedule be amended as proposed put and Members proceeded to vote by County Delegations)

AYES: Sen. Faki, Mombasa County; Sen. Mwaruma, Taita Taveta County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County, Sen. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Sifuna, Nairobi County.

NOES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murangá County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Mandago, Uasin Gishu; Sen. Methu, Nyandarua County; Sen. Munyi Mundigi, Embu County; Sen. Mungatana, Tana River County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County and Sen. Wamatinga, Nyeri County

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, can you resume your seats. Hon. Senators, these are the results of the division -

AYES:7

NOES: 30

ABSTENTIONS: Nil.

(Question negated by 30 votes to 7)

Consequently, the amendments are defeated.

Next Order

DIVISION**ELECTRONIC VOTING**

(Question That Clause 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 35, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 49, 50, 51, 53, 54, 55, First Schedule, Second Schedule, Clause 2, Clause 3 and Clause 1 be part of the Bill proposed and Members proceeded to vote by County Delegations.)

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi

County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murangá County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Mandago, Uasin Gishu; Sen. Methu, Nyandarua County; Sen. Munyi Mundigi, Embu County; Sen. Mungatana, Tana River County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County and Sen. Wamatinga, Nyeri County

NOES: Sen. Faki, Mombasa County; Sen. Mwaruma, Taita Taveta County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County, Sen. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Sifuna, Nairobi County.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, can you resume your seats? These are the results of the division -

AYES:30

NOES: 7

ABSTENTIONS: Nil.

(Question carried by 30 votes to 7)

The Temporary Chairperson (Sen. Wakili Sigei): I now call upon the Mover, the Senate Majority Leader to move.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, I beg to move that the Committee do report to the Senate its consideration of the Social Health Insurance Bill (National Assembly Bills No.58 of 2023) and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Senators, we now move to the next Division. That is Order No.19 on the County Governments Additional Allocations Bill (National Assembly Bills No.23 of 2023).

THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL
(NATIONAL ASSEMBLY BILLS NO.23 OF 2023)

The Temporary Chairperson (Sen. Wakili Sigei): I direct the Serjeant-At-Arms to withdraw the Bar and open the Door.

(The Bar was withdrawn and the Door opened)

Clause 3

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

Division will be at the end.

Clause 4

The Temporary Chairperson (Sen. Wakili Sigei): The Chairperson of Finance and Budget Committee, proceed to move your proposed amendment.

Sen. Ali Roba: Mr. Temporary Chairperson, I beg to move -

THAT Clause 4 of the Bill be amended -

(a) in subclause (1) by inserting the words “additional allocations” immediately before the words “loans and grants” in paragraph (c);

(b) by inserting the following new subclauses immediately after subclause (2)-

(3) The Cabinet Secretary shall facilitate the negotiation of an agreement for additional allocations between a county government and a development partner.

(4) The Cabinet Secretary shall submit an agreement under subclause (3) to Parliament for tabling before inclusion in the Budget Policy Statement.

This is to ensure that the law expressly states that Additional Allocations include proceeds of loans and grants from development partners.

Further, the amendment seeks to provide that the National Treasury shall facilitate negotiations of agreement between development partners and counties and the agreement shall be submitted to Parliament for inclusion in the Budget Policy Statement.

(Question of the amendment proposed)

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

Clause 5

The Temporary Chairperson (Sen. Wakili Sigei): The Chairperson of Finance and Budget Committee, proceed to move your proposed amendment.

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

THAT Clause 5 of the Bill be amended-

(a) in subclause (5) by inserting the following new paragraph immediately after paragraph (d)-

(e) conditional allocations for the transfer of library services as set out in Column F of the First Schedule.

(b) in subclause (6)-

(i) by deleting the word “a” appearing immediately after the words “financed by” in paragraph (a) and substituting therefor the words “an IDA”;

(ii) by deleting the word “a” appearing immediately after the words “financed by” in paragraph (c) and substituting therefor the words “an IDA”;

(iii) by deleting the word “a” appearing immediately after the words “allocations from” in paragraph (d) and substituting therefor the words “an IDA”;

(iv) by inserting the words “IDA” immediately after the words “credit from the” appearing in paragraph (f);

(v) by inserting the words “the IDA” immediately after the words “credit from” appearing in paragraph (i); and

(vi) by inserting the words “IDA” immediately after the words “credit from the” appearing in paragraph (j); and

(vii) by inserting the following new paragraph immediately after paragraph (m)-

(n) conditional allocations financed by a grant from the German Development Bank (KfW) to finance Locally-Led Climate Action Program (FLLoCA) – (County Climate Resilience Grant) as set out in Column P of the Third Schedule.

(c) in subclause (9) by inserting the expression “(4), (5), (6) and (7)” immediately after the words “subsection (2)”.

This amendment to Clause 5 is proposed for the following reasons -

(a) To provide for conditional allocation of Kshs425 million to be transferred to 33 respective counties to meet the payroll cost for staff of libraries as well as operations and maintenance.

This is in light of the fact that library services were devolved under Part 2 of the Fourth Schedule of the Constitution. It has now been fully transferred to county governments. However, the attendant resources have not been provided.

(b) The amendment of Clause 5 sub-section 6 seeks to ensure that there is a full and correct reference to either World Bank as one of the development partners from whom certain conditional allocations are being made available to counties.

(c) Further, the amendment to Clause 5 proposes the inclusion of an additional allocation of Kshs1.2 billion, financed from grants from the German Development Bank to finance locally-led climate action.

(Question of the amendment proposed)

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

Clauses 6 and 7

(Question, that Clause 6 and 7 be part of the Bill, proposed)

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

Clause 8

The Temporary Chairperson (Sen. Wakili Sigei): The Chairperson of Finance and Budget Committee, Sen. Ali Roba, proceed to move your proposed amendment.

Sen. Ali Roba: Mr. Temporary Chairperson, I beg to move:

THAT Clause 8 of the Bill be amended in paragraph (b) by deleting the words “Section 4(1) and (2)” appearing immediately after the words “allocations made under” and substituting therefor the words “Section 5(4), (5), (6) and (7)”.

This amendment is proposed to ensure County Treasury, shall as part of its consolidated quarterly and annual report include all actual expenditures by the county government of the allocations made under Clause 5.

(Question of the amendment proposed)

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

The First Schedule

The Temporary Chairperson (Sen. Wakili Sigei): The Chairperson of Finance and Budget Committee, Sen. Ali Roba, proceed to move your proposed amendment.

Sen. Ali Roba: Mr. Temporary Chairperson, I beg to move:

THAT the Bill be amended by deleting the First Schedule and substituting therefore the following new schedule –

Conditional allocations to County Governments from National Government Revenue in Financial Year 2023/24 (Kenya Shillings)

S/N	County	FY 2022/23	FY 2023/24					
		Total Conditional Grants from the National Government Revenue	Supplement for Construction of County Headquarters	Conditional Grant for Leasing of Medical Equipment	Conditional Grant for Aggregated Industrial Parks Programme	Conditional Grant for Provision of Fertilizer Subsidy Programme	Transfers of Library Services	Total Conditional Grants from the National Government Revenue
		Column A	Column B	Column C	Column D	Column E	Column F	Column G
1	Baringo	110,638,298	-	124,723,404	-	75,977,677	24,613,310	225,314,391
2	Bomet	110,638,298	-	124,723,404	-	131,684,382	8,846,856	265,254,642
3	Bungoma	110,638,298	-	124,723,404	250,000,000	242,962,800	6,865,428	624,551,632
4	Busia	110,638,298	-	124,723,404	250,000,000	126,591,665	-	501,315,069
5	Elgeyo/Marakwet	110,638,298	-	124,723,404	-	63,970,782	5,795,078	194,489,264
6	Embu	110,638,298	-	124,723,404	250,000,000	110,930,145	8,163,074	493,816,623
7	Garissa	110,638,298	-	124,723,404	250,000,000	3,965,101	19,694,322	398,382,827
8	Homa Bay	110,638,298	-	124,723,404	250,000,000	165,917,803	-	540,641,207
9	Isiolo	150,638,298	60,000,000	124,723,404	-	2,501,812	7,025,011	194,250,227
10	Kajiado	110,638,298	-	124,723,404	-	41,355,485	-	166,078,889
11	Kakamega	110,638,298	-	124,723,404	-	289,728,678	19,061,018	433,513,100
12	Kericho	110,638,298	-	124,723,404	-	131,255,114	16,797,733	272,776,251
13	Kiambu	110,638,298	-	124,723,404	250,000,000	159,665,074	13,607,579	547,996,057
14	Kilifi	110,638,298	-	124,723,404	-	134,390,478	17,405,946	276,519,828
15	Kirinyaga	110,638,298	-	124,723,404	250,000,000	117,510,449	-	492,233,853
16	Kisii	110,638,298	-	124,723,404	-	186,645,942	8,557,807	319,927,153
17	Kisumu	110,638,298	-	124,723,404	-	120,042,858	19,735,914	264,502,176
18	Kitui	110,638,298	-	124,723,404	-	179,499,580	4,701,081	308,924,065
19	Kwale	110,638,298	-	124,723,404	-	90,011,220	4,903,510	219,638,134
20	Laikipia	110,638,298	-	124,723,404	-	66,899,161	15,758,878	207,381,443
21	Lamu	132,638,298	48,840,000	124,723,404	-	13,675,370	-	207,394,723
22	Machakos	110,638,298	-	124,723,404	250,000,000	195,350,986	-	570,074,390
23	Makueni	110,638,298	-	124,723,404	-	162,562,856	20,155,949	287,286,260
24	Mandera	110,638,298	-	124,723,404	-	13,777,962	2,737,805	141,239,171
25	Marsabit	110,638,298	-	124,723,404	-	2,389,320	5,373,662	132,486,386

26.	Meru	110,638,298	-	124,723,404	250,000,000	225,426,721	23,880,620	624,030,745
27.	Migori	110,638,298	-	124,723,404	250,000,000	144,621,807	3,624,996	522,970,207
28.	Mombasa	110,638,298	-	124,723,404	250,000,000	6,495,711	13,732,919	394,952,034
29.	Murang'a	110,638,298	-	124,723,404	250,000,000	197,960,790	13,019,070	585,703,264
30.	Nairobi	110,638,298	-	124,723,404	-	14,721,991	8,859,455	148,304,850
31.	Nakuru	110,638,298	-	124,723,404	250,000,000	234,883,209	14,033,063	623,639,676
32.	Nandi	110,638,298	-	124,723,404	250,000,000	128,705,606	5,047,663	508,476,673
33.	Narok	110,638,298	-	124,723,404	-	135,373,204	13,956,754	274,053,362
34.	Nyamira	110,638,298	-	124,723,404	250,000,000	92,563,428	-	467,286,832
35.	Nyandarua	169,638,298	121,000,000	124,723,404	-	121,624,039	5,730,418	373,077,861
36.	Nyeri	110,638,298	-	124,723,404	-	138,968,433	24,582,673	288,274,510
37.	Samburu	110,638,298	-	124,723,404	-	12,431,664	-	137,155,068
38.	Siaya	110,638,298	-	124,723,404	250,000,000	166,455,063	15,637,939	556,816,406
39.	Taita Taveta	110,638,298	-	124,723,404	-	43,540,521	12,335,620	180,599,545
40.	Tana River	152,638,298	121,000,000	124,723,404	-	15,049,566	-	260,772,970
41.	Tharaka Nithi	110,638,298	103,160,000	124,723,404	-	71,299,830	-	299,183,234
42.	Trans Nzoia	110,638,298	-	124,723,404	250,000,000	116,941,692	-	491,665,096
43.	Turkana	110,638,298	-	124,723,404	-	12,815,035	-	137,538,439
44.	Uasin Gishu	110,638,298	-	124,723,404	250,000,000	118,799,152	20,521,280	514,043,836
45.	Vihiga	110,638,298	-	124,723,404	-	97,662,444	-	222,385,848
46.	Wajir	110,638,298	-	124,723,404	-	2,235,432	19,853,614	146,812,450
47.	West Pokot	110,638,298	-	124,723,404	-	72,161,965	-	196,885,369
	TOTAL	5,363,000,006	454,000,000	5,862,000,002	4,500,000,000	5,000,000,003	424,616,045	16,240,616,050

This is to incorporate the Kshs425 million transferred to library services for functions in the respective counties.

(Question of the amendment proposed)

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

The Second Schedule

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

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

The Third Schedule

The Temporary Chairperson (Sen. Wakili Sigei): Sen. Ali Roba, proceed to move your proposed amendment to the Third Schedule.

Sen. Ali Roba: Mr. Temporary Chairperson, I beg to move:

THAT the Bill be amended by deleting the third schedule and substituting therefore the following new schedule-

Conditional Allocations from proceeds of loans or grants from Development Partners for Financial Year 2023/24 (Figures in Kenya Shillings)																	
S/ N	COUNTY	2022/ 23 FY	2023/24 FY														
		Total Loans and Grants for FY 2022/23	IDA (World Bank) credit (National Agricultural and Rural Inclusive Growth Project (NARIGP))	IDA (World Bank) credit National Agricultural Value Chain Development Project (NAVCDP)	IDA (World Bank) - Kenya Climate Smart Agriculture Project (KCSAP)	IDA (World Bank) credit: Water & Sanitation Development Project (WSDP)	DANIDA Grant - Primary Health Care in Devolved Context	IDA (World Bank) Credit (Financing Locally- Led Climate Action (FLLoCA) Program, County Climate Institutional Summit (CCIS) Grant	Sweden- Agricultural Sector Development Support Programme (ASDSP) II	German Development Bank (KfW)- Drought Resilience Programme in Northern Kenya	World Bank - Emergency Locust Response Project (ELRP)	World bank - Kenya Informal Settlement Improvement Project (KISIP II)	Kenya Livestock Commercialization Project (KELCLOP)	Aquaculture Business Development Project (ABDP)	IDA (World Bank) Credit (Financing Locally- Led Climate Action (FLLoCA) Program, County	Germany Development Bank (KfW) Loan for Financing Locally- Led Climate Action (FLLoCA) Program County Climate Change Resilience Grant	Total Loans and Grants for FY 2023/24
		Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H	Column I	Column J	Column K	Column L	Column M	Column N	Column P	Column Q
1	Baringo	220,999,360	-	-	90,000,000	-	9,297,750	11,000,000	1,733,647	-	126,616,044	-	36,500,000	-	-	-	27,514,441
2	Bomet	210,828,615	-	250,000	90,000,000	-	10,048,500	11,000,000	1,716,655	-	-	-	-	-	-	-	36,276,155
3	Bungoma	256,762,319	150,000	250,000	-	-	16,227,750	11,000,000	593,849	-	-	50,000	34,500,000	-	-	-	51,232,159
4	Busia	261,070,000	-	250,000	90,000,000	-	10,972,500	11,000,000	2,450,900	-	-	-	30,500,000	22,500,000	-	-	41,000,000

Conditional Allocations from proceeds of loans or grants from Development Partners for Financial Year 2023/24 (Figures in Kenya Shillings)																	
S/ COUNTY	2022/ 23 FY	2023/24 FY															Total Loans and Grants for FY 2023/24
		Total Loans and Grants for FY 2022/23	IDA (World Bank) credit (National Agricultural and Rural Inclusive Growth Project (NARIGP))	IDA (World Bank) credit National Agricultural Value Chain Development Project (NAVCDP)	IDA (World Bank) - Kenya Climate Smart Agriculture Project (KCSAP)	IDA (World Bank) credit: Water & Sanitation Development Project (WSDP)	DANIDA Grant - Primary Health Care in Devolved Context	IDA (World Bank) Credit (Financing Locally-Led Climate Action (FLLoCA) Program, County Climate Institutional Summit (CCIS) Grant	Sweden- Agricultural Sector Development Support Programme (ASDSP) II	German Development Bank (KfW)- Drought Resilience Programme in Northern Kenya	World Bank - Emergency Locust Response Project (ELRP)	World bank - Kenya Informal Settlement Improvement Project (KISIP II)	Kenya Livestock Commercialization Project (KELCLOP)	Aquaculture Business Development Project (ABDP)	IDA (World Bank) Credit (Financing Locally-Led Climate Action (FLLoCA) Program, County	Germany Development Bank (KfW) Loan for Financing Locally- Led Climate Action (FLLoCA) Program County Climate Change Resilience Grant	
	Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H	Column I	Column J	Column K	Column L	Column M	Column N	Column P	Column Q	
	587		0,000	00		00	00	05				0,000	85,560			7,508,965	
5 Elgeyo Marakwet	215,638,157	-	-	90,000.00	-	7,045.500	11,000.00	1,042.262	-	138,144,044	50,000,000	36,500,000	-	-	-	33,373,180,6	
6 Embu	360,933,552	150,000,000	250,000,000	-	-	7,854,000	11,000,000	961,306	-	106,400,361	-	-	10,237,551	-	-	53,645,218	
7 Garissa	630,550,225	-	-	90,000,000	600,000,000	12,820,500	11,000,000	3,047,337	-	169,365,353	-	-	-	-	-	88,623,319,0	
8 Homa Bay	331,552,504	150,000,000	250,000,000	-	-	12,300,750	11,000,000	2,659,580	-	-	100,000,000	-	12,909,422	-	-	53,886,975,2	
9 Isiolo	401,955,171	-	-	90,000,000	-	7,738,500	11,000,000	2,188,644	-	188,968,553	-	-	-	-	-	29,989,956,69	

Conditional Allocations from proceeds of loans or grants from Development Partners for Financial Year 2023/24 (Figures in Kenya Shillings)																	
S/ N	COUNTY	2022/ 23 FY	2023/24 FY														
		Total Loans and Grants for FY 2022/23	IDA (World Bank) credit (National Agricultural and Rural Inclusive Growth Project (NARIGP))	IDA (World Bank) credit (National Agricultural Value Chain Development Project (NAVCDP))	IDA (World Bank) - Kenya Climate Smart Agriculture Project (KCSAP)	IDA (World Bank) credit: Water & Sanitation Development Project (WSDP)	DANIDA Grant - Primary Health Care in Devolved Context	IDA (World Bank) Credit (Financing Locally-Led Climate Action (FLLoCA) Program, County Climate Institutional Summit (CCIS) Grant	Sweden- Agricultural Sector Development Support Programme (ASDSP) II	German Development Bank (KfW)- Drought Resilience Programme in Northern Kenya	World Bank - Emergency Locust Response Project (ELRP)	World bank - Kenya Informal Settlement Improvement Project (KISIP II)	Kenya Livestock Commercialization Project (KELCLOP)	Aquaculture Business Development Project (ABDP)	IDA (World Bank) Credit (Financing Locally-Led Climate Action (FLLoCA) Program, County	Germany Development Bank (KfW) Loan for Financing Locally- Led Climate Action (FLLoCA) Program County Climate Change Resilience Grant	Total Loans and Grants for FY 2023/24
		Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H	Column I	Column J	Column K	Column L	Column M	Column N	Column P	Column Q
																	7
10	Kajiado	131,205,935	-	250,000	90,000,000	-	11,723,250	11,000,000	1,085,811	-	-	44,974,785	-	10,509,643	-	-	41,929,348,9
11	Kakamega	289,429,131	-	250,000	90,000,000	-	18,999,750	11,000,000	1,254,212	-	-	141,964,677	30,500,000	24,417,125	-	-	56,813,576,4
12	Kericho	193,578,632	-	250,000	90,000,000	-	9,817,500	11,000,000	1,027,779	-	-	-	-	-	-	-	36,184,527,9
13	Kiambu	417,141,278	150,000	250,000	-	-	17,209,500	11,000,000	2,583,952	-	-	50,000,000	-	19,395,531	-	-	50,018,898,3
14	Kilifi	1,432,906,840	150,000	250,000	-	1,300,000	19,057,500	11,000,000	1,248,343	-	-	250,000,000	-	-	-	-	1,981,305,843
15	Kirinyaga	294,835,	150,000	250,000	-	-	7,738,50	11,000,0	900,97	-	-	-	-	13,7	-	-	43

Conditional Allocations from proceeds of loans or grants from Development Partners for Financial Year 2023/24 (Figures in Kenya Shillings)

S/ N	COUNTY	2022/ 23 FY	2023/24 FY														
		Total Loans and Grants for FY 2022/23	IDA (World Bank) credit (National Agricultural and Rural Inclusive Growth Project (NARIGP))	IDA (World Bank) credit (National Agricultural Value Chain Development Project (NAVCDP))	IDA (World Bank) - Kenya Climate Smart Agriculture Project (KCSAP)	IDA (World Bank) credit: Water & Sanitation Development Project (WSDP)	DANIDA Grant - Primary Health Care in Devolved Context	IDA (World Bank) Credit (Financing Locally-Led Climate Action (FLLoCA) Program, County Climate Institutional Summit (CCIS) Grant	Sweden- Agricultural Sector Development Support Programme (ASDSP) II	German Development Bank (KfW)- Drought Resilience Programme in Northern Kenya	World Bank - Emergency Locust Response Project (ELRP)	World bank - Kenya Informal Settlement Improvement Project (KISIP II)	Kenya Livestock Commercialization Project (KELCLOP)	Aquaculture Business Development Project (ABDP)	IDA (World Bank) Credit (Financing Locally-Led Climate Action (FLLoCA) Program, County	Germany Development Bank (KfW) Loan for Financing Locally-Led Climate Action (FLLoCA) Program County Climate Change Resilience Grant	Total Loans and Grants for FY 2023/24
		Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H	Column I	Column J	Column K	Column L	Column M	Column N	Column P	Column Q
																	2
21	Lamu	102,529,473	-	-	90,000,000	-	4,735,500	11,000,000	1,622,700	-	-	150,000,000	-	-	-	-	25,735,820
22	Machakos	273,245,808	-	250,000,000	90,000,000	-	14,148,750	11,000,000	1,761,966	-	105,095,561	-	-	12,262,438	-	-	48,426,871
23	Makueni	314,007,349	150,000,000	250,000,000	-	-	13,513,500	11,000,000	601,751	-	-	-	-	-	-	-	42,515,251
24	Mandera	250,006,419	-	-	90,000,000	-	18,653,250	11,000,000	2,257,207	-	180,282,153	-	-	-	-	-	30,219,610
25	Marsabit	398,076,912	-	-	90,000,000	-	12,358,500	11,000,000	1,431,190	300,000,000	195,679,753	-	37,500,000	-	-	-	64,796,943

Conditional Allocations from proceeds of loans or grants from Development Partners for Financial Year 2023/24 (Figures in Kenya Shillings)																	
S/ N	COUNTY	2022/ 23 FY	2023/24 FY														Total Loans and Grants for FY 2023/24
		Total Loans and Grants for FY 2022/23	IDA (World Bank) credit (National Agricultural and Rural Inclusive Growth Project (NARIGP))	IDA (World Bank) credit (National Agricultural Value Chain Development Project (NAVCDP))	IDA (World Bank) - Kenya Climate Smart Agriculture Project (KCSAP)	IDA (World Bank) credit: Water & Sanitation Development Project (WSDP)	DANIDA Grant - Primary Health Care in Devolved Context	IDA (World Bank) Credit (Financing Locally-Led Climate Action (FLLoCA) Program, County Climate Institutional Summit (CCIS)/Grant	Sweden- Agricultural Sector Development Support Programme (ASDSP) II	German Development Bank (KfW)- Drought Resilience Programme in Northern Kenya	World Bank - Emergency Locust Response Project (ELRP)	World bank - Kenya Informal Settlement Improvement Project (KISIP II)	Kenya Livestock Commercialization Project (KELCLOP)	Aquaculture Business Development Project (ABDP)	IDA (World Bank) Credit (Financing Locally-Led Climate Action (FLLoCA) Program, County	Germany Development Bank (KfW) Loan for Financing Locally-Led Climate Action (FLLoCA) Program County Climate Change Resilience Grant	
		Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H	Column I	Column J	Column K	Column L	Column M	Column N	Column P	Column Q
26	Meru	421,288,012	150,000,000	250,000,000	-	-	14,668,500	11,000,000	1,105,100	-	121,171,561	67,546,296	-	23,306,984	-	-	63,879,441
27	Migori	315,785,957	150,000,000	250,000,000	-	-	12,358,500	11,000,000	1,120,452	-	-	-	-	13,617,785	-	-	43,809,737
28	Mombasa	724,317,035	-	-	-	1,000,000,000	12,878,250	11,000,000	512,539	-	-	250,000,000	-	-	-	-	1,274,390,789
29	Muranga	328,840,184	150,000,000	250,000,000	-	-	11,492,250	11,000,000	1,899,127	-	-	-	-	-	-	-	42,439,377
30	Nairobi City	204,781,620	-	-	-	-	29,048,250	11,000,000	3,507,770	-	-	400,000,000	-	-	-	-	44,356,020

Conditional Allocations from proceeds of loans or grants from Development Partners for Financial Year 2023/24 (Figures in Kenya Shillings)																	
S/ N	COUNTY	2022/ 23 FY	2023/24 FY														
		Total Loans and Grants for FY 2022/23	IDA (World Bank) credit (National Agricultural and Rural Inclusive Growth Project (NARIGP))	IDA (World Bank) credit (National Agricultural Value Chain Development Project (NAVCDP))	IDA (World Bank) - Kenya Climate Smart Agriculture Project (KCSAP)	IDA (World Bank) credit: Water & Sanitation Development Project (WSDP)	DANIDA Grant - Primary Health Care in Devolved Context	IDA (World Bank) Credit (Financing Locally-Led Climate Action (FLLoCA) Program, County Climate Institutional Summit (CCIS)/Grant	Sweden- Agricultural Sector Development Support Programme (ASDSP) II	German Development Bank (KfW)- Drought Resilience Programme in Northern Kenya	World Bank - Emergency Locust Response Project (ELRP)	World bank - Kenya Informal Settlement Improvement Project (KISIP II)	Kenya Livestock Commercialization Project (KELCLOP)	Aquaculture Business Development Project (ABDP)	IDA (World Bank) Credit (Financing Locally-Led Climate Action (FLLoCA) Program, County	Germany Development Bank (KfW) Loan for Financing Locally- Led Climate Action (FLLoCA) Program County Climate Change Resilience Grant	Total Loans and Grants for FY 2023/24
		Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H	Column I	Column J	Column K	Column L	Column M	Column N	Column P	Column Q
31	Nakuru	522,398,243	150,000,000	250,000,000	-	-	19,115,250	11,000,000	583,629	-	-	400,000,000	34,800,000	-	-	-	86,549,879
32	Nandi	380,965,571	150,000,000	250,000,000	-	-	9,759,750	11,000,000	516,946	-	-	50,000,000	-	-	-	-	47,127,696
33	Narok	373,384,611	150,000,000	250,000,000	-	-	14,668,500	11,000,000	1,119,636	-	-	-	-	-	-	-	42,678,813,6
34	Nyamira	225,758,466	150,000,000	250,000,000	-	-	8,778,000	11,000,000	531,293	-	-	19,440,308	-	-	-	-	43,974,960,1
35	Nyandarua	215,234,247	-	250,000,000	90,000,000	-	8,893,500	11,000,000	499,617	-	-	50,000,000	-	-	-	-	41,039,311,7

Conditional Allocations from proceeds of loans or grants from Development Partners for Financial Year 2023/24 (Figures in Kenya Shillings)																	
S/ N	COUNTY	2022/ 23 FY	2023/24 FY														
		Total Loans and Grants for FY 2022/23	IDA (World Bank) credit (National Agricultural and Rural Inclusive Growth Project (NARIGP))	IDA (World Bank) credit (National Agricultural Value Chain Development Project (NAVCDP))	IDA (World Bank) - Kenya Climate Smart Agriculture Project (KCSAP)	IDA (World Bank) credit: Water & Sanitation Development Project (WSDP)	DANIDA Grant - Primary Health Care in Devolved Context	IDA (World Bank) Credit (Financing Locally-Led Climate Action (FLLoCA) Program, County Climate Institutional Summit (CCIS)/Grant	Sweden- Agricultural Sector Development Support Programme (ASDSP) II	German Development Bank (KfW)- Drought Resilience Programme in Northern Kenya	World Bank - Emergency Locust Response Project (ELRP)	World bank - Kenya Informal Settlement Improvement Project (KISIP II)	Kenya Livestock Commercialization Project (KELCLOP)	Aquaculture Business Development Project (ABDP)	IDA (World Bank) Credit (Financing Locally-Led Climate Action (FLLoCA) Program, County	Germany Development Bank (KfW) Loan for Financing Locally- Led Climate Action (FLLoCA) Program County Climate Change Resilience Grant	Total Loans and Grants for FY 2023/24
		Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H	Column I	Column J	Column K	Column L	Column M	Column N	Column P	Column Q
46	Wajir	804,570,030	-	-	90,000,000	600,000,000	15,592,500	11,000,000	3,901,152	-	178,454,153	180,000,000	-	-	-	-	1,078,947,805
47	West Pokot	250,674,252	-	-	90,000,000	-	9,124,500	11,000,000	2,730,960	-	131,007,244	-	-	-	-	-	243,862,704
	TOTAL	17,159,322,284	3,150,000,000	8,250,000,000	2,160,000,000	5,350,000,000	577,500,000	517,000,000	72,797,253	465,000,000	2,302,630,289	3,269,530,746	344,300,000	245,879,120	6,187,500,000*	1,200,000,000**	34,092,137,408

This is to incorporate the additional allocation from the German Development Bank to finance the locally led climate action in the respective counties.

(Question of the amendment proposed)

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

The Fourth Schedule

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

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

Clause 2

The Temporary Chairperson (Sen. Wakili Sigei): Sen. Ali Roba, the Chairperson Standing Committee on Finance and Budget, proceed to move your proposed amendment to Clause 2.

Sen. Ali Roba: Mr. Temporary Chairperson, I beg to move:

THAT Clause 2 of the Bill be amended in the definition of the word “Cabinet Secretary” by inserting the words “matters relating to” immediately after the words “responsible for”.

(Question of the amendment proposed)

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

The Title

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

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

Clause 1

The Temporary Chairperson (Sen. Wakili Sigei): Sen. Ali Roba, the Chairperson Standing Committee on Finance and Budget, proceed to move your proposed amendment to Clause 1.

Sen. Ali Roba: Mr. Temporary Chairperson, I beg to move:

THAT the Bill be amended by deleting Clause 1 and substituting therefore the following new clause -

Short title and commencement. **1.** This Act may be cited as the County Governments Additional Allocations Act, 2023, and shall be deemed to have come into force on 1st July, 2023.

This is on the short title. This Act maybe cited as “County Government Additional Allocation Act 2023” and should be deemed to have come into effect on 1st July, 2023.

(Question of the amendment proposed)

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

Hon. Senators we are now proceeding to Division on this. I direct that the Division Bell be rung for five minutes.

(The Division Bell was rung)

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Members kindly resume your seats so that we can progress.

(Loud Consultations)

Hon. Senators, I call upon the Mover, the Senate Majority Leader to proceed.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Temporary Chairperson, Sir. Pursuant to Standing Order No. 153, I beg to move that Committee of the Whole do report its progress on consideration of the County Governments Additional Allocations Bill (National Assembly Bills No. 23 of 2023) and seek leave to sit again today by leave of the Senate.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

PROGRESS REPORTED

THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL (NATIONAL ASSEMBLY BILLS No.23 OF 2023)

The Deputy Speaker (Sen. Kathuri): Chairperson of the Committee of the Whole, proceed.

Sen. Wakili Sigei: Thank you, Mr. Deputy Speaker, Sir. I beg to report that the Committee of the Whole has considered the County Government Additional Allocation Bill---

(Sen. Wakili Sigei consulted the Clerk-at-the-Table)

Sen. Wakili Sigei: Mr. Deputy Speaker, Sir. I beg to report that the Committee of the Whole has considered the County Governments Additional Allocations Bill (National Assembly Bills No.23 Of 2023) and seeks leave to sit again today.

The Deputy Speaker (Sen. Kathuri): Mover, proceed.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I beg to move that the House do agree with the Committee on the said report.

The Deputy Speaker (Sen. Kathuri): Who is seconding?

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I invite Sen. Nyamu to second.

Sen. Nyamu: Mr. Deputy, Speaker, Sir, I second.

(Question proposed)

(Question put and agreed to)

The Deputy Speaker (Sen. Kathuri): Senate Majority Leader, what is your point of order?

**PROCEDURAL MOTION UNDER
STANDING ORDER NO. 34(4)**

EXTENSION OF SITTING TIME

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

THAT pursuant to Standing Order No. 34(4)(a) the Senate extends its sitting to conclude the business listed at today's Order Paper; Order No. 16, 17, 18 and 19.

I request Sen. Miraj to second.

Sen. Miraj: Mr. Deputy Speaker, Sir, I second.

(Question proposed)

(Question put and agreed to)

The Deputy Speaker (Sen. Kathuri): Clerk, call the next order.

COMMITTEE OF THE WHOLE

(Order for Committee read)

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

IN THE COMMITTEE

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

THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL
(NATIONAL ASSEMBLY BILLS No.23 OF 2023)

The Temporary Chairperson (Sen. Mumma): Serjeant-at-Arms, please ring the Division Bell for two minutes.

(The Division Bell was rung)

You may now stop the Bell. Please close the Doors and draw the Bars.

(The Doors were closed and Bars drawn)

Hon. Members, there will be two questions.

(Question that, Clauses 4, 5, 8, First Schedule, Third Schedule, Clauses 2, and Clause 1 be amended put)

Please vote

(Voting in progress)

The Temporary Chairperson (Sen. Mumma): Sen. Methu, Sen. Wafula and Sen. Chesang, please approach the Chair.

(Sen. Methu, Sen. Wafula and Sen. Chesang approached the Chair)

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 4, 5, 8, the First Schedule, the Third Schedule, Clauses 2, and Clause 1 be amended, put and Senators proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cheptumo, Baringo 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 County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murangá County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Mandago, Uasin Gishu; Sen. Methu, Nyandarua County; Sen. Munyi Mundigi, Embu County; Sen. Mungatana, Tana River County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Mwaruma, Taita Taveta County; Sen. Murgor, West Pokot County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County and Sen. Wamatinga, Nyeri County.

NOES: Nil.

The Temporary Chairperson (Sen. Mumma): Hon. Members, the results of the division are as follows: -

AYES: 35

NOES: 0

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 35 votes to Nil)

The Temporary Chairperson (Sen. Mumma): Hon. Members, I will now put the question on all the clauses.

(Question put)

Hon. Members, vote now.

(Voting in progress)

DIVISION

ROLL CALL VOTING

(Question, that Clause 3, Clause 4 (as amended), Clause 5(as amended), Clause 6, Clause 7, Clause 8 (as amended), the First Schedule (as amended), the Second Schedule, the Third Schedule (as amended), the Fourth Schedule, Clause 2 (as amended), the Title and Clause 1 (as amended) be part of the Bill put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass Sheikh Mohamed, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cheptumo, Baringo 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 County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County and, Sen. Wamatinga, Nyeri County.

Teller of the Ayes: Sen. Nyamu

NOES: Nil.

Teller of the Noes: Sen. Betty Montet

The Temporary Chairperson (Sen. Mumma): Hon. Senators, can you all be seated? These are the results of the Division-

AYES: 35

NOES: Nil

ABSTENTIONS: Nil.

The "Ayes" have it.

(Question carried by 35 votes to Nil)

I now call the Mover.

The Senate Majority Leader (Sen. Cheruiyot): Madam Temporary Chairperson, I beg to move that the Committee do report to the Senate, its consideration of the County Governments Additional Allocations Bill (National Assembly Bills No.23 of 2023) and its approval thereof, with amendments.

(Question proposed)

(Question put and agreed to)

THE EQUALIZATION FUND (ADMINISTRATION) BILL
(SENATE BILLS NO.14 OF 2023)

The Temporary Chairperson (Sen. Mumma): We are now in the Committee of the Whole for the Equalization Fund (Administration) Bill (Senate Bills No. 14 of 2023).

(Loud consultations)

Hon. Members, order, please.

Clause 3

The Temporary Chairperson (Sen. Mumma): Amendment to be moved. Chairperson?

Sen. Ali Roba: Madam Temporary Chairperson, I beg to move:

THAT clause 3 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph-

b) provide for completion of projects under policies developed by the Commission on Revenue Allocation under Article 216(4) of the Constitution.

This is to ensure that this Law shall apply to all projects under all policies on marginalization and all development that will be funded under that.

(Question of the amendment proposed)

Division at the end.

Clause 4 and 5

(Question that Clauses 4 and 5 be part of the Bill, proposed)

Division at the end.

Clause 6

The Temporary Chairperson (Sen. Mumma): Amendment to be moved. Chairperson.

Sen. Ali Roba: Madam Temporary Chairperson, I beg to move:

THAT clause 6 of the Bill be amended-

- (a) in paragraph (f) by deleting the words “one person” appearing immediately before the words “nominated by the Council” and substituting therefor the words “two persons”;
- (b) by deleting paragraph (h) and substituting therefor the following new paragraph-
- (h) one person representing persons with disabilities appointed by the cabinet secretary;
- (c) by deleting subclause (3) and substituting therefor the following new subclause-
- (3) The persons appointed under subsection (1)(d), (e), (f) and (h) shall hold office for a term of three years and shall be eligible for reappointment for one further term of three years.

Madam Temporary Chairperson, the Controller of Budget (COB) should not have had a representative in the Board since the role of this office is more of approval of withdrawal of funds for implementation of the program.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): Division will be at the end.
Serjeant-at-Arms, open the doors and withdraw the Bars as well.

(The Bars were withdrawn and the Doors opened)

Clause 7

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

Division at the end.

Clause 8

The Temporary Chairperson (Sen. Mumma): Amendment to be moved.
Chairperson.

Sen. Ali Roba: Madam Temporary Chairperson, I beg to move:

THAT the Bill be amended by deleting clause 8.

This Clause should be deleted since this provision is already provided under Clause 6(3).

(Question of the amendment proposed)

Clause 9

(Question, that Clause 9 be part of the Bill, proposed)

Division at the end.

Clause 10

The Temporary Chairperson (Sen. Mumma): Amendment to be moved by the Chairperson.

Sen. Ali Roba: Madam Temporary Chairperson, I beg to move:

THAT, Clause 10 of the Bill be amended in subclause (1) by deleting the words “these Guidelines” appearing immediately after the words “Revenue Allocation and” in paragraph (g) and substituting therefor the words “this Act”.

This is a result of a typo.

(Question of the amendment proposed)

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

Clause 11

The Temporary Chairperson (Sen. Mumma): Amendment to be moved. Chairperson, proceed.

Sen. Ali Roba: Madam Temporary Chairperson, I beg to move:

THAT, Clause 11 of the Bill be amended by deleting the expression “CS” appearing immediately after the word “The” and substituting thereof the words “Cabinet Secretary”.

This amendment is to replace the inscription “CS” to read Cabinet Secretary.

(Question of the amendment proposed)

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

Clause 12

The Temporary Chairperson (Sen. Mumma): Amendment to be moved. Chairperson, proceed.

Sen. Ali Roba: Madam Temporary Chairperson, I beg to move:

THAT Clause 12 of the Bill be amended-

(a) in paragraph (a) by deleting the words “these Guidelines” appearing immediately after the words “its power under” and substituting therefor the words “this Act”;

(b) in paragraph (c) by deleting the words “these Guidelines” appearing immediately after the words “the Board under” and substituting therefor the words “this Act”.

This is a result of a typo error.

(Question of the amendment proposed)

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

Clause 13

The Temporary Chairperson (Sen. Mumma): Amendment to be moved. Chairperson, proceed.

Sen. Ali Roba: Madam Temporary Chairperson, I beg to move:

THAT Clause 13 of the Bill be amended by inserting the following new subclause immediately after subclause (3)–

(4) Subsection (3) shall come into force and be applicable with respect to the financial year in which this Act comes into force and shall not apply with respect to preceding financial years.

This is to ensure that the expenses of the Board shall be applicable within the respective financial year in which this Act comes into force and shall not apply with respect to preceding financial years.

(Question of the amendment proposed)

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

Clause 14

The Temporary Chairperson (Sen. Mumma): Amendment to be moved. Chairperson, proceed.

Sen. Ali Roba: Madam Temporary Chairperson, I beg to move:

THAT, Clause 14 of the Bill be amended in subclause (2) by deleting paragraph (b) and substituting therefor the following new paragraph–

(b) has at least ten years' experience at a senior management level in financial management, business administration, economics or law.

This is to provide for the qualification of the Chief Executive Officer (CEO) of the Board. It is proposed that the CEO shall have at least ten years' experience as a senior manager.

(Question of the amendment proposed)

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

Clauses 15 and 16

(Question, that Clause 15 and 16 be part of the Bill, proposed)

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

Clause 17

The Temporary Chairperson (Sen. Mumma): Amendment to be moved. Chairperson, proceed.

Sen. Ali Roba: Madam Temporary Chairperson, I beg to move:

THAT, Clause 17 of the Bill be amended–

(a) in the introductory clause by deleting the words “Each County Commissioner of an eligible county shall” appearing immediately before the words “establish and convene” and substituting therefor the words “The Board shall, in every eligible county”;

(b) by deleting paragraph (a) and substituting therefor the following new paragraph–

(a) the County Commissioner and the Governor who shall be co-chairpersons;

(c) by deleting paragraph (e) and substituting therefor the following new paragraph-
(e) a public officer employed in the respective county government with technical expertise in areas that the prioritized projects fall; and

(d) by deleting paragraph (f)

This is to ensure County Commissioner and Governor shall Co-Chair the County Technical Committee.

Secondly, the amendment aims at providing nomination of public officers employed in the county government with technical expertise in areas where the prioritized projects shall fall to serve the County Technical Committee.

(Question of the amendment proposed)

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

Clause 18

(Question, that Clause 18 be part of the Bill, proposed)

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

Clause 19

The Temporary Chairperson (Sen. Mumma): Amendment to be moved by Chairperson.

Sen. Ali Roba: Madam Temporary Chairperson, I beg to move:

THAT, Clause 19 of the Bill be amended -

(a) in the introductory clause by deleting the words ‘The County Commissioner of an eligible county shall’ appearing immediately before the words “establish a sub-county” and substituting therefor the words “The Board shall, in every eligible county”;

(b) by deleting paragraph (a) and substituting therefor the following new paragraph-

(a) the deputy county commissioner and the sub-county administrator who shall be co-chairpersons;

(c) by deleting paragraph (b) and substituting therefor the following new paragraphs-

(b) not more than two public officers designated by the county executive committee member with technical expertise in the areas of the prioritized projects;

(ba) not more than two public officers appointed by the Cabinet Secretary with technical expertise in the areas of the prioritized projects;

This is to provide for the Deputy County Commissioner and the Sub County Administrator to Co-Chair the Sub-County Technical Committee. Further, it also limits the number of public officers who may serve on the Sub-County Technical Committee.

(Question of the amendment proposed)

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

Clause 20

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

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

Clause 21

The Temporary Chairperson (Sen. Mumma): Amendment to be moved by the Chairperson.

Sen. Ali Roba: Madam Temporary Chairperson, I beg to move:

THAT, Clause 21 of the Bill be amended in the introductory clause by deleting the words “The County Commissioner of an eligible county shall” appearing immediately before the words “establish a Project Identification” and substituting therefor the words “The Board shall, in every eligible county”

This is to ensure that it is the board that establishes the Project Identification and Implementation Committee and not the County Commissioner.

(Question of the amendment proposed)

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

Clause 22, 23 and 24

(Question, that Clauses 22,23 and 24 be part of the Bill, proposed)

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

Clause 25

Sen. Ali Roba: Madam Temporary Chairperson, I beg to move:

THAT clause 25 of the Bill be amended by deleting subclause (4).

Madam Temporary Chairperson, this paragraph being considered for deletion is because it is already provided for under Clause 25 (3).

(Question of the amendment proposed)

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

Clauses 26,27,28,29,30,31,32,33,34,35,36,37 and 38

*(Question, that Clauses 26,27,28,29,30,31,32,33,34,35,36,37
and 38 be part of the Bill, proposed)*

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

New Clause 13 A

Sen. Ali Roba: Madam Temporary Chairperson, I beg to move:-

THAT the Bill be amended by inserting the following new clause immediately after clause 13 -

Conduct of **13A.** (1) The Board shall conduct its affairs in accordance with affairs of the Schedule.
the Board.

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

This is to provide the board to conduct its affairs in accordance with Schedule, which shall be provided under this law.

(Question of the New Clause 13 proposed)

(New Clause 13 was read the First Time)

(Question, that New Clause 13 be read a second time, proposed)

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

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

New Schedule

Sen. Ali Roba: Madam Temporary Chairperson, I beg to move:

THAT the Bill be amended by inserting the following new schedule

SCHEDULE

(13A)

PROVISIONS RELATING TO MEETINGS OF THE ADVISORY
BOARD

1. The Board shall meet at least once in every three months to conduct the business of the Board of Authority.
2. The chairperson may on his or her own motion, or upon request by a member, call a special meeting of the Board at any time, where he or she considers it expedient for the transaction of the business of the Board.
3. Other than a special meeting, or unless three quarters of members agree, at least fourteen days' written notice of every meeting of the Board of the Authority shall be given to every member of the Board by the secretary.
4. The quorum at a meeting of the Board of the Authority shall be half of the members.
5. The chairperson shall preside at the meetings of the Board of the Authority and in the absence of the chairperson, the vice-chairperson or a member of the Board elected by the members present from among their number shall preside.
6. The matters of the Board shall be decided by a majority of the members present and voting and in the event of equality of votes, the person presiding shall have a casting vote.
7. The proceedings of the Board of the Authority shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.

8. At the first meeting of the Board, the members shall elect a vice-chairperson, not being an ex-officio member, from among its members.

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

This is the Schedule that provides the procedure for board meetings.

(Question of the New Schedule proposed)

(New Schedule was read the First Time)

(Question, that the New Schedule be read a second time, proposed)

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

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

Clause 2

Sen. Ali Roba: Madam Temporary Chairperson, I beg to move -
THAT Clause 2 of the Bill be amended by-

(a) inserting the following new definition immediately after the definition of the word “eligible county”-

“First Policy” means the first policy determined by the Commission on Revenue Allocation under Article 216(4) of the Constitution in identifying marginalized areas for purposes of Article 204(2) of the Constitution;

(b) by deleting the definition of the word “revenue” and substituting therefor the following new definition-

“revenue” means the total revenue collected by the National Government including ordinary revenue and Appropriations in Aid.

This is to provide the definition of the term first policy as applied in the Bill and “Revenue” as applied in the Bill and also provided in the Constitution.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): 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. Mumma): Division will be at the end.
I direct that the Division Bell be rung for two minutes. We are going to Division.

(The Clerk-at-the-Table consulted the Temporary Chairperson)

I direct that the Division Bell be rung for five minutes.

(The Division Bell was rung)

The Temporary Chairperson (Sen. Mumma): Serjeant-at-Arms, kindly close the door and draw the Bars.

(The Doors were closed and the Bars drawn)

The Temporary Chairperson (Sen. Mumma): Hon. Senators, kindly ensure that you have logged in. Order, Sen. Oketch Gicheru! Can you take your seat?

(Sen. Oketch Gicheru resumed his seat)

The Temporary Chairperson (Sen. Mumma): Sen. (Dr.) Murango, kindly. Can everybody take their seats and log in? We are now proceeding to Division.

I put the Question, that Clause 8 of the Bill be deleted.

You may now vote.

(The Senators proceeded to vote)

The Temporary Chairperson (Sen. Mumma): Clerk, print the results of the division.

Sen. Gataya Mo Fire, Sen. Osotsi, and Sen. Wafula, approach the Chair.

*(Sen. Wafula, Sen. Osotsi and Sen. Wafula
walked to the Dispatch Box and proceeded to vote)*

DIVISION

ELECTRONIC VOTING

*(Question that Clause 8 be deleted put and the Senate
proceeded to vote by County Delegations)*

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cheptumo, Baringo 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 County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murangá County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo-Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Mandago, Uasin Gishu; Sen. Methu, Nyandarua County; Sen. Munyi Mundigi, Embu County; Sen. Mungatana, MGH, Tana River County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Mwaruma, Taita-Taveta County; Sen. Murgor, West Pokot County; Sen. Oketch Gicheru,

Migori County; Sen. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County and Sen. Wamatinga, Nyeri County.

NOES: Nil

The Temporary Chairperson (Sen. Mumma): Hon. Members, I wish to announce the results as follows-

AYES: 35

NOES: Nil

ABSTENTIONS: Nil

The "Ayes" have it.

(The Question was carried by 35 voted to Nil)

(Clause 8 deleted)

I now put the Question, that New Clause 13A and New Schedule be now read a Second Time

(The Senators proceeded to vote)

DIVISION

ELECTRONIC VOTING

(Question that, New Clause 13A and New Schedule be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Cheptumo, Baringo County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo-Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Mandago, Uasin Ngishu County; Sen. Methu, Nyandarua County; Sen. Munyi Mundigi, Embu County; Sen. Mungatana, MGH, Tana River County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wakili Sigei, Bomet County; Sen. Wakoli, Bungoma County; and, Sen. Wamatinga, Nyeri County.

NOES: Nil

ABSTENTIONS: Nil

The Temporary Chairperson (Sen. Mumma): Hon. Senators, I wish to announce the results as follows:

AYES: 35

NOES: Nil

ABSENTIONS: Nil

(Question carried by 35 votes to nil)

(New Clause 13 A and New Schedule were read a Second Time)

DIVISION

ELECTRONIC VOTING

*(Question that Clauses 3, 6, 10, 11, 12, 13, 14, 17, 19, 21, 25
and Clause 2 be amended as proposed put and
the Senate proceeded to vote by County Delegations)*

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cheptumo, Baringo 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 County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo-Markwet; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County and, Sen. Wamatinga, Nyeri County.

NOES: Nil.

ABSTENTIONS: Nil.

The Temporary Chairperson (Sen. Mumma): Hon. Senators, I now wish to read the results of the Division.

AYES: 35

NOES: Nil

ABSTENTIONS: Nil

The "Ayes" have it

(Question carried by 35 votes to Nil)

DIVISION

ELECTRONIC VOTING

(Question that Clause 3 (as amended), Clause 4, 5, 6 (as amended), Clause 7, 9, 10 (as amended), Clause 11 (as amended), Clause 12 (as amended), Clause 13 (as amended), Clause 14 (as amended), Clause 15, Clause 16, Clause 17 (as amended), Clause 18, Clause 19 (as amended) Clause 20, Clause 21 (as amended), , Clause 22, Clause 23, Clause 24, Clause 25(as amended), Clauses 26, 27, 28, 29, 30, 31, 32, 32, 33, 34, 35, 36, 37, 38, New Clause 13(A) and New Schedule, Clause 2 (as amended), the Title and Clause 1 be part of the Bill put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cheptumo, Baringo 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 County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo-Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Mandago, Uasin Gishu; Sen. Methu, Nyandarua County; Sen. Munyi Mundigi, Embu County; Sen. Mungatana, Tana River County; Sen. (Dr.) Murang'o, Kirinyaga County; Sen. Mwaruma, Taita-Taveta County; Sen. Murgor, West Pokot County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County and Sen. Wamatinga, Nyeri County.

NOES: Nil

The Temporary Chairperson (Sen. Mumma): Hon. Senators, the results of the division are as follows: -

AYES: 35

NOES: Nil

ABSENTIONS: Nil

(Question carried by 35 to nil)

We now move to reporting, and I wish to call the Mover.

Sen. Ali Roba: Madam Temporary Chairperson, I beg to move that the Committee do report to the Senate its consideration of The Equalization Fund (Administration) Bill (Senate Bills No.14 Of 2023) and its approval thereof with amendments.

The Temporary Chairperson (Sen. Mumma): Order, Members.

(Question proposed)

(Question put and agreed to)

THE LEARNERS WITH DISABILITIES BILL
(SENATE BILLS No.4 OF 2023)

(Question put)

(The Senators proceeded to vote)

DIVISION

ELECTRONIC VOTING

*(Question, that Clauses 13, 14 and 23 be deleted,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cheptumo, Baringo 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 County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo-Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; and, Sen. Wamatinga, Nyeri County.

NOES: Nil.

The Temporary Chairperson (Sen. Mumma): Hon. Senators, the results of the division are as follows:

AYES: 35

NOES: Nil

ABSENTION: Nil

(Question carried by 35 votes to nil)

(Clauses 13, 14 and 23 deleted)

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 3, 4, 5, 6, 7, 8, 9, 12, 15, 24, 25, 26, 28, 29, 30, 35, 39, 41, 42, 45 and Clause 2 be amended as proposed, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cheptumo, Baringo 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 County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo-Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; and, Sen. Wamatinga, Nyeri County.

NOES: Nil.

The Temporary Chairperson (Sen. Mumma): Hon. Senators, the results of the division are as follows:

AYES: 35

NOES: Nil.

ABSTENTION: Nil.

The "Ayes" have it.

(Question carried by 35 votes to nil)

(Clauses 3, 4, 5, 6, 7, 8, 9, 12, 15, 24, 25, 26, 28, 29, 30, 35, 39, 41, 42, 45 and Clause 2 (as amended) agreed to)

DIVISION

ELECTRONIC VOTING

(Question that Clauses 3 (as amended) 4 (as amended), 5 (as amended), 6 (as amended) 7 (as amended), 8 (as amended) 9 (as amended), 10, 11, 12 (as amended), 15 (as amended), 16, 17, 18, 19, 20, 21, 22, 24 (as amended), 25 (as amended), 26 (as amended), 27, 28 (as amended), 29 (as amended), 30 (as amended), 31, 32, 33, 34, 35 (as amended), 36, 37, 38, 39 (as amended), 40, 41 (as amended), 42 (as amended), 43, 44, 45 (as amended), 46, Clause 2 (as amended), the Title and Clause 1 be part of the Bill put, and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County;

Sen. Chesang, Trans Nzoia County; Sen. Cheptumo, Baringo County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka-Nithi County; Sen. Githuku, Lamu County; Sen. Lomenen, Turkana county; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang', Elgeyo-Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Munyi Mundigi, Embu County; Sen. Mungatana, MGH, Tana River County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wakili Sigei, Bomet County; Sen. Wafula, Bungoma County; Sen. Wamatinga, Nyeri County.

NOES: Nil

The Temporary Chairperson (Sen. Mumma): Hon. Senators, I now wish to read the results.

AYES: 35

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 35 votes to Nil)

The Temporary Chairperson (Sen. Mumma): I now wish to call on the Mover to report progress.

Sen. Crystal Asige: Thank you, Madam Temporary Chairperson. I beg to move that the Committee do report to the Senate its consideration of the Learners with Disabilities Bill (Senate Bills No.4 of 2023) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORTS AND CONSIDERATION OF REPORTS

THE DIGITAL HEALTH BILL (NATIONAL ASSEMBLY BILLS NO. 57 OF 2023)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, we are now reporting Progress on the Digital Health Bill (National Assembly Bills No.57 of 2023).
Chairperson!

Sen. Mumma: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered the Digital Health Bill (National Assembly Bills No.57 of 2023) and its approval thereof without amendments.

The Deputy Speaker (Sen. Kathuri): Who is the Mover of this Bill?

Proceed, the Senate Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I beg to move that the House do agree with the Committee on the said report.

The Deputy Speaker (Sen. Kathuri): Who is seconding?

The Senate Majority Leader (Sen. Cheruiyot): I request Sen. Oketch Gicheru to second.

Sen. Oketch Gicheru: I second.

(Question proposed)

(Questioned put and agreed to)

The Deputy Speaker (Sen. Kathuri): Mover?

Proceed, Senate Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): I beg to move that the County Government Additional Allocations Bill (National Assembly Bills No.23 of 2023) be now a read a Third Time.

I request Sen. Methu to second.

The Deputy Speaker (Sen. Kathuri): Sen. Methu?

Sen. Methu: Mr. Deputy Speaker, Sir, I second.

(Question proposed)

So, Senators, I will not put the question now. I will put all the questions together.

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

The Deputy Speaker (Sen. Kathuri): Mover for the Digital Health Bill (National Assembly Bill No. 57 of 2023).

We are reporting on all these Bills as we dispose them in order, but now I understand what he did. Correct that Majority Leader.

THE DIGITAL HEALTH BILL (NATIONAL
ASSEMBLY BILLS NO.57 OF 2023)

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I can correct even using this. Allow me to take that again.

Mr. Deputy Speaker, Sir, I beg to move that the Digital Health Bill, (National Assembly Bill No. 57 of 2023), be now read a Third time.

I request Sen. Methu to second.

Sen. Methu: Mr. Deputy Speaker, Sir, I second.

(Question proposed)

The Deputy Speaker (Sen. Kathuri): Division will be at the end. We will combine Division for the five Bills together.

THE SOCIAL HEALTH INSURANCE BILL
(NATIONAL ASSEMBLY BILLS NO.58 OF 2023)

The Deputy Speaker (Sen. Kathuri): We are now on the second Bill, the Social Health Insurance Bill (National Assembly Bills No.53 of 2023).

Chairperson.

Sen. Mumma: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered the Social Health Insurance Bill (National Assembly Bill No.58 of 2023) and it is approved all thereof without amendments.

The Deputy Speaker (Sen. Kathuri): Mover.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Deputy Speaker, Sir. I beg to move that the House do agree with the Committee on the said Report.

The Deputy Speaker (Sen. Kathuri): Who is seconding?

The Senate Majority Leader (Sen. Cheruiyot): I call upon, Sen. (Dr.) Murango.

Sen. (Dr.) Murango: I second.

(Question proposed)

(Question put and agreed to)

The Deputy Speaker (Sen. Kathuri): Mover.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I beg to move that the Social Health Insurance Bill (National Assembly Bill No. 58 of 2023), be now read a Third time.

I request Sen. Seki to second.

Sen. Seki: I second.

(Question proposed)

The Deputy Speaker (Sen. Kathuri): Division will be at the end.

THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL
(NATIONAL ASSEMBLY BILLS NO.23 OF 2023)

The Deputy Speaker (Sen. Kathuri): Now we are on the County Governments Additional Allocations Bill (National Assembly Bill No. 23 of 2023).

Sen. Mumma: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered the County Governments Additional Allocations Bill (National Assembly Bills No. 23 of 2023), and it is approval thereof with amendments.

The Deputy Speaker (Sen. Kathuri): Mover.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I beg to move that the House do agree with the Committee on the said report.

I request Sen. Mungatana to second.

Sen. Mungatana, MGH: Mr. Deputy Speaker, Sir, I second.

(Question proposed)

(Question put and agreed to)

The Deputy Speaker (Sen. Kathuri): Mover, again.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I beg to move that the County Governments Additional Allocations Bill (National Assembly Bill No. 23 of 2023), be now read a Third time. I call upon Sen. Abass to second.

Sen. Abass: Mr. Deputy Speaker, Sir, I second.

(Question proposed)

The Deputy Speaker (Sen. Kathuri): Division will be at the end.

THE EQUALIZATION FUND (ADMINISTRATION) BILL
(SENATE BILLS NO. 14 OF 2023)

The Deputy Speaker (Sen. Kathuri): We are now on the Equalization Fund (Administration) Bill (Senate Bills No.14 of 2023).

Chairperson.

Sen. Mumma: I beg to report that the Committee of the Whole has considered the Equalization Fund Administration Bill (Senate Bills No. 14 of 2023) and its approval thereof with amendments.

The Deputy Speaker (Sen. Kathuri): Mover of the Bill, Sen. Ali Roba, proceed.

Sen. Ali Roba: Mr. Deputy Speaker, Sir, I beg to Move that the House do agree with the Committee in the said report.

I request His Excellency, Sen. Mandago, to second.

Sen. Mandago: Mr. Deputy Speaker, Sir, future Governors should listen because this is adding funds to counties.

I second.

(Question proposed)

(Question put and agreed)

The Deputy Speaker (Sen. Kathuri): Mover, kindly proceed.

Sen. Ali Roba: Mr. Deputy Speaker, Sir, I beg to move that the Equalization Fund (Administration) Bill (Senate Bill No.14 of 2023) be now read a Third time.

I request Commissioner Sen. Kinyua to second.

Sen. Kinyua: Mr. Deputy Speaker, I second.

(Question proposed)

The Deputy Speaker (Sen. Kathuri): Division will be at the end.

THE LEARNERS WITH DISABILITIES BILL
(SENATE BILLS NO. 4 OF 2023)

Sen. Mumma: Thank you, Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered the Learners with Disabilities Bill (Senate Bills No. 4 of 2023) and its approval thereof, without amendments.

The Deputy Speaker (Sen. Kathuri): Mover of the Bill, proceed

Sen. Crystal Asige: Mr. Deputy Speaker, Sir, I beg to move that the House do agree with the Committee on the said report.

The Deputy Speaker (Sen. Kathuri): Who is seconding?

Sen. Crystal Asige: I request, kindly, that Sen. Oketch Gicheru seconds.

Sen. Oketch Gicheru: Mr. Deputy Speaker, Sir, I second.

(Question proposed)

(Sen. Nyamu and Sen. Mandago consulted loudly)

The Deputy Speaker (Sen. Kathuri): Sen. Nyamu and Sen. Mandago, the Speaker is on his feet. You know what you should do when he is in that position.

(Question put and agreed)

The Deputy Speaker (Sen. Kathuri): Mover, kindly proceed.

Sen. Crystal Asige: Thank you, Mr. Deputy Speaker, Sir, I beg to move that the Learners with Disabilities Bill (Senate Bills No. 4 of 2023) (Senate Bill No. 14 of 2023) be now read a Third time.

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

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, I knew it. I second.

(Laughter)

(An hon. Senator spoke off record)

An Hon. Senator: *Ulijueko!*

(Question proposed)

The Deputy Speaker (Sen. Kathuri): Ring the Division Bell for 30 seconds.

(The Senate Majority Leader (Sen. Cheruiyot) spoke off record)

This is a House of Procedure. We must follow all the procedures, even though we have been here for quite some time.

Ring the Division Bell for one minute.

(The Division Bell was rung)

The Deputy Speaker (Sen. Kathuri): Serjeant-at-Arms, close the door and draw the Bar.

(The door was closed and the Bar drawn)

(Questions, that The Digital Health Bill (National Assembly Bill No.57 of 2023), The Social Health Insurance Bill (National Assembly Bill No.58 of 2023), The County Government Additional Allocations Bill (National Assembly Bills No.23 of 2023), The Equalization Fund (Administration) Bill (Senate Bills No.14 of 2023), and The Learners with Disabilities Bill (Senate Bills No.4 of 2023), be now read a Third time put and the Senators proceeded to vote by County Delegations)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, we will do the Roll Call voting. I request the Clerk to call the names, so that Senators can vote. Who is the Teller for the “Äyes?”

(Sen. Montet Betty and Sen. Nyamu approached the Dispatch Box)

Is Sen. Montet Betty the Teller for the Ayes?”

(An hon. Senator spoke off record)

What is not in order? Determination on who will be the teller for the “Äyes” and “Noes” does not peg on where a Senator sits. The Ayes and Noes could be from either side of the aisle. This is a trend that has been followed for some time.

Let us proceed.

(Roll Call voting in progress)

The Deputy Speaker (Sen. Kathuri): Serjeant-at-Arms, please, open the door and undraw the Bar.

(The Door was opened and Bar undrawn)

Hon. Senators, I will give you results for each Bill at a time.

THIRD READINGS

THE DIGITAL HEALTH BILL (NATIONAL
ASSEMBLY BILLS NO.57 OF 2023)

DIVISION**ROLL CALL VOTING**

*(Question, that the Digital Health Bill (National Assembly Bills
No.57 of 2023) be read a Third Time put, and the
Senate proceed to vote by County Delegations)*

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cheptumo, Baringo 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 County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murangá County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo-Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Mandago, Uasin Gishu; Sen. Methu, Nyandarua County; Sen. Munyi Mundigi, Embu County; Sen. Mungatana, Tana River County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Mwaruma, Taita-Taveta County; Sen. Murgor, West Pokot County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; and, Sen. Wamatinga, Nyeri County.

Teller for Ayes: Sen. Nyamu

NOES: Nil

Teller for Noes: Sen. Betty Montet

ABSENTIONS: Sen. Osotsi, Vihiga County.

The Deputy Speaker (Sen. Kathuri): The results are as follows: -

AYES: 34

NOES: Nil

ABSENTIONS: 1

The "Ayes" have it.

(Question carried by 34 votes to Nil)

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

THE SOCIAL HEALTH INSURANCE BILL
(NATIONAL ASSEMBLY BILLS NO.58 OF 2023)

DIVISION

ROLL CALL VOTING

(Question, that the Social Health Insurance Bill (National Assembly Bills No.58 of 2023) be read a Third Time put, and the Senate proceed to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cheptumo, Baringo 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 County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo-Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Mandago, Uasin Gishu; Sen. Methu, Nyandarua County; Sen. Munyi Mundigi, Embu County; Sen. Mungatana, Tana River County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Mwaruma, Taita-Taveta County; Sen. Murgor, West Pokot County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; and, Sen. Wamatinga, Nyeri County.

Teller for Ayes: Sen. Nyamu

NOES: Nil

Teller for Noes: Sen. Betty Montet

ABSENTION: Sen. Osotsi, Vihiga County.

The Deputy Speaker (Sen. Kathuri): The results are as follows: -

AYES: 34

NOES: Nil.

ABSENTIONS: 1

The "Ayes" have it.

(Question carried by 34 votes to Nil)

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

THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL
(NATIONAL ASSEMBLY BILLS NO. 23 OF 2023)

DIVISION

ROLL CALL VOTING

(Question, that the County Governments Additional Allocations Bill (National Assembly Bills No.23 of 2023) be read a Third Time put, and the Senate proceeded to vote in county delegations)

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cheptumo, Baringo 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 County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang', Elgeyo-Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana county; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County, and, Sen. Wambua, Kitui County.

NOES: Nil.

The Deputy Speaker (Sen. Kathuri): The results of the County Governments Additional Allocations Bill (National Assembly Bill No.23 of 2023) are as follows: -

AYES: 35

NOES: Nil

ABSENTIONS: Nil

(Question carried by 35 votes to Nil)

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

THE EQUALIZATION FUND (ADMINISTRATION) BILL
(SENATE BILLS NO.14 OF 2023)

DIVISION

ROLL CALL VOTING

(Question, that the Equalization Fund (Administration) Bill (Senate Bills No.14 of 2023) be read a Third Time put, and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cheptumo, Baringo 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 County; Sen. Githuku, Lamu County; Sen. Joe Nyutu,

Murang'a County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang', Elgeyo-Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana county; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

Teller for Ayes: Sen. Nyamu.

NOES: Nil.

Teller for Noes: Sen. Betty Montet

The Deputy Speaker (Sen. Kathuri): The results of the Equalization Fund (Administration) Bill (Senate Bill No.23 of 2023) are as follows: -

AYES: 35

NOES: Nil

ABSENTIONS: Nil

(Question carried by 35 votes to Nil)

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

THE LEARNERS WITH DISABILITIES BILL
(SENATE BILLS NO. 4 OF 2023)

DIVISION

ROLL CALL VOTING

*(Question, that the Learners with Disabilities Bill
(Senate Bills No. 4 of 2023) be read a Third Time put,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cheptumo, Baringo 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 County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang', Elgeyo-Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana county; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Osotsi, Vihiga

County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County and Sen. Wambua, Kitui County.

Teller for Ayes: Sen. Nyamu

NOES: Nil.

Teller for Noes: Sen. Betty Montet.

The Deputy Speaker (Sen. Kathuri): The results of the Learners with Disabilities Bill (Senate Bill No.4 of 2023) is as follows: -

AYES: 35

NOES: Nil

ABSENTIONS: Nil

(Question carried by 35 votes to Nil)

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

ADJOURNMENT

The Deputy Speaker (Sen. Kathuri): Hon. Senators, having moved a Motion to extend time to conclude business listed at Orders Nos.15, 16, 17, 18 and 19 earlier and having done so, the Senate now stands adjourned until Tuesday, 17th October, 2023 at 2.30 p.m.

The Senate adjourned at 7.32 p.m.