



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (FIRST SESSION)

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, OCTOBER 19, 2022 AT 2.30 P.M.

1. The Senate assembled at thirty Minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Speaker.
3. **DETERMINATION OF QUORUM AT COMMENCEMENT OF A SITTING OF THE SENATE**

Pursuant to Standing Order 40 (1), the Speaker determined that there was no Quorum in the House and thereupon, directed that the bell be rung for five minutes.

After the expiry of five minutes, the Speaker determined that there was quorum present for the proceedings of the Senate to commence.

4. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair-

i.) **On a visiting delegation from the Garissa County Assembly.**

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, a visiting delegation from the Garissa County Assembly. The delegation consists of officers from the Research Department who are on a benchmarking visit with the counterpart Research Department in the Senate from 11th October to 21st October, 2022.

Honourable Senators,

I request the two officers to stand when called out so that they may be acknowledged as per Senate tradition.

- | | |
|--------------------------|---------------------------|
| 1. Ms. Saadia Abdi Salah | - Senior Research Officer |
| 2. Mr. Abdi Siyad Keinan | - Senior Research Officer |

On behalf of the Senate and on my on behalf, I welcome the delegation and wish them well for the remainder of the visit.

I thank you.”

ii.) **On a visiting delegation from the National Assembly of Zambia and students and teachers from Prince Alex Mixed Day Secondary School from Tharaka Nithi County.**

“Honourable Senators,

I would like to acknowledge the presence of the following delegations –

In the Speakers Gallery, we have a delegation of staff from the National Assembly of Zambia who are on a five day benchmarking visit in Parliament.

I request each Member of the delegation to stand when called out so that you may be acknowledged in the Senate tradition. They are-

- (i) Jimoa Mzungu, the team leader
- (ii) Lillian Mwanza
- (iii) Beverly M. Chisenga
- (iv) Rose Mwanza
- (v) Victor Chilufua
- (vi) Stanley Mulenea

Honourable Senators,

In the public galleries, we have 31 students accompanied by 4 teachers from Prince Alex Mixed Day Secondary School, Tharaka Nithi County who are in Parliament on an education tour. You may stand so that you are acknowledged in the Senate tradition.

Honourable Senators,

On behalf of the Senate and on my own behalf, I welcome the delegations to the Senate and wish them well for the remainder of the visit.

I thank you.”

iii.) **On visiting teachers and students from St. Christopher Mixed Day Secondary School from Embu County.**

“Honorable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting teachers and students from St. Christopher Mixed Day Secondary School County in Embu County, who are on an academic trip.

Honorable Senators,

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

I thank you.”

iv.) **On visiting teachers and students from Pastor Mbago Victory Academy from Homabay County**

“Honorable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting teachers and students from Pastor Mbago Victory Academy in Homabay County, who are on an academic trip.

Honorable Senators,

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

I thank you.”

5. **MESSAGE FROM THE NATIONAL ASSEMBLY ON APPOINTMENT OF MEMBERS TO THE JOINT COMMITTEE ON ELECTION OF MEMBERS TO THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA).**

The Speaker conveyed the following Message from the National Assembly -

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 46 (3) & (4), I have received the following Message from the Speaker of the National Assembly regarding the appointment of Members to the Joint Committee on Election of Members to the East African Legislative Assembly (EALA).

Pursuant to the said Standing Order, I now report the Message-

“PURSUANT, to the provisions of Standing Order 41 of the National Assembly Standing Orders, I hereby convey a Message from the National Assembly on its passage of the following resolution during its sitting of Thursday, October 13, 2022-

THAT, ACKNOWLEDGING, that the East Africa Legislative Assembly (EALA) is established under Article 9 of the Treaty for the Establishment of the East African Community as one of the key organs and institutions of the Community responsible for the Community’s legislative matters;

RECOGNISING THAT, Article 50 of the Treaty provides for the election of Members of EALA by respective partner States' Legislatures in accordance with their parliamentary procedures for a term of five years;

FURTHER AWARE THAT, the East African Legislative Assembly Elections Act, 2011 contemplates conclusion of the election of Members of a new Assembly to be within 90 days before the expiry of the term of the subsisting Assembly;

NOTING THAT, the term of the current East African Legislative Assembly lapses on 17th December 2022;

COGNIZANT, of the need to urgently conclude the election process for the East African Legislative Assembly to commence transacting business of the East African Community, and in accordance with the provisions of the East African Legislative Assembly Elections (Election of Members of the Assembly) Rules, 2017

-

- (i) a Joint Committee comprising of seven (7) Members be appointed by each of the Houses of Parliament to undertake the functions contemplated under the East African Legislative Assembly Elections (Election of Members of the Assembly) Rules, 2017;*
- (ii) the following Members shall represent the National Assembly in the Joint Committee:*
 - (a) Hon. Wanjiku Muhia - Co-Chairperson*
 - (b) Hon. John Mutunga Kanyuithia*
 - (c) Hon. Daniel Nanok Epuyo,*
 - (d) Hon. Francis Sigei Kipyegon*
 - (e) Hon. Ruth Adhiambo Busia*
 - (f) Hon. (Dr.) Makali Mulu, CBS and*
 - (g) Hon. Sabina Chege, CBS*
- (iii) the Offices of the Clerks of the Houses of Parliament provide secretariat services to the Joint Committee in accordance with the Standing Orders; and*
- (iv) that the Joint Committee report to the House within the timelines stipulated in the East African Legislative Assembly Elections (Election of Members of the Assembly) Rules, 2017.*

NOW, THEREFORE, in accordance with the said provisions of the Standing Orders and the East African Legislative Assembly Elections (Election of Members of the Assembly) Rules 2017, I hereby convey the aforementioned Resolution of the National Assembly and invite the Senate to also expedite the establishment of the Joint Committee.

Honourable Senators,

You will recall that during the Sitting held yesterday, Tuesday, 18th October 2022, the Senate APPROVED a Motion on the appointment of Senators to the Joint Select Committee on the election of Members to the East African Legislative Assembly (EALA).

Honourable Senators,

This Joint Committee is now properly constituted;

I urge the Joint Committee to deal with this matter expeditiously and table a report within the stipulated timelines.

I thank you.”

6. **PAPERS**

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

- i.) Report of the Auditor General on the Financial Statements of County Executive of Nyandarua for the year ended 30th June, 2021.
- ii.) Report of the Auditor General on the Financial Statements of Maasai Mara Community Support Fund for the year ended 30th June, 2021.
- iii.) Report of the Auditor General on the Financial Statements of Turkana County Executive for the year ended 30th June, 2021.
- iv.) Report of the Auditor General on the Financial Statements of Turkana County Assembly for the year ended 30th June, 2021.
- v.) Report of the Auditor General on the Financial Statements of Lamu County Executive for the year ended 30th June, 2021.
- vi.) Report of the Auditor General on the Financial Statements of Lamu County Assembly for the year ended 30th June, 2021.
- vii.) Report of the Auditor General on the Financial Statements of Lamu County Fisheries Revolving Fund for the year ended 30th June, 2021.
- viii.) Report of the Auditor General on the Financial Statements of Lamu County Bursary & Scholarship Fund for the year ended 30th June, 2021.
- ix.) Report of the Auditor General on the Financial Statements of Lamu County Emergency Fund for the year ended 30th June, 2021.
- x.) Report of the Auditor General on the Financial Statements of Kericho County Executive for the year ended 30th June, 2021.

- xi.) Report of the Auditor General on the Financial Statements of Kericho County Assembly for the year ended 30th June, 2021.
- xii.) Report of the Auditor General on the Financial Statements of Garissa County Executive for the year ended 30th June, 2021.
- xiii.) Report of the Auditor General on the Financial Statements of Garissa County Assembly for the year ended 30th June, 2021.
- xiv.) Report of the Auditor General on the Financial Statements of Garissa County Scholarship Fund for the year ended 30th June, 2021.
- xv.) Report of the Auditor General on the Financial Statements of Garissa County Investment Development Authority for the year ended 30th June, 2021.
- xvi.) Report of the Auditor General on the Financial Statements of Garissa County Emergency Fund for the year ended 30th June, 2021.
- xvii.) Report of the Auditor General on the Financial Statements of Gatamathi Water & Sanitation Company Ltd for the year ended 30th June, 2021.
- xviii.) Report of the Auditor General on the Financial Statements of Gatanga Community Water Scheme for the year ended 30th June, 2021.
- xix.) Report of the Auditor General on the Financial Statements of Murang'a South Water & Sanitation Company Ltd for the year ended 30th June, 2021.
- xx.) Report of the Auditor General on the Financial Statements of Kahuti Water & Sanitation Company Ltd (Murang'a) for the year ended 30th June, 2021.
- xxi.) Report of the Auditor General on the Financial Statements of Elgeyo Marakwet County Executive for the year ended 30th June, 2021.
- xxii.) Report of the Auditor General on the Financial Statements of Elgeyo Marakwet County Assembly for the year ended 30th June, 2021.
- xxiii.) Report of the Auditor General on the Financial Statements of Bungoma County Executive for the year ended 30th June, 2021.
- xxiv.) Report of the Auditor General on the Financial Statements of Bungoma County Assembly for the year ended 30th June, 2021.
- xxv.) Report of the Auditor General on the Financial Statements of Nandi County Executive for the year ended 30th June, 2021.
- xxvi.) Report of the Auditor General on the Financial Statements of Nandi County Assembly for the year ended 30th June, 2021.

- xxvii.) Report of the Auditor General on the Financial Statement of Kiambu County Executive for the year ended 30th June, 2021.
- xxviii.) Report of the Auditor General on the Financial Statements of Kiambu County Assembly for the year ended 30th June, 2021.
- xxix.) Report of the Auditor General on the Financial Statements of Kiambu County Assembly Staff Mortgage Scheme Fund for the year ended 30th June, 2021.
- xxx.) Report of the Auditor General on the Financial Statements of Ruiru-Juja Water & Sewerage Company Ltd for the year ended 30th June, 2021.
- xxxi.) Report of the Auditor General on the Financial Statements of Kikuyu Water Company Ltd for the year ended 30th June, 2021.
- xxxii.) Report of the Auditor General on the Financial Statements of County Executive of Nairobi City for the year ended 30th June, 2021.
- xxxiii.) Report of the Auditor General on the Financial Statements of County Assembly of Nairobi City for the year ended 30th June, 2021.
- xxxiv.) Report of the Auditor General on the Financial Statements of Wajir County Executive for the year ended 30th June, 2021.
- xxxv.) Report of the Auditor General on the Financial Statements of Wajir County Assembly for the year ended 30th June, 2021.
- xxxvi.) Report of the Auditor General on the Financial Statements of Kisumu County Executive for the year ended 30th June, 2021.
- xxxvii.) Report of the Auditor General on the Financial Statements of Kisumu County Assembly for the year ended 30th June, 2021.
- xxxviii.) Report of the Auditor General on the Financial Statements of Busia County Assembly for the year ended 30th June, 2021.
- xxxix.) Report of the Auditor General on the Financial Statements of Kwale County Executive for the year ended 30th June, 2021.
- xl.) Report of the Auditor General on the Financial Statements of Kwale County Assembly for the year ended 30th June, 2021.
- xli.) Report of the Auditor General on the Financial Statements of Kwale County Trade Revolving Fund for the year ended 30th June, 2021.
- xlii.) Report of the Auditor General on the Financial Statements of Kwale County Youth, Women & Persons with Disability Revolving Fund for the year ended 30th June, 2021.

- xliii.) Report of the Auditor General on the Financial Statements of Kwale County Disaster Management Fund for the year ended 30th June, 2021.
- xliv.) Report of the Auditor General on the Financial Statements of Kwale County Bursary Fund for the year ended 30th June, 2021.
- xlv.) Statement pursuant to Standing Order 57 (1) on the business of the Senate for the week commencing Tuesday, 25th October, 2022.

(The Senate Majority Whip)

7. STATEMENTS

a) Pursuant to Standing Order 52 (1)

The Senator for Nandi County issued a statement on commemoration of the Koitalel Samoei Memorial Day, on 19th October, 2022.

Thereupon, the Senator informed the Senate that the late Mr. Koitalel Samoei was born in 1860 at Samitui in Aldai. He was the last born child of the late Mr. Kimnyolei Arap Turgat and belonged to the Kaplelach age-set of the Nandi community. The late Mr. Koitalel Samoei succeeded his father at the age of twenty-five as the Olkoiyot, who was the supreme spiritual and political leader of the Nandi community.

The Senator further stated that upon arrival of the British colonialists in Nandi territory, the late Mr. Koitalel Samoei rallied his men in fighting and resisting colonial rule for twelve years. On or around 19th October, 1905, the colonialists tricked the late Samoei to a meeting to negotiate a truce, where he was shot dead. Following his death, the Talai clan and the Nandi community as a whole suffered serious injustices at the hands of the colonial administration. On 31st July 2021, the United Nations wrote a letter ordering the United Kingdom to make an apology to and compensate the Talai clan for horrendous violations of their rights under colonial rule.

The Senator called upon the Government of Kenya to follow up the matter with the United Kingdom and to further expedite implementation of recommendations made from investigative reports touching on the human rights violations of the Talai clan and the Nandi community at large. In conclusion, the Senator urged the Chair to refer the Statement to the Standing Committee on Justice, Legal Affairs and Human Rights for further consideration.

Thereupon, the Speaker referred the Statement to the Standing Committee on Justice, Legal Affairs and Human Rights.

b) Pursuant to Standing Order 53 (1)

- i.) The Senator for Makueni County (Sen. Daniel Maanzo, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources regarding incidences of human-wildlife conflict in Kibwezi East and Kibwezi West Constituencies in Makueni County.
- ii.) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources concerning incessant human-wildlife conflict in parts of Taita Taveta County.
- iii.) The Senator for Vihiga County (Sen. Godfrey Osotsi, MP) sought a statement from the Standing Committee on Health regarding the state of healthcare services at the Vihiga County Hospital.
- iv.) The Senator for Marsabit County (Sen. Mohamed Chute, MP) sought a statement from the Standing Committee on Energy regarding the status of the Lake Turkana Wind Power Project.
- v.) The Senator for Marsabit County (Sen. Mohamed Chute, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the process of acquisition and distribution of relief supplies in Marsabit County.
- vi.) The Senator for Samburu County (Sen. (Dr.) Lelegwe Ltumbesi, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding prolonged drought and famine crisis in Arid and Semi-Arid Lands (ASAL).
- vii.) Nominated Senator (Sen. Hamida Kibwana, MP) sought a statement from the Standing Committee on Health concerning the circumstances that led to the death of Master Travis Maina at the Kenyatta National Hospital.
- viii.) The Senator for Tharaka Nithi County (Sen. Mwenda Gataya, MP) sought a statement from the Standing Committee on Devolution and Intergovernmental Relations concerning relocation of government/administration services from Chuka Town to Kathwana Town Headquarters in Tharaka Nithi County.
- ix.) The Senator for Tharaka Nithi County (Sen. Mwenda Gataya, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources concerning alleged diversion of rivers originating from the Nyambene Hills and Mount Kenya, by local communities in Meru County.

- x.) Nominated Senator (Sen. Raphael Chimera, MP) on behalf of nominated Senator (Sen. Gloria Orwoba, MP) sought a statement from the Standing Committee on Information, Communication and Technology concerning allegations of data protection fraud in ongoing the sim-card registration process.

c) Pursuant to Standing Order 57 (1)

The Senate Majority Whip issued a statement on the business of the Senate for the week commencing Tuesday, 25th October, 2022.

8. **MOTION - APPROVAL OF SENATORS TO SERVE IN THE COUNTY PUBLIC ACCOUNTS COMMITTEE; COUNTY PUBLIC INVESTMENTS AND SPECIAL FUNDS COMMITTEE; AND THE COMMITTEE ON DELEGATED LEGISLATION**

Order read;

Motion made and Question proposed;

THAT, pursuant to Standing Order Nos. 193, 194, 195, and 199 the Senate approves the following Senators nominated by the Senate Business Committee to serve in Select Committees of the Senate as follows –

A. **County Public Accounts Committee**

1. Sen. Samson Kiprotich Cherarkey, MP
2. Sen. John Muhia Methu, MP
3. Sen. Mariam Sheikh Omar, MP
4. Sen. Mwenda Gataya Mo Fire, MP
5. Sen. Moses Otieno Kajwang', MP
6. Sen. Fatuma Adan Dullo, CBS, MP
7. Sen. Richard Momoima Onyonka, MP
8. Sen. Edwine Watanya Sifuna, MP
9. Sen. Andrew Omtatah Okoiti, MP

B. **County Public Investments and Special Funds Committee**

1. Sen. Onesimus Kipchumba Murkomen, EGH, MP
2. Sen. Paul Karungo Thangwa, MP
3. Sen. Maureen Tabitha Mutinda, MP
4. Sen. Miraj Abdullahi Abdulrahman, MP
5. Sen. Eddy Gicheru Oketch, MP
6. Sen. Ledama Olekina, MP
7. Sen. Hamida, Kibwana MP
8. Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP
9. Sen. Godrey Atieno Osotsi, MP

C. **Committee on Delegated Legislation**

1. Sen. Mwenda Gataya Mo Fire, MP
2. Sen. Danson Buya Mungatana, MP
3. Sen. Gloria Magoma Orwoba, MP

4. Sen. Joyce Chepkoech Korir, MP
5. Sen. Julius Murgor Recha, MP
6. Sen. Daniel Kitonga Maanzo, MP
7. Sen. Mohamed Faki Mwinyihaji, MP
8. Sen. Betty Batuli Montet, MP
9. Sen. Agnes Kavindu Muthama, MP

(The Senate Majority Leader – 18.10. 2022)

Debate interrupted on Tuesday, 18th October, 2022 resumed;

And there being no other Senator wishing to contribute;

The Senate Majority Whip replied on behalf of the Mover;

Before the Question was put and pursuant to Standing Order 84 (1), the Temporary Speaker (Sen. Veronica Maina, MP) ruled that the matter does not affect counties.

Question put, agreed to.

RESOLVED ACCORDINGLY

THAT, pursuant to Standing Order Nos.193, 194, 195, and 199 the Senate approves the following Senators nominated by the Senate Business Committee to serve in Select Committees of the Senate as follows –

A. **County Public Accounts Committee**

1. Sen. Samson Kiprotich Cherarkey, MP
2. Sen. John Muhia Methu, MP
3. Sen. Mariam Sheikh Omar, MP
4. Sen. Mwenda Gataya Mo Fire, MP
5. Sen. Moses Otieno Kajwang', MP
6. Sen. Fatuma Adan Dullo, CBS, MP
7. Sen. Richard Momoima Onyonka, MP
8. Sen. Edwine Watanya Sifuna, MP
9. Sen. Andrew Omtatah Okoiti, MP

B. **County Public Investments and Special Funds Committee**

1. Sen. Onesimus Kipchumba Murkomen, EGH, MP
2. Sen. Paul Karungo Thangwa, MP
3. Sen. Maureen Tabitha Mutinda, MP
4. Sen. Miraj Abdullahi Abdulrahman, MP
5. Sen. Eddy Gicheru Oketch, MP
6. Sen. Ledama Olekina, MP
7. Sen. Hamida, Kibwana MP
8. Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP
9. Sen. Godrey Atieno Osotsi, MP.

C. Committee on Delegated Legislation

1. Sen. Mwenda Gataya Mo Fire, MP
2. Sen. Danson Buya Mungatana, MP
3. Sen. Gloria Magoma Orwoba, MP
4. Sen. Joyce Chepkoech Korir, MP
5. Sen. Julius Murgor Recha, MP
6. Sen. Daniel Kitonga Maanzo, MP
7. Sen. Mohamed Faki Mwinyihaji, MP
8. Sen. Betty Batuli Montet, MP
9. Sen. Agnes Kavindu Muthama, MP

9. MOTION - PARKING CHARGES IN INSTITUTIONS OFFERING ESSENTIAL SERVICES TO THE PUBLIC

Order read;

Motion made;

THAT, AWARE THAT, many urban areas and towns in Kenya lack designated car parking areas as a result of imbalance between parking supply and demand mainly due to ineffective land use planning and miscalculations of space requirements, thereby leading to exorbitant parking fees;

NOTING THAT, most essential services offered in hospitals, educational institutions, airports, shopping malls and other public utilities are offered in urban centers, and other designated areas that charge parking fees to access;

ACKNOWLEDGING, that whether they are delivered by public or private providers, essential services such as health, banking, education, shopping and other utilities are considered to be public services because they are public goods that sustain the well-being of every citizen and help in the development of the society as a whole;

CONCERNED, that access to hospitals, educational institutions, airports, shopping malls and other places offering essential services might be hindered due to exorbitant parking fees levied on motorists accessing these services;

FURTHER CONCERNED, that charging entry fees amount to double taxation as the motorists who would have paid the parking fees will still pay for the services they seek;

NOW THEREFORE, the Senate urges the Cabinet Secretary for Lands, Housing and Physical Planning together with the Council of Governors to come up with a policy framework to create an enabling environment for protection of motorists accessing essential services from paying exorbitant parking fees.

(Sen. Edwine Sifuna, MP)

And the time being thirty minutes past six O'clock, the Temporary Speaker (Sen. Veronica Maina MP) adjourned the Senate without Question put, pursuant to the Standing Orders.

10. SENATE ROSE – at thirty minutes past six O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Tuesday, October 25, 2022 at 2.30 p.m.*

--x-