



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (FIRST SESSION)

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, OCTOBER 18, 2022 AT 2.30 PM

1. The Senate assembled at thirty minutes past two O'clock.
2. The proceedings were opened with Prayer said by the Temporary Speaker (Sen. Veronica Nduati, MP).
3. **MESSAGE FROM H.E. THE PRESIDENT OF THE REPUBLIC OF KENYA ON PARLIAMENTARY APPROVAL OF THE NOMINEE FOR THE APPOINTMENT AS INSPECTOR GENERAL OF THE NATIONAL POLICE SERVICE**

The Temporary Speaker conveyed the following Message –

“Honourable Senators, pursuant to Standing Order 47 of the Senate Standing Orders I wish to convey a Message from His Excellency the President. The Message was delivered to the Office of the Speaker via a letter referenced OP/CAB.26/4A VOL.I/ (46) dated 29th September, 2022, and received in the Office of the Speaker of the Senate on 18th October, 2022 regarding *“Parliamentary approval of the nominee for the appointment as Inspector General of the National Police Service”*.”

In the Message, H.E. the President conveys that-

“In exercise of powers conferred by Article 245(2)(a) of the Constitution of Kenya, **I, William Samoei Ruto**, President and Commander-In-Chief of the Kenya Defence Forces nominates-

ENG. JAPHET KOOME NCHEBERE

for appointment as the Inspector General of Police of the National Service”.

Honourable Senators, Article 245(2)(a) provides that the Inspector-General is appointed by the President with the approval of Parliament. Further, section 12 (2) and (7) of the National Police Service Act (No. 11A of 2011) states as follows-

12 (2) The President shall, within fourteen days after a vacancy occurs in the office of the Inspector- General, nominate a person for appointment as an Inspector-General and submit the name of the nominee to Parliament

12 (7) Parliament shall, within fourteen days when it first meets after receiving the names of the nominees-

(a) consider the suitability of the nominee;

(b) either approve or reject the nominee for appointment; and

(c) the Speaker of the National Assembly shall notify the President of the decision of the Parliament.

Honourable Senators, as was agreed and executed during the previous approvals for the position of the Inspector General of Police, and in order for Parliament to effectively conduct the vetting process, the following procedure shall apply-

- i) That, the vetting of the nominee for appointment as Inspector-General of Police shall be conducted jointly by the Committees of the two Houses mandated to deal with matters of national security. The vetting process will therefore, be conducted by the Standing Committee on National Security, Defence and Foreign Relations of the Senate and the Departmental Committee on Administration and Internal Affairs of the National Assembly;
- ii) That, the Chairpersons of the two committees will Co-Chair the joint sittings and the Secretariat will comprise officers of the two Houses;
- iii) That, the quorum of the joint sittings will be the respective quorums of each of the committees as stipulated by the respective Standing Orders;
- iv) That, as contemplated under Rule 9(6) of the Joint Rules, unless a decision is reached by consensus, any vote to be taken in the joint sitting of the committees shall be by separate Houses. This will ensure that the numerical difference of the individual members representing the Houses in the joint sittings has no effect on the decisions of the joint sittings of the Committees; and
- v) That, the Committees shall, having conducted the vetting hearings, submit a Joint Report to the respective Houses in the manner contemplated by paragraph (7) of Joint Rule 9.

Honourable Senators, Section 8 (1) of the Public Appointments (Parliamentary Approval) Act, 2011 states-

“Unless otherwise provided in any law, a Committee shall consider a nomination and table its report in the relevant House for debate and decision within twenty eight (28) days from the date on which the notification of nomination was given in accordance with section 5.”

Section 9 of the Act further states-

“If, after expiry of the period for consideration specified in section 8, Parliament has neither approved nor rejected a nomination of a candidate, the candidate shall be deemed to have been approved.”

In this regard, the period on the matter that is now before Parliament starts running upon the Speaker of the National Assembly committing the name of the nominee to the Departmental Committee on Administration and Internal Affairs.

Honourable Senators, Standing Order 77(1) of the Senate Standing Orders provides that-

Upon receipt of a notification of nomination for appointment to a public office required to be approved by the Senate under the Constitution or any other legislation, the nomination shall stand committed to the relevant Standing Committee for consideration.

This Message therefore, together with the résumé of the nominee stands committed to the Standing Committee on National Security, Defence and Foreign Relations of the Senate for vetting jointly with the Departmental Committee on Administration and Internal Affairs of the National Assembly, in accordance with the provisions of the National Police Service Act, public Appointment (parliamentary approval) act and the Standing Orders of the Houses of Parliament.

I thank you.”

4. **PETITION**

Pursuant to Standing Order 236(2)(a), the Senator of Homabay County, (Sen. Moses Kajwang, MP) reported to the Senate a petition by Mr. Daniel Rakoro and other residents of Mfangano Island in Lake Victoria, Homabay County regarding public transport in Lake Victoria between Mfangano Island in Suba Central Sub-County and Mbita.

Pursuant to Standing Order 237, the Temporary Speaker (Sen. Veronica Nduati, MP) invited Senators to make comments, observations or seek clarification in relation to the Petition and, subsequently, committed it to the Standing Committee on Roads, Transportation and Housing, pursuant to Standing Order 238(1).

5. **PAPERS**

The following papers were laid on the table of the Senate:-

- i) Report of the Auditor General on the Financial Statements of Narok County Executive for the year ended 30th June, 2021.
- ii) Report of the Auditor General on the Financial Statements of Narok County Assembly for the year ended 30th June, 2021.
- iii) Report of the Auditor General on the Financial Statements of Narok County Assembly Loan & Mortgage Fund for the year ended 30th June, 2021.
- iv) Report of the Auditor General on the Financial Statements of Narok County Bursary Fund for the year ended 30th June, 2021.
- v) Report of the Auditor General on the Financial Statements of Narok Water & Sewerage Services Company Ltd for the year ended 30th June, 2021.
- vi) Report of the Auditor General on the Financial Statements of Baringo County Executive Mortgage Scheme Fund for the year ended 30th June, 2021.
- vii) Report of the Auditor General on the Financial Statements of Baringo County Assembly (Members) Car Loan & Mortgage Fund for the year ended 30th June, 2021.
- viii) Report of the Auditor General on the Financial Statements of Baringo County Assembly (Staff) Car Loan & Mortgage Fund for the year ended 30th June, 2021.
- ix) Report of the Auditor General on the Financial Statements of Baringo County Assembly Catering & Health Services Scheme Fund for the year ended 30th June, 2021.
- x) Report of the Auditor General on the Financial Statements of Baringo County Older Persons and Persons with Disability Fund for the year ended 30th June, 2021.
- xi) Report of the Auditor General on the Financial Statements of Baringo County Lake Bogoria Community Grant for the year ended 30th June, 2021.
- xii) Report of the Auditor General on the Financial Statements of Baringo County Community Wildlife Conservation Fund for the year ended 30th June, 2021.
- xiii) Report of the Auditor General on the Financial Statements of Baringo County Bursary & Scholarship Fund for the year ended 30th June, 2021.

- xiv) Report of the Auditor General on the Financial Statements of Baringo County Emergency Fund for the year ended 30th June, 2021.
- xv) Report of the Auditor General on the Financial Statements of Kirandich Water Company Ltd for the year ended 30th June, 2021.
- xvi) Report of the Auditor General on the Financial Statements of Kirinyaga County Assembly Mortgage (Members) Scheme Fund for the year ended 30th June, 2021.
- xvii) Report of the Auditor General on the Financial Statements of Kirinyaga County Assembly Car Loan (Members) Fund for the year ended 30th June, 2021.
- xviii) Report of the Auditor General on the Financial Statements of Kirinyaga County Facility Improvement Fund for the year ended 30th June, 2021.
- xix) Report of the Auditor General on the Financial Statements of Kirinyaga County Alcoholics Drinks & Substance Abuse Control Fund for the year ended 30th June, 2021.
- xx) Report of the Auditor General on the Financial Statements of Kirinyaga County Health Sector Service Fund (H.S.S.F) for the year ended 30th June, 2021.
- xxi) Report of the Auditor General on the Financial Statement of Kirinyaga County Education Bursary Fund for the year ended 30th June, 2021.
- xxii) Report of the Auditor General on the Financial Statements of Kirinyaga Water & Sanitation Company Ltd for the year ended 30th June, 2021.
- xxiii) Report of the Auditor General on the Financial Statements of Rukanga Water & Sanitation Company Ltd for the year ended 30th June, 2021.
- xxiv) Report of the Auditor General on the Financial Statements of Kisii County Veterinary Services Development Fund for the year ended 30th June, 2021.
- xxv) Report of the Auditor General on the Financial Statements of Nyandarua County Executive Committee Members' Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2021.
- xxvi) Report of the Auditor General on the Financial Statements of Nyandarua County Assembly (Members) Car Loan Mortgage Scheme for the year ended 30th June, 2021.

- xxvii) Report of the Auditor General on the Financial Statements of Nyandarua County Assembly (Staff) Car Loan & Mortgage Fund for the year ended 30th June, 2021.
- xxviii) Report of the Auditor General on the Financial Statements of Nyandarua County Assembly for the year ended 30th June, 2021.
- xxix) Report of the Auditor General on the Financial Statements of Nyandarua County Civil Servants' Car Loan & Mortgage Scheme Fund for the year ended 30th June, 2021.
- xxx) Report of the Auditor General on the Financial Statements of Nyandarua Water & Sanitation Company Ltd for the year ended 30th June, 2021.
- xxxi) Report of the Auditor General on the Financial Statements of Nyandarua County Bursary Fund for the year ended 30th June, 2021.
- xxxii) Report of the Auditor General on the Financial Statements of Nyandarua County Emergency Fund for the year ended 30th June, 2021.
- xxxiii) Report of the Auditor General on the Financial Statements of Olkalou Water & Sanitation Company Ltd for the year ended 30th June, 2021.
- xxxiv) Report of the Auditor General on the Financial Statements of Kajiado County Executive for the year ended 30th June, 2021.
- xxxv) Report of the Auditor General on the Financial Statements of Kajiado County Executive Staff Car Loan & Mortgage Scheme Fund for the year ended 30th June, 2021.
- xxxvi) Report of the Auditor General on the Financial Statements of Kajiado County Assembly for the year ended 30th June, 2021.
- xxxvii) Report of the Auditor General on the Financial Statements of Kajiado County Education Bursary, Grants and Scholarship Fund for the year ended 30th June, 2021.
- xxxviii) Report of the Auditor General on the Financial Statements of Kajiado County Emergency Fund for the year ended 30th June, 2021.
- xxxix) Report of the Auditor General on the Financial Statements of Kajiado County Alcoholic Drinks Control Fund for the year ended 30th June, 2021.
- xl) Report of the Auditor General on the Financial Statements of Kajiado County Youth & Women Enterprise Fund for the year ended 30th June, 2021.

- xli) Report of the Auditor General on the Financial Statements of Kajiado County Disability Mainstreaming Fund for the year ended 30th June, 2021.

(The Senate Majority Whip)

6. **NOTICE OF MOTION – APPOINTMENT OF A JOINT SELECT COMMITTEE ON ELECTION OF MEMBERS TO THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)**

(The Senate Majority Leader)

THAT, ACKNOWLEDGING that the East African 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;

RECOGNIZING 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 ninety (90) days before the expiry of the term of the subsisting Assembly;

NOTING THAT the term of the current East African Legislative Assembly will come to an end 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;

NOW, THEREFORE, in accordance with the provisions of Rule 9 of the Houses of Parliament (Joint Sitzings) Rules, the Senate resolves –

- i) to establish a *Joint Select Committee* consisting of seven (7) Members from each House of Parliament to undertake the functions contemplated under the *East African Legislative Assembly Elections (Election of Members of the Assembly) Rules, 2017*:
- ii) that the following Members represent the Senate in the Joint Select Committee:
 1. Sen. Daniel Kitonga Maanzo, MP - Co-Chairperson
 2. Sen. Raphael Chimera Mwinzangu, MP;
 3. Sen. Joyce Chepkoech Korir, MP;
 4. Sen. Miraj Abdullahi Abdulrahman, MP;
 5. Sen. Chute Muhamed Said, MP;
 6. Sen. Joseph Githuku Kamau, MP; and
 7. Sen. Beatrice Akinyi Oyomo, MP.

- iii) that the Offices of the Clerks of Houses of Parliament provides secretariat services to the Joint Committee in accordance with the Standing Orders; and
- iv) that the Joint Committee reports to the Houses of Parliament within the timelines stipulated in the *East African Legislative Assembly Elections (Election of Members of the Assembly) Rules, 2017*.

7. **STATEMENTS**

a) Pursuant to Standing Order 52 (1)

- i) The Senator for Garissa County (Sen. Abdul M. Haji, MP) made a Statement concerning the plan by Safaricom PLC to block unregistered Sim Cards by 15th October, 2022.

Sen. Haji informed the Senate that there were millions of Kenyans in need of humanitarian aid, especially in the Northern counties and other Arid and Semi-Arid Lands (ASALs) areas of Kenya where the populace was faced by the debilitating effects of severe drought.

While outlining the nature of support given by the Non Governmental Organizations (NGO's) that had stepped up to mitigate the effects of the drought, the Senator stated that Cash transfers running into billions of shillings were an important form of support that would be negatively affected by the blocking of unregistered SIM cards by Safaricom.

Sen. Haji appreciated that, while it was important to register SIM cards in order to prevent crime, fraud and other such malpractices and also in compliance with the Kenya Information and Communication Act, it was necessary for Safaricom and other telecom providers to take cognizance of the special circumstances of most of the people in the ASAL areas.

The Senator concluded by appealing to the Senate to prevail upon Safaricom and other telecommunication service providers to defer their deadline and to also consider having mobile registration centres to these pastoralist and ASAL areas in order to ensure compliance so that the humanitarian aid is not disrupted by the disconnection of customers.

Following contributions by Senators, the Temporary Speaker (Sen. Veronica Nduati, MP) directed that the Statement be referred to the Standing Committee on Information, Communication and Technology for consideration and reporting to the Senate, pursuant to Standing Order No. 52(3).

- ii) Nominated Senator (Sen. Crystal Asige, MP) made a Statement on the commemoration of the ‘*World Sight Day*’.

While informing the Senate that October was Blindness Awareness Month, Sen. Asige stated that this was a global event observed annually on the second Thursday of October with the main goal being to draw attention to blindness and vision impairment. She drew the attention of the Senators to this year’s theme for World Sight Day, “***Love Your Eyes***” and stated that it was aimed at focusing the world's attention to the importance of eye care, which is a global issue.

The Senator then proceeded to inform the House that according to the World Health Organization (WHO), at least 2.2 billion people have some form of visual impairment or blindness, out of whom 1 billion suffered from preventable blindness.

Sen. Asige concluded by encourage all to Love their Eyes and called upon the Government must prioritize eye care health systems, governance, financing, service delivery, human resource, health information systems and research. She further reiterated and called on everyone to become deliberate champions of eye care in whatever manner to highlight the importance of eye health while outlining some of the activities Senators could engage in as a way of improving eye health for all.

b) Pursuant to Standing Order 53 (1)

- i) The Senator for Kitui County (Sen. Enoch Wambua, MP) sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the heightened insecurity situation in Mutha Ward, Kitui County.
- ii) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a Statement from the Standing Committee on Health regarding the recall and suspension of sales of several edible oil products from various manufacturers in Kenya by the Kenya Bureau of Standards (KEBS).
- iii) The Senator for Embu County (Sen. Alexander Mundigi, MP) sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding an arsonist attack on seven (7) members of a family in Ngimari village in Runyenjes East location, Embu County.
- iv) The Senator for Embu County (Sen. Alexander Mundigi, MP) sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations concerning the incessant conflict between the Mbeere and Ameru communities in Siakago Constituency, Embu County.

- v) The Senator for Embu County (Sen. Alexander Mundigi, MP) sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations concerning the sale and consumption of illicit brews in Siakago Constituency, Embu County.
8. **MOTION – APPOINTMENT OF A JOINT SELECT COMMITTEE ON ELECTION OF MEMBERS TO THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)**

Order read;

Motion made and Question proposed;

THAT, ACKNOWLEDGING that the East African 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;

RECOGNIZING 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 ninety (90) days before the expiry of the term of the subsisting Assembly;

NOTING THAT the term of the current East African Legislative Assembly will come to an end 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;

NOW THEREFORE, in accordance with the provisions of Rule 9 of the Houses of Parliament (Joint Sittings) Rules, the Senate resolves –

- i) to establish a *Joint Select Committee* consisting of seven (7) Members from each House of Parliament to undertake the functions contemplated under the *East African Legislative Assembly Elections (Election of Members of the Assembly) Rules, 2017*:
- ii) that the following Members represent the Senate in the Joint Select Committee:
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 4. Sen. Miraj Abdullahi Abdulrahman, MP;

5. Sen. Chute Muhamed Said, MP;
6. Sen. Joseph Githuku Kamau, MP; and
7. Sen. Beatrice Akinyi Oyomo, MP.

iii) that the Offices of the Clerks of Houses of Parliament provide secretariat services to the Joint Committee in accordance with the Standing Orders; and

iv) that the Joint Committee reports to the Houses of Parliament within the timelines stipulated in the *East African Legislative Assembly Elections (Election of Members of the Assembly) Rules, 2017*.

(The Senate Majority Leader)

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Before the Question was put and pursuant to Standing Order 84(2) the Temporary Speaker (Sen. Catherine Mumma, MP) informed the House that the Motion did not affect counties.

Question put and agreed to.

RESOLVED ACCORDINGLY-

THAT, ACKNOWLEDGING that the East African 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;

RECOGNIZING 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;

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 5. Sen. Chute Muhamed Said, MP;
 6. Sen. Joseph Githuku Kamau, MP; and
 7. Sen. Beatrice Akinyi Oyomo, MP.
 - iii) that the Offices of the Clerks of Houses of Parliament provide secretariat services to the Joint Committee in accordance with the Standing Orders; and
 - iv) that the Joint Committee reports to the Houses of Parliament within the timelines stipulated in the *East African Legislative Assembly Elections (Election of Members of the Assembly) Rules, 2017*.
9. **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. Godfrey 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)

Debate arising;

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. Catherine Mumma, MP) interrupted the business of the Senate and adjourned the Senate without Question put, pursuant to the Standing Orders.

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

M E M O R A N D U M

*The Speaker will take the Chair on
Wednesday, October 19, 2022 at 02:30 p.m.*

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