



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, MARCH 8, 2023 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. **QUORUM IN THE HOUSE**

The Speaker, having counted the Honourable Senators present at the commencement of the Sitting and confirming that there was no Quorum, caused the Bell to be rung for five minutes pursuant to Standing Order 40;

And there being a Quorum after the expiry of five minutes;

The Speaker invited the Clerk to call the Orders of the day.

4. **COMMUNICATION FROM THE CHAIR**

The Temporary Speaker (Sen. Abdul Haji, MP) conveyed the following Communication from the Chair on a visiting Delegation from the Bungoma County Assembly.

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, a visiting delegation from Bungoma County Assembly. The delegation comprises eight (8) Clerk Assistants and two (2) Legal Officers who are undertaking training at the Centre for Parliamentary Studies and Training (CPST).

Honourable Senators,

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

I thank you!"

5. **PETITION**

Pursuant to Standing Order 236(2) (b), the Speaker reported to the Senate a Petition submitted by Mr. Philip K. A. Too, a resident of Olengumone in Nakuru County, delay in payment of pension to teachers who retired between 1997 and 2007.

Pursuant to Standing Order 237, the Speaker invited Senators to make comments, observations or seek clarification in relation to the Petition and, subsequently committed it to the Standing Committee on Education, pursuant to Standing Order 238(1).

6. **PAPERS LAID**

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

- i.) Report of the Auditor General on the Financial Statement of County Government of Bomet – County Revenue Fund for the year ended 30th June, 2022.
- ii.) Report of the Auditor General on the Financial Statement of Kitui County Executive for the year ended 30th June, 2022.
- iii.) Report of the Auditor General on the Financial Statement of Kitui County Assembly for the year ended 30th June, 2022.
- iv.) Report of the Auditor General on the Financial Statement of Makueni County Executive for the year ended 30th June, 2022.
- v.) Report of the Auditor General on the Financial Statement of Makueni County Assembly for the year ended 30th June, 2022.
- vi.) Report of the Auditor General on the Financial Statement of Makueni County State and Public Officers Car Loan and Mortgage Fund for the year ended 30th June, 2022.
- vii.) Report of the Auditor General on the Financial Statement of Makueni County Emergency Fund for the year ended 30th June, 2022.
- viii.) Report of the Auditor General on the Financial Statement of Baringo County Executive for the year ended 30th June, 2022.

- ix.) Report of the Auditor General on the Financial Statement of Baringo County Assembly for the year ended 30th June, 2022.
- x.) Report of the Auditor General on the Financial Statement of Baringo County Assembly (Members) Car loan and Mortgage Fund for the year ended 30th June, 2022.
- xi.) Report of the Auditor General on the Financial Statement of Baringo County Assembly (Staff) Car Loan and Mortgage Fund for the year ended 30th June, 2022.
- xii.) Report of the Auditor General on the Financial Statement of Machakos County Executive for the Year ended 30th June, 2022.

(The Deputy Senate Majority Leader)

7. **NOTICE OF MOTION – APPROVAL OF SITTINGS OF THE SENATE OUTSIDE NAIROBI**

(The Deputy Senate Majority Leader)

THAT, AWARE that the Senate of Kenya is established by Article 93 of the Constitution and its main role, as set out at Article 96 is to represent, serve and protect the interests of the counties and their governments;

FURTHER AWARE of the critical role that the Senate plays in the interlinkage between the National and County levels of government;

COGNIZANT of the need to enhance the interaction between the Senate and county governments, as a means of bringing the Senate closer to the counties and the general public;

ACKNOWLEDGING the success made during the sittings of the Senate outside Nairobi; held in Uasin Gishu and Kitui Counties in September, 2018 and in September, 2019, respectively;

APPRECIATING the recommendation of the Senate Business Committee that a Sitting of the Senate be held away from the traditional premises in Parliament Buildings, Nairobi, during the term of the 13th Parliament, with the objective to –

- 1) promote the role and work of the Senate and enhance public awareness regarding the Business of the Senate;
- 2) highlight existing and new opportunities for engagement in the legislative process;
- 3) develop and strengthen partnerships at the county level of government; and

- 4) provide an opportunity to members and staff of county assemblies to learn and share best practices with Senators and parliamentary officers;

NOW THEREFORE, pursuant to Article 126 (1) of the Constitution, the Senate resolves that its plenary and committee sittings be held in the counties for a one-week period within the month of September in every Session of the 4th Senate, except during an election year; and further that a programme of sittings outside Parliament Buildings in Nairobi be drawn, to ensure that such sittings take place in different counties of the Republic.

8. **STATEMENTS**

a) Pursuant to Standing Order 52(1)

- i.) Nominated Senator (Sen. Tabitha Maureen Mutinda, MP) on behalf of Nominated Senator (Sen. Veronica Maina, MP) made a Statement concerning the *'International Women's Day.'*

The Senator informed the Senate that the day is observed annually on 8th March and that this year's theme was, *"Innovation and Technology for gender equality"*. The Senator noted that Kenya had made progress towards gender equality, but that there was still much work to be done.

The Senator informed the Senate that technology and innovation could be used to play a crucial role in advancing gender equality by creating new opportunities for women, promoting their empowerment, and increasing access to resources and information. The Senator thereafter highlighted a number of opportunities in this regard.

In conclusion, the Senator stated that Kenya could create a more inclusive and gender-equal society and wished every woman a Happy International Women's Day. She also urged the Senate to leverage on the use of technology in a bid to advance this cause.

- ii.) Seneta wa Kaunti ya Mombasa (Sen. Mohammed Faki Mwinyihaji, MP) alitoa kauli kuhusu, kukatwa kwa umeme katika Hospitali Kuu ya Pwani.

Seneta alitaarifu Seneti kuwa hospitali hiyo ndiyo taasisi kubwa ya afya katika eneo la Pwani, inayohudumia Kaunti za Mombasa, Kwale, Kilifi, Tana River, Lamu na Taita Taveta. Kwa hivyo utendakazi wake unaangaziwa sana eneo hilo.

Seneta alisisitiza kuwa kuna huduma muhimu katika hospitali hiyo zinazoendeshwa na vifaa vya umeme kama vile vyumba vya wagonjwa mahututi, vitanda vya watoto wachanga waliozaliwa kabla ya wakati, huduma za picha na kadhalika. Seneta alieleza ya kwamba, hospitali

hiyo ndilo tumaini la wananichi wengi kwa hivyo, ni muhimu iweze kutoa huduma bora ili kuokoa maisha.

Alieleza zaidi kwamba huduma hizi muhimu hutumia umeme kuboresha hali ya wagonjwa, na kitendo kile cha kutata umeme kilichofanywa na shirika la *Kenya Power* katika Hospitali Kuu ya Pwani ni cha unyama na uroho.

Alitamatisha kauli kwa kuomba Mheshimiwa Spika kuikabidhi swala hili kwa Kamati ya Kudumu ya Afya kwa uchunguzi wa kina ili yaliyoshuhudiwa yasirudiwe. Baada ya matamshi ya Maseneta kuhusu jambo hilo, kwamujibu wa Kanuni 53(3) ya Kanuni Za Kudumu, Mheshimiwa Spika, akaukabidhi kauli kwa Kamati ya Kudumu ya Afya.

b) Pursuant to Standing Order 53 (1)

- i.) Nominated Senator (Sen. Shakila Abdalla Mohamed, MP) on behalf of Nominated Senator (Sen. Hamida Kibwana, MP), sought a statement from the Standing Committee on Land, Environment and Natural Resources concerning the steps taken to achieve Kenya's greenhouse gas emission reduction targets as set out in the Nationally Determined Contributions (NDCs).
- ii.) Nominated Senator (Sen. Shakila Abdalla Mohamed, MP) on behalf of Nominated Senator (Sen. Hamida Kibwana, MP) sought a statement from the Standing Committee on Energy concerning the proposed energy tariffs applicable from the year 2022 to 2026.
- iii.) Nominated Senator (Sen. Crystal Asige, MP) sought a statement from the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration regarding representation of Persons with Disabilities (PWDs) in the County Assemblies.
- iv.) The Senator for Taita Taveta County (Sen. Johnes Mwaruma MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources regarding ownership status and adjudication of Kishamba B land in Voi Sub-county.

9. **MOTION - ADOPTION OF THE REPORT OF THE JOINT SITTINGS OF THE STANDING COMMITTEE ON FINANCE AND BUDGET OF THE SENATE AND THE DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING OF THE NATIONAL ASSEMBLY, ON THE NOMINATION OF DR. SUSAN JEMTAI KOECH, FOR APPOINTMENT TO THE POSITION OF DEPUTY GOVERNOR OF THE CENTRAL BANK OF KENYA**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Joint Sittings of the Standing Committee on Finance and Budget of the Senate and the Departmental Committee on Finance and National Planning of the National Assembly, on the nomination of Dr. Susan Jemtai Koech, for appointment to the position of Deputy Governor of the Central Bank of Kenya laid on the Table of the Senate on Tuesday, 7th March, 2023; and pursuant to Section 13B (1) of the Central Bank of Kenya Act and Section 8 of the Public Appointments (Parliamentary Approval) Act, approves the nomination of Dr. Susan Jemtai Koech for appointment to the position of the Deputy Governor of the Central Bank of Kenya.

(The Vice-Chairperson, Standing Committee on Finance and Budget)

Debate arising;

Raising a Point of Order pursuant to Standing Order 109(1), Nominated Senator (Sen. Peris Tobiko, MP) claimed to move -

THAT, the Mover be now called upon to reply.

(Sen. Peris Tobiko, MP)

And the Speaker acceding to the claim;

Question put and agreed to;

There upon, the Mover replied.

Before the Question was put, and pursuant to Standing Order No. 84 (1), the Speaker ruled that the Motion does not affect Counties.

Question put and **agreed to**.

RESOLVED ACCORDINGLY

THAT, the Senate adopts the Report of the Joint Sittings of the Standing Committee on Finance and Budget of the Senate and the Departmental Committee on Finance and National Planning of the National Assembly, on the nomination of Dr. Susan Jemtai Koech, for appointment to the position of Deputy Governor of the Central Bank of Kenya laid on the Table of the Senate on Tuesday, 7th March, 2023; and pursuant to Section 13B (1) of the Central Bank of Kenya Act and Section 8 of the Public Appointments (Parliamentary Approval) Act, approves the nomination of Dr. Susan Jemtai Koech for appointment to the position of the Deputy Governor of the Central Bank of Kenya.

10. **QUORUM OF THE SENATE**

Raising a Point of Order Point of Order pursuant to Standing Order 41, Nominated Senator (Sen. Mariam Sheikh Omar, MP) drew the attention of the Temporary Speaker (Sen. Abdul Haji, MP) to the fact that there was no quorum in the House;

And the Temporary Speaker (Sen. Abdul Haji, MP) having counted the Senators present and confirmed that there was no quorum in the House, ordered the quorum Bell to be rung for ten minutes;

And there being no Quorum after the expiry of ten minutes, the Temporary Speaker (Sen. Abdul Haji, MP) adjourned the Senate at thirty minutes past Five O'clock pursuant to Standing Order 40(2), without Question put.

11. **SENATE ROSE** – at thirty minutes past Five O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Thursday March 09, 2023 at 2:30 p.m.*

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