

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 15th June, 2023

*The House met at the Senate Chamber,
Parliament Buildings, at 2.34 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)

The Speaker (Hon. Kingi): Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

(Several Senators walked into the Chamber)

The Speaker (Hon. Kingi): Serjeant-at-Arms, I am informed that we do have quorum now, you may now stop the bell. Clerk, please, proceed to call the first Order.

(Several senators walked into the Chamber)

Hon. Senators, kindly. take your seats, there is a Message that I need to pass to you.

MESSAGE FROM SIAYA COUNTY ASSEMBLY

PROPOSED REMOVAL FROM OFFICE BY IMPEACHMENT OF
THE DEPUTY GOVERNOR OF SIAYA COUNTY

The Speaker (Hon. Kingi): Hon. Senators, I wish to report to the Senate that pursuant to Standing Order 48, I received the following Message from the Speaker of the County Assembly of Siaya, regarding the passage by the County Assembly of a Motion pursuant to Article 181 of the Constitution and Section 33 of the County Government Act, for the removal from Office by way of impeachment of Hon. William Oduor, the Deputy Governor of Siaya County.

The Message was transmitted to the Senate vide a letter signed by the Speaker of the County Assembly of Siaya, Ref. No. CASADM/33/04, dated 9th June, 2023 and received in my office on Saturday, 10th June 2023.

Pursuant to Standing Order 48(4) of the Senate, I shall now report the Message to the Senate.

This is to inform you that on Thursday, the 8th day of June, 2023, during the afternoon sitting of the County Assembly of Siaya, vide a resolution of the Assembly and pursuant to the provision of Article 181 of the Constitution of Kenya 2010, Section 33 of the County Government Act 2012 as read together with provisions of Standing Order No.71 and 72 of the County Assembly of Siaya Standing Orders, approved the Motion to remove from office the Deputy Governor of Siaya County, Mr. William Oduor, by way of impeachment.

Therefore, the purpose of this letter is to inform you of the aforementioned resolution and to forward the same to your esteemed office, in line with the provisions of Section 33(2)(a) of the County Government Act, 2012 and Standing Order No.71(11) of the County Assembly of Siaya Standing Orders for your further action.

Attached herewith, please,
find a schedule of bundles of documents, records containing evidence adduced, notes and records of proceedings before the County Assembly for your reference and records.

(Several Senators stood at the Bar)

Hon. Members, you may walk in and take your seats before I proceed.

(The Senators walked into the Chamber and took their seats)

Hon. Senators, as stated in the letter from the Speaker of the County Assembly of Siaya, the following documents were forwarded to the Senate, being the record of proceedings of the County Assembly and the evidence adduced in support of the impeachment Motion:

- (1) Notice of proposed Motion on Impeachment of Deputy Governor, William Oduol.
- (2) Motion on removal from office of the Deputy Governor.
- (3) List of Members in support of the Motion.
- (4) Votes on proceedings for afternoon sitting of the House of 8th June, 2023. Communication from the Chair dated 8th June, 2023.
- (5) Order Paper and Supplementary Order Paper dated 8th June, 2023.

- (6) Newspaper notice on request for submission of comments and memoranda dated 30th May, 2023.
- (7) HANSARD for Special Sitting of the House on 29th May, 2023.
- (8) Votes and Proceedings for the House's Special Sitting on 29th May, 2023.
- (9) Order Paper for the Special Sitting of the House on 29th May, 2023.
- (10) Gazette Notice No.6963 on the Special Sitting of the House.
- (11) HANSARD Report on Special Sitting of the House on 22nd May, 2023.
- (12) Votes and proceedings for the Special Sitting of the House on 22nd May, 2023.
- (13) Order Paper for Special Sitting of the House on 22nd May, 2023.
- (14) Gazette Notice No.6748 on Special Sitting of the House.
- (15) File on HANSARD Report for Special Committee Hearing on 6th June, 2023.
- (16) Report from the Serjeant-at-Arms on Breach of Assembly Privileges by Deputy Governor, Mr. William Oduol.
- (17) County Assembly Standing Orders.
- (18) Submissions by Deputy Governor and other witnesses.
- (19) Supporting documents and tabled files as follows-
 - a. Interference with procurement process.
 - b. Renovation and furniture.
 - c. Bullying
 - d. Misuse of Public Resources.
 - e. Misleading the public by spreading false information.
 - f. Report of the Special Committee.
 - g. Letters between the County Assembly and the Deputy Governor.

(Several Senators stood at the Bar)

Hon. Members, kindly, walk in and take your seats.

(The Senators walked into the Chamber and took their seats)

Hon. Senators, in terms of Article 181 of the Constitution, Section 33(3)(a) of the County Governments Act and Standing Order No.81(a) of the Senate Standing Orders, the Speaker of the Senate is required within seven days after receiving notice of a resolution from the Speaker of a County Assembly, to convene a meeting of the Senate to hear charges against the Governor.

Pursuant to Section 33(3)(b) of the County Governments Act and Standing Order No.81(a) of the Senate Standing Orders, I hereby proceed to read the charges against the Deputy Governor of Siaya County as contained in the Motion of Impeachment by the County Assembly of Siaya-

- (1) Gross violation of the Constitution and other laws.
The particulars of this allegation include-
 - (a) Interference with the procurement process through bid rigging.

- (b) Coercing the Head of County Procurement Unit to provide raw evaluation reports and unsigned professional opinions.
- (c) Unjustifiably changing specifications in tender documents for road construction.
- (d) Acting *ultra vires* to the provisions of procurement laws.
- (2) Abuse of office and gross misconduct. The particulars of this allegation include-
 - (a) Bulldozing officers to renovate the Deputy Governor's Office outside approved budgetary provisions.
 - (b) Misusing public resources by facilitating officers to attend an irrelevant function.
- (3) Bullying by-
 - (a) Threatening and promising a harsh working environment to County Director of Supply Chain Management.
 - (b) Demanding constant briefings from the Director of Supply Chain Management on matters procurement despite the role not being directly answerable to the Deputy Governor.
 - (c) Demanding constant briefings from the Acting Chief Officer for Finance and Economic Planning despite the role not being directly answerable to the Deputy Governor.
- (4) Misleading the public by giving false information by doing the following-
 - (a) Misleading the County Assembly and the members of the public regarding the allocation of funds towards completion of Siaya Stadium.
 - (b) Misleading the County Assembly and the members of the public regarding discriminatory budgetary allocation in development funding for the residents of Alego Usonga Constituency.
 - (c) Misleading the County Assembly and the members of the public about the resignation of the County Secretary.
 - (d) Falsely claiming corruption in the county bursary allocation and exclusion of school head teachers during vetting processes.
 - (e) Misleading the County Assembly about the appointment and disciplinary action against a county officer.

Hon. Senators, in terms of the way forward, following the reading of the charges against the Deputy Governor, Standing Order No.81(b) of the Senate Standing Orders as read together with Section 33(3)(b) of the County Governments Act, give the Senate two options on how to proceed with this matter.

“The Senate may-

- (a) By resolution, appoint a Special Committee comprising 11 of its Members to investigate the matter; or
- (b) Investigate the matter in Plenary.”

The Senate Business Committee (SBC) deliberated on this matter and has scheduled a Notice of Motion for establishment of a Special Committee. If this Motion is carried, the Special Committee will be required under Section 33(4) of the County

Governments Act and Standing Order No.82 of the Senate, to investigate the matter and report to the Senate within 10 days on whether it finds the particulars of the allegations against the Deputy Governor to have been substantiated.

Hon. Senators, it is noteworthy and I wish to emphasize that when we come to the debate on the Motion for establishment of a Special Committee, debate on the Motion shall be limited to the substance of the Motion, principally whether or not to establish the Special Committee. It will not be a debate on the substance of the impeachment or its merits propriety, prudence or even constitutionality or legality of the processes that have preceded the submission of this matter to the Senate. Therefore, it is not permissible to deviate to any matters other than the Motion before the Senate.

(Several Senators stood at the Bar)

Hon. Senators, kindly, walk in and take your seats before I conclude.

(The Senators walked into the Chamber and took their seats)

In the event that the Motion for the establishment of a Special Committee does not pass, the fall-back position is that the Senate shall proceed to investigate and consider the matter in Plenary. In this event, I will appoint the dates on which the Senate will sit in Plenary to hear and determine the charges against the Deputy Governor.

Hon. Senators, this is the second impeachment hearing in the 13th Parliament. Such a hearing is one of the most crucial oversight tools and singular roles of the Senate.

In undertaking this mandate, the Senate will be sitting as a *quasi-judicial* body and will conduct investigations into the alleged infractions of the Constitution and the law, and thereafter make its determination on the matter.

I wish to inform hon. Senators to desist from publicly commenting on the merits or demerits of the impeachment process before the Senate. Doing so, will amount to anticipation of the debate, which is an infringement of our Standing Orders and more particularly, Standing Order No.99.

Therefore, it shall be out of order within the meaning of Standing Order No.122, for any Senator to make comments whether written or spoken in relation to the conduct of the Deputy Governor or the impeachment process, which is outside the confines of the impeachment proceedings. As such comments may prejudice the just outcome of the process.

Finally, Hon. Senators, Standing Order No.219 provides that a Senator may attend meetings of any Select Committee of which he or she is not a Member, provided that such a Senator may speak only when invited to do so by the Chairperson and shall not have a vote on any matter before the Committee. However, Hon. Senators, this is a special Committee with a specific mandate as provided for in Standing Order No.80(1)(b). Therefore, any conversing, interfering with proceedings, speaking and interrogating parties to the matter shall not be entertained and shall amount to gross disorderly conduct.

Hon. Senators, I wish to conclude by urging all Senators to exercise the highest level of responsibility on this matter.

I thank you.

Next Order.

PETITION

DELAYED COMPENSATION FOR NYANDARUA INTEGRATED IDPS

The Speaker (Hon. Kingi): Sen. Methu is not in. Is there any Senator holding brief for him?

That Petition is deferred.

(Petition deferred)

Next Order.

PAPERS LAID

The Speaker (Hon. Kingi): Proceed, Senate Majority Whip.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I beg to lay the following Papers on the Table of the Senate today, 15th June, 2023-

REPORT ON NATIONAL GOVERNMENT BUDGET IMPLEMENTATION REVIEW

Report of the Office of the Controller of Budget (CoB) on the National Government Budget Implementation Review Report for the first nine months, May 2023.

REPORT ON COUNTY GOVERNMENTS BUDGET IMPLEMENTATION REVIEW

Report of the Office of the CoB on the County Government Budget Implementation Review Report for the first nine months, May 2023.

ANNUAL REPORT OF THE OFFICE OF THE REGISTRAR OF POLITICAL PARTIES

Annual Report of the Office of the Registrar of Political Parties (ORPP) for Financial Year 2021/2022.

REPORTS OF THE FINANCIAL STATEMENTS OF VARIOUS ENTITIES

Report of the Auditor-General on the financial statements of the Bungoma County Assembly Members' Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the West Pokot County Car Loan & Mortgage Scheme Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the County Assembly of Embu Car Loan & Mortgage (Members) Scheme Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of Imetha Water and Sanitation Company Limited for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Kakamega County Dairy Development Corporation for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Kakamega Municipality for the 22 months period for the year ended 30th June, 2022.

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

NOTICE OF MOTION

ESTABLISHMENT OF A SPECIAL COMMITTEE ON THE PROPOSED REMOVAL
FROM OFFICE BY IMPEACHMENT OF HON. WILLIAM ODUOL,
THE DEPUTY GOVERNOR OF SIAYA COUNTY

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to give notice of the following Motion-

THAT, WHEREAS, pursuant to Article 181 of the Constitution, Section 33 of the County Governments Act, on 8th June, 2023, the County Assembly of Siaya approved a Motion to remove from Office by impeachment, the Hon. William Oduor, Deputy Governor of Siaya County---

(Sen. Cherarkey consulted loudly)

The Speaker (Hon. Kingi): Sen. Cherarkey, can the Senate Majority Leader be heard in silence?

Sen. Peris Tobiko, kindly take your seat.

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

AND FURTHER, WHEREAS by a letter reference CASADM/33/04 dated Friday, 9th June, 2023, and received in the Office of the Speaker of the Senate on Saturday 10th June, 2023, the Speaker of the County Assembly of Siaya conveyed the resolution of the County Assembly, removing from office by way of impeachment of Hon. William Oduor, the Deputy Governor of Siaya County and further forwarded to the Speaker of the Senate, documents in evidence of the proceedings of the Assembly;

AND WHEREAS, pursuant to Section 33(3)(b) of the County Governments Act and Standing Order No.80(1)(b) of the Senate, the

Senate by a resolution, may appoint a Special Committee comprising 11 of its Members to investigate the matter;

NOW THEREFORE, pursuant to Section 33(3)(b) of the County Governments Act and Standing Order No.80(1)(b), the Senate resolves to establish a Special Committee comprising of the following Senators-

- (1) Sen. William Kipkemboi Kisang'
- (2) Sen. Abass Sheikh Mohamed
- (3) Sen. Mwenda Gataya Mo Fire
- (4) Sen. Tabitha Mutinda
- (5) Sen. Raphael Chimera Mwinzagu
- (6) Sen. Miraj Abdillahi Abdulrahman
- (7) Sen. Erick Okong'o Omogeni
- (8) Sen. Catherine Mumma
- (9) Sen. Daniel Maanzo
- (10) Sen. Betty Batuli Montet
- (11) Sen. Richard Momoima Onyonka

to investigate the proposed removal from office by the impeachment of Hon. William Oduor, the Deputy Governor of Siaya County and pursuant to Standing Order No.80(2)(b) to report to the Senate within 10 days of its appointment on whether its findings define the particular of the allegations against the Deputy Governor to have been substantiated.

The Speaker (Hon. Kingi): Next Order.

QUESTIONS AND STATEMENTS STATEMENTS

The Speaker (Hon. Kingi): There are Statements pursuant to Standing Order No.53(1).

Proceed, Sen. Chute.

STATUS OF CONSTRUCTION OF THE BONKOLE RESORT IN MARSABIT COUNTY

Sen. Chute: Thank you very much, Mr. Speaker, Sir. My Statement is on the status of the construction of the Bonkole Resort in Marsabit County.

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Roads, Transportation and Housing on the status of the construction of Bonkole Resort in Marsabit County.

In the Statement, the Committee should-

(1) Provide an update on the status of the construction of Bonkole Resort stating the commencement date of the project and reasons for the resort not being operational.

(2) Outline the tendering process for the project providing details of the contract, awardee, the bid amount, initial price variation and actual price variation.

(3) Clarify whether the County Government of Marsabit has deployed employees to the resort. If so, state the number of employees, their designation, respective salaries and the work they do in the resort.

(4) Indicate measures put in place to fast track the operationalisation of the resort.

The Speaker (Hon. Kingi): Sen. Shakila Abdalla, please, proceed. Are you ready with your Statement? Hon. Senators, if you know you have a Statement to make, kindly, be seized of the same so that when we call upon your name, you proceed immediately.

Sen. Shakila Abdalla: Mr. Speaker, Sir, my apologies.

The Speaker (Hon. Kingi): Please, proceed.

VALIDITY OF TITLE DEEDS FOR THE LAND WITHIN
ENGANANI RANCH IN LAMU COUNTY

Sen. Shakila Abdalla: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53 to seek a Statement from the Standing Committee on Lands, Environment and Natural Resources on the validity of title deeds for the land within Enganani Ranch held by Sign Investments Limited.

In the Statement, the Committee should clarify-

(1) whether the title deed for the land belonging to Enganani Ranch in Lamu County was revoked in 2014 and, if so, confirm that ownership of land was reverted to the Government;

(2) the circumstances under which MS Sign Investment Limited acquired land within the ranch which is intended for acquisition for Lamu Port-South Sudan-Ethiopia-Transport (LAPSSSET) Corridor project as per Gazette Notice No.2372 dated 24th February 2023; and---

(Sen. Okiya Omtatah consulted loudly on the gangway)

The Speaker (Hon. Kingi): Sen. Shakila Abdalla, take your seat. Hon. Senators, the way we conduct ourselves in this Chamber is governed by the Standing Orders. I do not see why I have to keep reminding Members on how to carry themselves when they are in this Chamber. Sen. Okiya Omtatah, do you have your Standing Orders with you?

Sen. Okiya Omtatah: Yes.

The Speaker (Hon. Kingi): Kindly take us to Standing Order No.118 and proceed to read it.

Sen. Okiya Omtatah: Mr. Speaker, Sir, Standing Order 118 states –

‘Senators to be seated

Except when passing to and from his or her seat or when speaking, every Senator when in the Chamber shall be seated, and shall not at any time stand in any of the passages and gangways.’

The Speaker (Hon. Kingi): Hon. Senators, I will read it for you so that you do not say you did not hear, Sen. Okiya Omtatah, read it.

‘Senators to be seated

Except when passing to and from his or her seat or when speaking, every Senator when in the Chamber shall be seated, and shall not at any time stand in any of the passages and gangways.’

This is the Standing Order that is breached almost every second. Going forward, the presiding officers, my team and I, will enforce this order to its limit. So, take notice. Sen. Okiya Omtatah, I will give you your first caution of the day as having being out of order.

Sen. Shakila Abdalla, please, proceed.

Sen. Shakila Abdalla: Let me repeat number two.

(2) The circumstances under which MS Sign Investment Limited acquired land within the ranch which is intended for acquisition for LAPSSSET Corridor project as per Gazette Notice No.2372 dated 24th February, 2023; and.

(3) establish whether the title deeds held by M/S Sign Investment Limited are valid.

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

MANAGEMENT OF METROPOLITAN NATIONAL SACCO LTD

Sen. Wafula: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Trade, Industrialisation and Tourism on the management of Metropolitan National Sacco Limited.

In the Statement, the Committee should-

(1) outline the management structure of the Metropolitan National Sacco Limited listing all branches of the Sacco in the country and also providing details of officials of the Sacco at national level;

(2) indicate when the annual general meeting of the Sacco was last held and table the minutes of the meeting;

(3) cause there to be an audit of the conduct of business, including books of accounts at the Sacco by the Sacco Societies Regulatory Authority (SASRA) in light of the alleged irregularities reported by members of the Sacco in Bungoma County and table before the Senate the resultant report; and,

(4) recommend actions to be taken to assure members of the Sacco that their funds are safe.

The Speaker (Hon. Kingi): Statement Nos.4,5 and 6 will be deferred pursuant to the request made by the Sen. (Prof.) Tom Ojienda.

OWNERSHIP AND REGISTRATION OF LAND ON THE IRRIGATION SCHEMES IN KISUMU COUNTY

STATE OF INSECURITY IN KATITO
TOWNSHIP IN KISUMU COUNTY

RAMPANT INCIDENTS OF POLICE
BRUTALITY IN KISUMU COUNTY

(Statements Deferred)

We will move to Senator for Kiambu County, Sen. Thang'wa.

Sen. Thang'wa: Mr. Speaker, Sir, just for the record, as I read this Statement, I have just come from Juja. I passed by Jomo Kenyatta University of Agriculture and Technology (JKUAT). On Thika Road. I passed Kenyatta University all the way to Moi Avenue, Kenyatta Avenue, Uhuru Highway and to this House.

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

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

Sen. Kathuri: Mr. Speaker, Sir, you have just read a riot act a few minutes ago, then the good Senator for Kiambu County is giving a lot of stories instead of giving his Statement. I do not know whether you want to know how he travelled all the way from Ruiru to Kenyatta University to town. He should give the Statement as is without giving us other stories.

The Speaker (Hon. Kingi): Sen. Thang'wa, the Statement you are supposed to read is this Statement I have approved as the Speaker. So, proceed to read that Statement as approved by the Speaker.

PUBLIC INSTITUTIONS BEARING
NAMES OF FORMER PRESIDENTS AND LEADERS

Sen. Thang'wa: Mr. Speaker, Sir, I rise pursuant to Standing Order No. 5 3(1) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding all public institutions, stadia, roads and places that bear the names of individuals.

In the Statement, the Committee should-

(1) provide a comprehensive list of all public institutions, stadia, roads and places named after the current and former Presidents of the Republic of Kenya indicating their respective location and where applicable, distance in kilometres;

(2) highlight any additional advantage gained by institutions from individuals for the amenities are named after, indicating whether the process of naming these amenities conform to the existing policies and guidelines.

Mr. Speaker, Sir, I do have another Statement.

The Speaker (Hon. Kingi): Please, proceed.

PROLIFERATION OF DAIRY PRODUCTS FROM UGANDA

Sen. Thangw'a: Mr. Speaker, Sir, I rise pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on Trade, Industrialisation and Tourism on the issue of proliferation of dairy products from Uganda.

In the Statement, the Committee should-

(1) ascertain whether regulations have been formulated and implemented to protect Githunguri Dairy Farmers Cooperative Society of Freshia milk brands, the third largest dairy cooperative in the country as well as other dairies from unfair competition from neighbouring countries;

(2) explain the measures that have been taken to ensure a guaranteed minimum price of milk sales in Kenya in view of existing trade agreements between Kenya and Uganda.

(3) State the measures to be taken to ensure comparative advantage in the production of dairy products to avoid the apparent competition between Uganda and Kenya that is affecting the dairy sector, especially Githunguri Dairy Farmers Cooperative Society Limited.

(4) Elucidate if the temporary ban---

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

Sen. Wambua: Mr. Speaker, Sir, I wonder why the Senate Majority Leader and the Deputy Speaker are encouraging Sen. Tabitha Mutinda to flout a direction that you have just given not more than one minute ago. We want to take your directions very seriously. We take great exception that the first Senators to break that direction is the Senate Majority Leader and the Deputy Speaker.

The Speaker (Hon. Kingi): Hon. Senators, we have got some serious business ahead of us. The Deputy Speaker and the Senate Majority Leader are quite in order. The only Senator who is out of order is Sen. Tabitha Mutinda. Therefore, Sen. Tabitha Mutinda, I give you the first caution of the day. If you breach any other Standing Order, I am afraid I will be asking you to leave the Chamber.

Sen. Olekina: On a point of order, Mr. Speaker, Sir. Traditionally, we have always transacted business in this House through consultation. We should be careful. If a Senator is standing here barring you while another one is speaking, that would be out of order. However, when we move from one Senator to another---

The Speaker (Hon. Kingi): Sen. Olekina---

Sen. Olekina: Mr. Speaker, Sir, I am requesting. I am not challenging your ruling, but just asking, can we not consult or talk? I think my colleague should have looked at the Senator who is consulting.

The Speaker (Hon. Kingi): Sen. Olekina, if indeed that is the approach you want us to take in conducting business of the House, you may want to move amendments to the Standing Orders. My duty as the Speaker is to enforce the Standing Orders as they are.

According to the Standing Orders, you can consult, yes, but be seated; you can consult, yes, but in low tones. In fact, if you look at the Standing Orders governing disorderly

conduct, consulting in loud tones is disorderly. Yes, you can consult. How I wish that Sen. Tabitha Mutinda came and sat in between the Deputy Speaker and the Senate Majority Leader and they consult or she could have sat exactly where she is seated. The reason why she offended Standing Order No.118 is because she was standing. Let us settle this matter.

(Laughter)

(Sen. Kinyua stood up in his place)

The Speaker (Hon. Kingi): Resume your seat, Sen. Kinyua.

Sen. Kinyua: Mr. Speaker, Sir, I just want a clarification---

The Speaker (Hon. Kingi): Sen. Kinyua, you know in primary school whenever you would have an answer to a question that the teacher had asked, you would raise your hand and finally stand because you want to be given an opportunity to speak. I am afraid not in the Senate.

(Laughter)

Sen. Cheruiyot, you may have the Floor.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I am rising on a completely different issue.

(Sen. Kinyua consulted loudly)

The Speaker (Hon. Kingi): Sen. Kinyua, you will have your opportunity to speak your mind, please.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I want to draw your attention to something completely different. I do note that Sen. Wambua is the Senator for Kitui County and Sen. Tabitha Mutinda comes from Kitui and they are almost age mates. Unfortunately, she is married in Meru.

(Laughter)

Mr. Speaker, Sir, anyway, my point of order is on Sen. Richard Onyonka. I plead for your attention because under the Speaker's Rules, Sen. Onyonka has formed a habit of walking into the Chamber every afternoon with his Kaunda suit unbuttoned. When he began, he used to leave only the first button unbuttoned. This afternoon as he walked in, nearly all his chest was out, meaning that he has moved to button number two.

(Laughter)

Mr. Speaker, Sir, if you do not put Sen. Onyonka in check, I am sure next week, he will come into this House in a vest and cat walk. Can you bar him because every time that a Member brings it to your attention, he quickly buttons up and stands? Can you

issue specific instructions to the Serjeant-at-Arms that when Sen. Onyonka walks in, in his traditional Kaunda suit, he is not granted access until his collar is properly placed?

I thank you.

The Speaker (Hon. Kingi): Sen. Onyonka, indeed the Chair has for some quite sometime now noticed what the Senate Majority Leader has just stated.

If you look at the Speaker's Rules, Kaunda suits are an acceptable dress code in this Senate. However, it does not mean if you are wearing a Kaunda suit, you walk in with the chest bare. I have noticed that in about three instances and immediately a Senator rises on a point of order, you quickly button up and stand to show me that, indeed, you are properly dressed. I have ruled that you are properly dressed.

Sen. Onyonka, as you continue wearing your Kaunda suit which is acceptable as a code of dressing in this Senate, kindly, make sure that before you leave the lounge, if the buttons are open as you walk towards the Chamber, remember to button up. Any moment going forward, if a Senator catches you with your buttons unbuttoned---

(Sen. M. Kajwang' spoke off record)

The Speaker (Hon. Kingi): Sen. M. Kajwang', you are out of order. You cannot disrupt the Chair when he delivering a ruling.

(Laughter)

Sen. Onyonka, in the event that another Senator rises and you quickly proceed to button up, I will throw you out of the Chamber.

Sen. Kinyua: On a point of order, Mr. Speaker, Sir. You did read to us Standing Order No.118. I need your clarification. It reads that "When passing to and from his or her seat or when speaking." I thought the Senator for Busia was speaking. I do not know. I want your clarification on that.

The Speaker (Hon. Kingi): Sen. Kinyua, just have your seat. When you are called upon to speak, that is the moment it is deemed you are speaking. When the Speaker allows you to speak, that is the point at which it is said you are speaking. Kindly understand the Standing Orders in that context.

(Sen. Kinyua spoke off record)

Sen. Kinyua, are you doing your second or third term in the Senate? Kindly show us that you have a firm grip of the Standing Orders. I am afraid that is not what you are showing us.

(Laughter)

Proceed and conclude.

Sen. Thang'wa: Mr. Speaker, Sir, do I begin from the top or do I just conclude?

(An hon. Senator spoke off record)

Mr. Speaker, Sir, I was actually on point 4.

(4) Elucidate if the temporary ban on milk from Uganda by the Kenya Dairy Board will favour Kenyan milk producers and farmers.

I thank you.

The Speaker (Hon. Kingi): Let us go to the Statement pursuant to Standing Order No.57(1). The Senate Majority Leader, the Floor is yours.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 20TH JUNE, 2023

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, pursuant to Standing Order No.57(1), I hereby present the business of the Senate for the week commencing Tuesday, 20th June, 2023. I will be extremely brief because I am aware of the heavy agenda before us.

A total of 17 Bills are at the Second Reading stage and five are at the Committee of the Whole stage.

During the sitting of the Senate on Tuesday, 13th June, 2023, the Senate considered and passed one Bill, which is the Parliamentary Powers and Privileges (Amendment) Bill (Senate Bills No.7 of 2022). Congratulations to Sen. Mungatana, the Senator for Tana River, for sponsoring this Bill.

The Bill has since been forwarded to the National Assembly for consideration. It is my sincere hope that it will not suffer the fate of many other brilliant Bills that have been passed by this House and gathered dust in the other Chamber.

As indicated in today's Supplementary Order Paper, at Order Nos.9, 10, 11 and 12, we have several Divisions listed. It is imperative that we pass the County Allocation of Revenue Bill, 2023, to unlock the release of funds to counties. The passage of this Bill will be followed by the introduction of the County Governments Additional Allocations Bill and the respective Cash Disbursement Schedules. The passage of these financial instruments will facilitate the county governments to prepare their respective budgets in time for the next financial year that begins on 1st July.

I, therefore, request the Whips to mobilize the requisite numbers for voting process for a speedy transition of the Bills to the next stage. Sen. Sifuna and Sen. (Dr.) Khalwale, I could not make that point in a more detailed manner. This is urgent. Therefore, we should conclude this business this afternoon. I plead will colleagues to indulge us. Let us conclude on this business this afternoon.

With respect to Motions, a total of 25 Motions are pending before the Senate. I urge Movers of these Motions to be available in the Chamber whenever their Motions are scheduled.

With regard to Petitions, nine Petitions are due for reporting by the respective Standing Committees to which these Petitions were committed. I laud the Standing Committee on Labour and Social Welfare for tabling of a Report on a Petition.

The citizens of Kenya have put their faith in Parliament by voicing their concerns through Petitions. It is, therefore, paramount that Standing Committees consider these Petitions in a timely manner and table reports pursuant to the Standing Orders.

As far as Statements are concerned, there are eight Statements made under Standing Order No.52(1) and 133 Statements sought under Standing Order No.53(1). I continue to urge Standing Committees to promptly consider these Statements and report back to the House using the mechanisms provided for under the Standing Orders.

More Questions have been filed, approved by the Speaker and subsequently conveyed to the respective Cabinet Secretaries. At its meetings held on Tuesday, 6th and 13th June, 2023, the Senate Business Committee (SBC) approved a further set of Questions to appear in the Order Paper for the morning sitting of Wednesday, 21st June, 2023. The summary of these Questions and the Cabinet Secretaries to appear on these days are as follows-

(1) Question by Sen. Mohamed Said Chute, MP, to the Cabinet Secretary for Agriculture and Livestock Development.

(2) Question by Sen. James Lomenen, MP, to the Cabinet Secretary for Foreign and Diaspora Affairs.

(3) Question by Sen. (Dr.) Lelegwe Ltumbesi, MP, to the Cabinet Secretary for Lands, Public Works, Housing and Urban Development.

(4) Question by Sen. Mohamed Said Chute, MP, to the Cabinet Secretary for Agriculture and Livestock Development to respond on the implementation and audit of the Kenya Climate Smart Agriculture Project.

It is my sincere hope that Members will avail themselves to question Cabinet Secretaries and pursue this business. In the 'Lower' House, when they invite Cabinet Secretaries, I always see Members of both side of the House. I am yet to understand why it is only in the Senate that our colleagues in the Minority side continue to boycott this important avenue. It is a call and decision made.

In conclusion, on Tuesday, 20th June, 2023, the SBC will consider and approve the business of the day. This will contain business that will not have been concluded in today's Order Paper, and any other business scheduled by the SBC.

The Order Paper for Wednesday, 21st June, 2023, and Thursday, 22nd June, 2023, will contain business that will not be concluded. The SBC will also schedule any other business pursuant to the Standing Orders.

Mr. Speaker, Sir, this is following the communication and direction that you gave earlier just before this sitting commenced.

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

(Sen. Cheruiyot laid the document on the Table)

The Speaker (Hon. Kingi): Let us go to the next Order.

MOTION

ESTABLISHMENT OF A SPECIAL COMMITTEE TO INVESTIGATE AND REPORT
ON THE PROPOSED REMOVAL FROM OFFICE BY IMPEACHMENT OF HON.
WILLIAM ODUOL, THE DEPUTY GOVERNOR OF SIAYA COUNTY

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, this is a Motion proposing establishment of a Special Committee to investigate and report on the proposed removal from office by impeachment of Hon. William Oduol, the Deputy Governor of Siaya County.

Mr. Speaker, Sir, I beg to move-

THAT, WHEREAS, pursuant to Article 181 of the Constitution and Section 33 of the County Governments Act on 8th June, 2023, the County Assembly of Siaya approved a Motion to remove from office by impeachment Hon. William Oduol, the Deputy Governor of Siaya County;

AND FURTHER, WHEREAS by a letter, Ref: CASADM/33/04, dated Friday, 9th June, 2023 and received in the Office of the Speaker of the Senate on Saturday, 10th June, 2023, the Speaker of the County Assembly of Siaya conveyed the resolution of the County Assembly, removing from office by impeachment of Hon. William Oduol, the Deputy Governor of Siaya County and further forwarded to the Speaker of the Senate, documents in evidence of the proceedings of the Assembly;

AND WHEREAS, pursuant to Section 33(3) (b) of the County Governments Act, and Standing Order 80(1)(b) of the Senate, the Senate by resolution, may appoint a special committee comprising eleven of its Members to investigate the matter;

NOW THEREFORE, pursuant to Section 33(3)(b) of the County Governments Act, and Standing Order 80(1)(b), the Senate resolves to establish a Special Committee comprising of the following Senators: -

1. Sen. William Kipkemoi Kisang', MP
2. Sen. Abass Sheikh Mohamed, MP
3. Sen. Mwenda Gataya Mo Fire, MP
4. Sen. Tabitha Mutinda, MP
5. Sen. Raphael Chimera Mwinzagu, MP
6. Sen. Miraj Abdullahi Abdulrahman, MP
7. Sen. Erick Okong'o Omogeni, SC, MP
8. Sen. Catherine Mumma, MP
9. Sen. Daniel Maanzo, MP
10. Sen. Betty Batuli Montet, MP
11. Sen. Richard Momoima Onyonka, MP

to investigate the proposed removal from office by impeachment of Hon. William Oduol, the Deputy Governor of Siaya County and pursuant to standing order---

Sen. Dullo: On a point of order!

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

Sen. Dullo: Mr. Speaker, Sir, is it in order for this House and the SBC to allow the Senate Majority Leader to commit an illegality on the Floor of this House?

I am saying this is because we are elected Members of this House as Jubilee. For the last three months on the row, Jubilee Members have been mistreated in this House and we are allowing it to happen.

Standing Order Nos.197 and 198 are clear as far as the establishment of select committees is concerned. The Azimio la Umoja One Kenya Alliance, the Minority side has written to you, Mr. Speaker, Sir, de-whipping all of us from committees. We have equally written to you complaining of the same.

Mr. Speaker, Sir, I hope you are listening to me.

*(The Speaker (Hon. Kingi) consulted
with Clerks-at-the-Table)*

The Speaker (Hon. Kingi): Proceed.

Sen. Dullo: Mr. Speaker, Sir, we wrote to you some time back complaining of the same. The Constitution is clear in Article 1(2), that we can be representing our people in this House through those committees. When we get de-whipped from committees and are left out of those committees, it tells Jubilee Members to walk out of this House and that they are irrelevant.

Mr. Speaker, Sir, we have allowed this to happen for a long time. If Azimio la Umoja One Kenya Alliance and Kenya Kwanza feel that we are not part of their Coalition, Standing Orders allow the SBC to allocate us committees. We want you to make a ruling on this.

We are third in numbers as elected Members in this House. When you look at that list, you will see even the parties that have less Members are put in those committees.

As Jubilee Members, we are tired. We want to be given a ruling on whether we belong to this House or not because we are being mistreated and punished. We want to hear from you.

I thank you.

The Speaker (Hon. Kingi): Hon. Senators, we do not want to degenerate and deviate from the business at hand because I can see about seven Senators on a point of order. I will allow a few and not all of you so that we do not lose sight of the heavy business ahead of us.

Sen. Sifuna, what is your point of order?

Sen. Sifuna: Mr. Speaker, Sir, in my understanding, we are supposed to allow the Mover of the Motion to complete moving the Motion, then we give our contributions on the Motion.

The Speaker (Hon. Kingi): Sen. Sifuna, Sen. Dullo was not contributing to the Motion. It was a point of order.

Sen. Sifuna: Mr. Speaker, Sir, under which Standing Order? I did not get that.

The Speaker (Hon. Kingi): Sen. Dullo, you rose on a point of order and you know exactly what to do if you rise on a point of order. You must state the Standing Order under which you are questioning.

Sen. Sifuna: Mr. Speaker, Sir, what is out of order?

The Speaker (Hon. Kingi): Kindly, proceed.

Sen. Sifuna: Mr. Speaker, Sir, do I proceed? If you allow me, I can give contributions on the matter as well.

The Speaker (Hon. Kingi): Have your seat.

Sen. Dullo: Mr. Speaker, Sir, when I was raising my point of order, Sen. Sifuna was not listening. However, I rose on Standing Order Nos.197 and 198, where we are left out as Jubilee in that Select Committee.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Sifuna.

Sen. Sifuna: Mr. Speaker, Sir, as the Deputy Minority Whip, I confirm here that as the leadership of Minority side, we are having serious challenges whipping Members of Jubilee in this House. They have decided publicly that they do not want to associate with us. We, as a Coalition, have never disowned anyone. We are unable to whip these Members.

(Applause)

I have expressed these concerns---

(An hon. Senator spoke off record)

I am on a point of order. I have expressed these concerns even at the SBC and it is on record. If I am unable to whip you and you are being whipped from other places, we call a Parliamentary Group (PG) meeting as the Minority Coalition and you show up at the PG of the Majority Coalition at State House. How do you come then and claim rights in the house you have decided you no longer belong to?

Mr. Speaker, Sir, we, in the Minority side, have made it clear that it is better to count ourselves and find that we are only 10 people that are committed, faithful to the oath of office we took and to the political parties and coalitions under which we are elected rather than have people who only see the Coalition when there are goodies to be dished out.

(Applause)

It is not fair that you can disparage a house and pee in the house from outside, but when food is served, you come in and say, "I am also a child of this house." We will not allow it.

Mr. Speaker, Sir, as the leadership of the Coalition, we accept the divorce with which we were served. We were told we are no longer desirable as a Coalition and we accept it. Please, move on and stop disturbing us. Go to the house which you prefer because the right of association is based on free will. It is consensual. You cannot be forced to be somewhere you do not belong.

This matter of the impeachment of the Governor anywhere is such a delicate matter. As the leadership of the Coalition, we will only second people to that Committee who we believe know what they are doing and will abide by the positions that have been taken or directives of the Coalition.

You go there today, bearing the t-shirt of Azimio, but when you get there you score an own goal---

The Speaker (Hon. Kingi): Sen. Sifuna, can we get you correctly? Are you saying that Senators who have been nominated from this Opposition side to this Select Committee will take directions from the Coalition?

Sen. Sifuna: Mr. Speaker, Sir, the concept of whipping in any Parliament in the world is that you second Members to a committee to represent you there. They are representatives of the Coalition. You cannot go there if you do not represent us. What are you doing there? You cannot go there to represent yourself.

The Minority side is known. It is not the Jubilee Party that has taken this decision because it is still a party of the Coalition. Individual Members of the party have chosen that they are no longer comfortable in the Coalition. These are matters that have been prosecuted in the public.

Mr. Speaker, Sir, let the Senate Majority Leader finish moving the Motion. Let us give contributions. If you are rejecting the whole Committee, as the rule provides, we can vote to reject the whole of it. However, we cannot be stuck here every day fighting internal wars about people who have decided openly as adults to leave the Coalition.

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. The issue raised goes beyond the mere Standing Orders of this House. It raises constitutional points. When an elected Member – by election through the ballot and special process – is rendered not capable of discharging roles in this House, it is tantamount to overturning the election of that Member.

Mr. Speaker, Sir, as you make your ruling, I urge you to find that the only organ that has got the power under the Constitution to overturn the election of a Member is the High Court. It cannot be Azimio la Umoja One Kenya Coalition.

What they are doing under Article 99 of the Constitution is tantamount to disqualifying these Members from being Members. This article is clear. It says that a Member may only be disqualified if they are of unsound mind. Sen. Abdul Haji, Sen. Dullo, the Senator for Lamu are not mad. Sen. (Prof.) Kamar there, is very normal.

It goes further to say if he is found to be an undischarged bankrupt. We have not had any of these kinds of proceedings.

Mr. Speaker, Sir, I request and urge you to stand firm, that the Speaker of Parliament shall not be used by political parties and coalitions to fix their problems. You will not be doing anything new because the former Speaker Kaparo denied the Party of National Unity (PNU) an opportunity to do so to Sen. Ephraim Maina, the then MP, what they are inviting you to do.

Secondly, the former Speaker, Hon. Ekwe Ethuro denied my coalition the opportunity to throw me out of this House because I had refused to abide by what the

United Democratic Forum (UDF) party was forcing me to. In the 'Lower' House, Sen. Osotsi was protected by Speaker Muturi for five years when his party was throwing him out.

(Sen. Osotsi consulted loudly)

Mr. Speaker, Sir, we insist that Members of the Jubilee Party enjoy their full---

The Speaker (Hon. Kingi): Sen. Osotsi, you are a ranking Member of the House. Just a minute, Sen. (Dr.) Khalwale. You know that Sen. (Dr.) Khalwale is on a point of order and we are here to contribute to a Motion. Can you conclude Sen. (Dr.) Khalwale?

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. In conclusion, I want to appeal to my colleagues in the Azimio la Umoja One Kenya Coalition side. What you want to befall our colleagues is what happened to me, Sen. Osotsi, and will happen to you. Keep away from supremacies within political parties and coalitions because political party leaders are not God.

The Speaker (Hon. Kingi): Proceed, Sen. Abdul Haji.

Sen. Abdul Haji: Thank you, Mr. Speaker, Sir. We heard what Sen. Sifuna said in this House. I believe he is out of order for misleading the House with regards to the point he was talking of trying to whip the Jubilee Party Members. I am sure he has no evidence whatsoever that he ever tried to whip the Members of Jubilee Party. One of the ways Members are whipped in this House is through the *WhatsApp* Forum.

Jubilee Party Members were removed from the Azimio la Umoja One Kenya Alliance *WhatsApp* forum even before Sen. Dullo was removed as the Senate Minority Whip. He is misleading the House that he has been trying to whip Jubilee Party Members. This list is unfair. You have heard very clearly from Sen. Sifuna that Jubilee Party is still in Azimio la Umoja One Kenya Alliance, but the Members are not.

It does not add up. A party is made up of Members. Jubilee Party is still a member of Azimio la Umoja One Kenya Alliance. We have reached out severally to the Members of Azimio la Umoja One Kenya Alliance when having a dispute so that we can resolve it by talking. However, they do not want to talk, they just want to burn bridges and build walls.

Mr. Speaker, Sir, let me remind Members here, we have a long time to go; four years or more.

(Sen. Sifuna spoke off record)

Sen. Sifuna: We can die tomorrow---

Sen. Abdul Haji: We can also die. It is true, anybody can die. Nobody has a guarantee of life---

The Speaker (Hon. Kingi): Sen. Sifuna, you are out of order and I shall give you the last warning of the day. If you breach any Standing Order, I shall throw you out.

Conclude, Sen. Abdul Haji.

Sen. Abdul Haji: This House has a long time to go. At this point in time what the Azimio la Umoja One Kenya Alliance are proving to us is that we are not colleagues

in this House. It will reach a time where they will have to reach out to some of the Members for something they need to pass in this House. Let them know that choices have consequences. We shall not forget.

I thank you

The Speaker (Hon. Kingi): Proceed, Sen. Cherarkey.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I rise on a point of order and an issue of the Constitution. Article 24 of the Constitution gives powers to the formation of committees. We also have Standing Order No. 198. What is happening is very unfortunate. We shall need a considered opinion. At least, every Member shall belong to a committee.

Mr. Speaker, Sir, do you remember the Registrar of Political Parties (RPP) gave a verdict that Sen. Okiya Omtatah, was a non-aligning Member of both the Majority or Minority side? Nonetheless, he caucuses with the Majority side, yet he has been allocated a committee by the Minority side.

It is a fallacy and abuse of the Constitution because in hindsight, the Minority side is telling this House, as the Senate Deputy Minority Whip has stated, that the Jubilee Party Members are still part of their Coalition, but should not have access to any committee. That is committing a travesty of justice. It is unconstitutional.

I have a considered ruling and if I am allowed, I shall table what the former Speaker and current Attorney General (AG), Justice Muturi, ruled on the case of Mr. David Ochieng’.

It was a commitment where the Minority side, apparently the same culprits here, tried to de-whip the Member of Parliament for Ugenya, David Ochieng’ from the Departmental Committee on Health. In his considered opinion, the Speaker *emeritus* of the National Assembly found that illegality, an abuse of the rule of law, and a violation of Standing Orders and the Constitution. Even on morality, they were going against what the Standing Orders have bestowed on us.

I do not have a problem with the formation of a special committee to investigate the impeachment of the Deputy Governor of Siaya County. I have a problem with disenfranchisement and abuse of the law. For the record, when we started---

I am on a point of order under Standing Order No. 198. In the last session where the Senate Minority Whip was a Member, Jubilee Party tried to do to us what the Azimio la Umoja One Kenya Alliance is trying to do now. In fact, they were worse. They used to de-whip, arrest and prosecute you.

(Laughter)

I want to discourage the Minority side. Sen. Sifuna, we still have a long way to go. We are colleagues in this House. As we raise these points of order, kindly give us a considered opinion and ruling as to the process of nomination and approval of Members to serve in the committees. If we allow this political massacre of Members within committees, we are risking.

Finally, I can see that Sen. Okiya Omtatah is back. The Jubilee Party Members; Sen. Dullo and our Temporary Speaker Sen. Abdul Haji--- He is very temperamental like his father, whom we served with in this House. He was a very tough chair of the Committee on Defense, Foreign Relations, and National Security. I remember one day, he almost beat us with---

The Speaker (Hon. Kingi): Sen. Cherarkey, can you conclude? Just conclude your remarks.

(Laughter)

Sen. Cherarkey: Mr. Speaker, Sir, in conclusion, we need an anchored ruling from this. Allow me to table this ruling by the Speaker *emeritus* of the National Assembly. We are ready to proceed, but this injustice should not withstand.

The Speaker (Hon. Kingi): Sen. Wambua proceed.

(Sen. Mumma spoke off record)

Yes, everyone who is speaking is on a point of order. Sen. Mumma you are in the queue; we shall get to you.

Sen. Wambua: Thank you, Mr. Speaker, Sir. Our previous speakers---

(Sen. (Dr.) Khalwale spoke off record)

(Loud Consultations)

Mr. Speaker, Sir, protect me from Sen. (Dr.) Khalwale. He is saying that I should be careful. I do not know about what.

Regarding the issue raised by Sen. Dullo and Sen. Kinyua on their exclusion from the select committee, I pray this House--- The direction we are about to take will derail us from this important Motion which our own Standing Orders says takes precedence over any other Motion on the Order Paper.

Mr. Speaker, Sir, the issues being raised are on relationships within political parties and coalitions. This matter is properly before the Political Parties Disputes Tribunal. I will urge you to refuse to be invited to make a ruling on relationships within political parties. If you start there, then I do not know where you will stop.

Lastly, I have heard the sentiments expressed by my brother, Sen. Abdul Haji, a Senator I respect.

(Loud consultations)

I wish to take note of the last sentiment that, indeed, ---

The Speaker (Hon. Kingi): Can the Senator be heard in silence?

Sen. Wambua: Mr. Speaker, Sir, I wish to take note of the last sentiment that, indeed, choices have consequences. I agree with him entirely when he says that we will

bring Bills that we would like them to support us. I confirm that one of my Bills is scheduled for next week, and I will be asking them to support it.

When a Senator takes to the podium and throws stones within their coalition – I say this with due respect to Sen. Dullo - and say: “*Wale wajinga wa Azimio*”, you cannot have your cake and eat it too. You have to decide what to do with your cake, whether to keep it or eat it.

As I conclude, I hear the concerns raised by the Jubilee Party. On a serious note, this is a matter that the leadership of the Minority can have a sitting with the Jubilee Senators and have a conversation around the issues they are raising.

(Sen. Dullo consulted loudly)

You can hear Sen. Dullo saying they do not need it. What do they want?

The Speaker (Hon. Kingi): Sen. Dullo, you are out of order. When a Senator is speaking, he or she must be heard in silence. Let Sen. Wambua conclude his point of order in silence.

Sen. Wambua: Thank you, Mr. Speaker, Sir. I wish we can all decide to take this Senate where we want it to be. This should not be a place where we are playing games. Even Sen. (Dr.) Khalwale has gone on record on this matter. He has been on record telling the Jubilee Senators that even if they are thrown out of the *Azimio* coalition, they will be accommodated. When things go wrong, he has no space for them. We do not want our Members to be lost in the middle. We want a situation where we can have sober debates on the Floor of this House.

The Speaker (Hon. Kingi): Sen. Veronica Maina, proceed.

Sen. Veronica Maina: Thank you, Mr. Speaker, Sir, for the opportunity to raise a---

(Sen. Methu and Sen. Onyonka consulted loudly)

The Speaker (Hon. Kingi): Order, Sen. Onyonka and Sen. Methu! Sen. Onyonka, this is the last warning.

Sen. Veronica Maina, proceed.

Sen. Veronica Maina: Thank you, Mr. Speaker, Sir, for the opportunity to raise a point of order under Standing Order No.98 and Standing Order No.197. First, I want to bring to your attention that under Article 94(4) of the Constitution where Parliament means the National Assembly and the Senate:

“Parliament shall protect this Constitution and promote the democratic governance of the Republic.”

In the Senate, we have Senators representing the 47 counties. The interests of the 47 counties are fully at stake any time one of the Senators elected from any of the counties is denied an opportunity to fully represent the people who sent the Senator to Parliament to represent them.

Standing Order Nos.123 and 124, speak on the weight of the vote and the procedure through which the Senate conducts its business. The Senate conducts its

business through the proceedings in the Chamber and the Committees. Allowing the de-whipping of Senators who represent the people is allowing a negation of the representation of the people through the proceedings of those Committees.

We must concentrate on understanding the business conducted in those Committees. Is it part of the business of this House? Do they vote? Are decisions taken at the Committee that bind the Senate and Counties? If the answer is, yes, then every Senator is entitled to do their representation in Plenary and Committee level.

If a ruling on a finding is made by this House, that a Senator cannot participate in a committee as a full substantive Member because the Senator has fallen out with their political party or coalition arrangement, it is as well as deciding to expel them from participating in the proceedings in the House.

I wish to invite you to be shy and distant from making such a finding. It is because such a finding will go to the very root of the constitutional rights of the Senators to represent the people who elected him or her. In this case, it is the Senators from the Jubilee Party.

One more thing you have been invited to decide upon and you may not have powers, is to whether Jubilee Party is a Member of the *Azimio* Coalition or not. I say so because there are certain matters that have been presented before the court and are pending for judgements. We have had a flurry of orders being served between the Members of the Jubilee Party and the *Azimio* Coalition.

We have had the Senate Minority Leader indicating that the Jubilee Party is no longer a Member of the coalition. Sen. Abdul Haji is indicating that they are Members of the *Azimio* Coalition. Is it within your powers to make a determination whether Jubilee Party is in that coalition or not? That is beyond the jurisdiction of this Senate.

I urge you to find that each Senator has an equal vote. The vote of each Senator has equal weight. The vote is important at the Committee level and the Plenary. For this, I urge you to allow all Senators to participate in the proceedings of this House and at the Committee level. It is just the same way Sen. Okiya Omtatah has been allowed to participate while not aligned to either the Majority or Minority side.

The Speaker (Hon. Kingi): Sen. Oketch Gicheru, proceed.

Sen. Oketch Gicheru: Thank you, Mr. Speaker, Sir. I rise on a point of order under Standing Order Nos.197 and 198. I wanted to ask what we are debating. I was excited when the Senate Majority Leader brought a Motion to deal with the issues and matters of Siaya County.

The issue of that county needs to be dispensed with fast whether we are going to the Committee of the Whole or the select Committee, so that they can deal with this issue as fast as they can.

Before the Senate Majority Leader sits and takes water, the issue of Jubilee not being put in this Committee is bringing a debate about Members of a certain coalition not being put in some committees.

Mr. Speaker, Sir, I am afraid that if you allow us to continue to debate that concern, then we are breaching our own Standing Orders, in which there is provision to do that if we so wish.

Before you read Standing Order No. 198, you start with Standing Order No.197. I want to read it for the benefit of the Jubilee Members, who feel a little bit discontented.

Standing Order No. 197 (1) states that-

“Unless otherwise provided for by any written law or these Standing Orders, the Senate Business Committee shall, in consultation with parliamentary parties nominate Senators who shall serve on a Select Committee.

Mr. Speaker, Sir, first, Jubilee is not a parliamentary party. Secondly, you are a Member of the Senate Business Committee (SBC) that came up with this Committee that the Senate Majority Leader has moved in this House.

I believe that you did this in consultation with those political parties or relevant coalitions and came up with those names in this House. Why should that be debated?

Mr. Speaker, Sir, if you read Standing Order No. 198, it says-

“In nominating a Senator to serve in a Select Committee, the Senate Business Committee where the Chair sits, shall ensure that the membership of each Committee reflects the relative majorities—”

I want to stop there. The term relative is an implied antecedent. Every word that is used in this Standing Orders has a meaning. It means that we must look at perceived proportionality that can allow debates in this House.

Jubilee Party has constantly aligned with the Majority side. That is why the word relative was used here. In fact, I wish that the Senate Majority Whip was here. This is because in the bipartisan talks, he was there when hon. Adan Keynan was proposed to be among the Kenya Kwanza side in the talks. So, there is a perceived alignment of Jubilee Party with Kenya Kwanza. It is not bad because people are free to do that.

Mr. Speaker, Sir, I urge you to put an end to this debate about the place of Jubilee Party in this committees. This is because Members of Jubilee who do not take time to read these Standing Orders are forcing you to violate the Standing Orders and question the decision of SBC, in which the Chair, who is the Speaker, sits.

Let us dispense the matter that the Senate Majority Leader has put. It has more weight and seriousness than these domestic wrangles. If Jubilee Party so wishes, it can choose and dissolve in the *Azimio* coalition.

I thank you.

The Senate Majority Leader (Sen. Cheruiyot): On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Cheruiyot, you cannot rise on a point of order because the point of order has been raised against you. So, you may not have an opportunity to stand. You know where to say it, not through this point of order.

Now, Sen. Oketch Gicheru has advised well that the Chair should put an end to this debate which I hereby do. We have a heavy agenda ahead.

Hon. Senators, this matter was brought to my attention a while back by the Senate Minority Whip. Immediately that letter was received, a flurry of letters from the Members of Jubilee Party and from Jubilee, as a party, were also received in my office. I had hoped that this matter would never find its way to the Floor of this House. However, regrettably, it has. In which case then I am invited to make a ruling.

I suggest two options: One, is to see if we can be able to have an amicable resolution of this matter without necessarily drawing every Senator to this frail.

Therefore, I want to use next week, before we go on recess, to engage the Minority side. This is because this is a problem with Minority side. I will engage the leadership of the Minority side so that we see if we can have an amicable resolution on this matter.

If that then does not work out, I will be then invited to make a ruling. In which case, I will have to deliver that ruling when we are back from recess. Remember, next week, I will be able to deliver that after I have engaged the Minority side.

If there is no solution on the way, I will communicate to them and also to the House as to the date when I will deliver the ruling. However, it is imperative that we resolve this matter in an amicable way to discourage the kind of tension that it can bring in this House.

Those are my directions. I will allow the Senate Majority Leader to proceed with the Motion. Let us prosecute this Motion and delink those two aspects.

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

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

Sen. Osotsi: Mr. Speaker, Sir, thank you for your ruling. My point of order is not related to what you have ruled. However, it is on Standing Order No.105 in reference to the statement made by my brother Sen. (Dr.) Khalwale. He mentioned me and the statement is misleading.

The Speaker (Hon. Kingi): Sen. Osotsi, if you have noticed, for the few months that I have sat on this Chair, you are one of the Senators that I love calling. I see wisdom in whatever you say. However, I am afraid today I may not---

(Laughter)

Sen. (Dr.) Khalwale has long spoken and left the Chamber. I am afraid that raising a point of order on his contribution may not amount to a point of order. However, Sen. Osotsi, I hold you in very high regard.

Sen. Osotsi: Mr. Speaker, Sir, whatever I want to raise is going to inform this House and even the other House. It is very crucial in relation to what Sen. (Dr.) Khalwale has said. So, Sen. (Dr.) Khalwale---

The Speaker (Hon. Kingi): Sen. Osotsi, as long as you are referring to a statement made by Sen. (Dr.) Khalwale, that window has closed.

Senate Majority Leader, proceed to move the Motion.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. I was concluding. I had just read the name of the 11th Senator:

Sen. Richard Onyonka, MP.

To investigate the proposed removal from office by way of impeachment of Hon. William Oduol, the Deputy Governor of Siaya County and pursuant to Standing Order No.80(2)(b), to report to the Senate, within 10 days of its appointment, on whether it

finds the particulars of the allegations against the Deputy Governor to have been substantiated.

Mr. Speaker, Sir, this is one of the very important and sacred duties that we get to do as a Senate. On many occasions, we are invited into a dispute that is between the governor and the county assembly. I think this is either the third or the fourth time that this Senate is being invited to a dispute between the Governor and a specific county assembly.

This is one of our constitutional duties. I have laid the legal provisions that give backing to this exercise that we begin this afternoon. I persuade the House that it is possible for us to handle an impeachment Motion either by way of Plenary or through a select committee. I have argued here before and I still maintain my position that having participated in both ways in this House, there is none that you can say supersedes the other.

Therefore, on many occasions, we rely on the wisdom of the Senate Business Committee (SBC), except in one or two occasions that I can recall where the House disagreed with them. It is always good to be persuaded by all the matters that are being presented before them.

Mr. Speaker, Sir, the SBC listened to the consideration of various Chairpersons of Committees that sit with us at the SBC. There are tight businesses that are before various Committees including matters such as Petitions, Statements and Bills that I have just presented before you in the Statement of the week by the Senate Majority Leader that needs to be concluded on.

I feel that this being the impeachment of a Deputy Governor, which is equally as important as that of a governor, I humbly request my colleagues, Senators, to agree with the SBC, that these 11 colleagues of ours be granted an opportunity to listen to the case that will be presented by the County Assembly of Siaya. They will also listen to the defense by Hon. William Oduol and make a determination that guides us, as a House, on whether to agree or disagree with the reasons that they find therein.

I have looked at the list of our 11 colleagues. All of them are competent. I believe that they are men and women of integrity who will look at the case for what it is and block their ears from the politics that exist outside because many things can be said. It is not the first time that an impeachment has been mentioned in this House.

In fact, I wish to remind Senators, including the Senator for Siaya that this matter has found its way into the Plenary of this House; we are now judges in a dispute. Therefore, we cannot be found to make comments publicly. This is something that many Senators need to know. There is a precedence in rulings that even social media comments amount to comments on a dispute that is before the House.

In the impeachment trial of Governor Ferdinand Waititu *versus* the County Assembly of Kiambu, one Senator - I think it must have been Sen. Isaac Mwaura - was found to have fallen foul of the law and the provisions of the Standing Order of this House, simply because of a *Facebook* post that he made while proceedings were going on. The House censured him.

Mr. Speaker, Sir, the ruling that you gave this afternoon on the conduct of Senators once we begin this important exercise is extremely important. I wish colleague Senators can take time to listen to you and understand the things that you have said. I do not expect my good friend, Sen. M. Kajwang' or Sen. Oketch Gicheru, to make any comments on this particular matter while going about their duties in the village this weekend. You will be found to have fallen foul of the provisions of the Standing Order because this is an extremely delicate matter.

I hope our colleagues will quickly serve justice to the people of Siaya. When I spoke yesterday, I said that this Committee cannot be simplistic to Siaya County alone. I hope they will say something about the relationship between governors and their deputies across all the 47 counties. It was not the desire of the drafters of our Constitution for deputy governors to just take tea, read newspapers and go back home.

Mr. Speaker, Sir, you, I and all these Senators before us live in Kenya. Unfortunately, that is the obtaining situation in most of our counties. We must be able to hear and listen to what this deputy governor is accused of, extrapolate it and guide this House into making a decision. I know when this Committee eventually presents a report before this House, they will say something specific to the case that is before it. That is how we normally do our Committee reports. Then, they will also guide the House on how to prevent certain things from happening in the future.

I have served in an impeachment committee before. One of the things the parties present before the Committee begins its work are all the reports of what the previous committees that have handled impeachment proceedings have done. Take time and read the final recommendations that each of those Committees normally produce before this House. They guide us on various issues; legislative interventions that we need to make and policy directions that we need to speak about as a Senate. I believe time has come for us, as a Senate, to give directions on this issue of disputes between Governors and their deputies.

I have this similar problem in my own County of Kericho. I had this challenge obtaining. There was a spat between the governor and his deputy on Madaraka Day. I have seen so many other counties in such similar situations. We cannot afford to just fold our hands and believe that it does not concern us. It concerns us, as the Senate, because we are custodians and protectors of the organs and principles of devolution in this country. We need to understand how best we can guide.

Unfortunately, you cannot legislate good order or collegiality between a governor and his deputy. However, we can give policy directions on what is expected. If as a governor, you enter into a political marriage, how then do you sustain it for the rest of your term? Political deception is not something to be encouraged in this country.

Mr. Speaker, Sir, you know the extremely difficult situation we found ourselves as a country last term, when the President and his Deputy fell out. In fact, I keep on telling people that the good gentleman, the Hon. Rigathi Gachagua is a man of great faith. It takes a man of courage to accept to be anyone's deputy after what had been done to the then Deputy President and now President William Ruto because of this kind of behaviour.

We need to conclude on this matter so that we learn the good practices. It is not alien and unique to us, as a country. I believe other comparable jurisdictions have come up with legislative interventions.

At least, with regards to the position of the Deputy President, there is the Intergovernmental Budget and Economic Council (IBEC) for them to Chair. I remember when the relationship between the then President and his Deputy was irretrievably broken, at least one of the responsibilities that he remained with because it was provided in statute was chairing the IBEC. It may have been once a year. However, there are many responsibilities that we can either legislate or propose for deputy governors to do so that we do not find ourselves in the kind of situation that we are seeing in many of our counties.

Lastly, I know many colleagues want to speak to this and therefore I want to be extremely brief.

Mr. Speaker, Sir, you denied me an opportunity to say something when Sen. Dullo had risen on a point of order against this Motion. I want to persuade even Members of Jubilee Party, to first, allow us to pass this Motion. In any case, Siaya as a county is unfortunately looking up to us as Senate to help resolve this matter, without making light of the points that they are making which I agree with. I listened to Senators quite attentively when they were speaking about this matter that is before us.

There is one point which I want to ask of you to perhaps guide this House. Is it possible that the Constitution in anyway envisioned a scenario where somebody can be a Member of this House and not be in any Committee whatsoever? That is something that you need to guide us. I do not know of the how but at least tell us whether that has been envisioned.

I know for a fact that when there was an implosion in my former party Jubilee last term, many of us were de-whipped and Members of the Minority side ended up Chairing Committees. Sen. M. Kajwang' was my Chair in the Committee on Devolution and Intergovernmental Relations.

In as much as I was not guided on what direction to take or which committee to sit in, I had the opportunity as an elected Member to sit in a particular committee.

Sen. Sifuna: *(Inaudible)*

The Senate Majority Leader (Sen. Cheruiyot): Sen. Sifuna, nowadays---

The Speaker (Hon. Kingi): Senate Majority Leader, confine yourself to moving this Motion so that we make progress.

The Senate Majority Leader (Sen. Cheruiyot): Sen. Sifuna wants to inform me and I do not mind being informed.

The Speaker (Hon. Kingi): Sen. Sifuna, proceed to inform him.

Sen. Sifuna: Mr. Speaker, Sir, I just wanted to inform my friend, that we are not saying that a certain Member should not be a Member of any committee. We are saying that they should be seconded to those committees by the side to which they belong; physically, legally and whatever it is we can do.

We are saying, please, when you draw up your list as the leadership of the Majority, because you attend Parliamentary Group meetings (PGs) with these colleagues

of ours, put them on your list the way you did with Aden Keynan. There is no problem. That is the information I wanted to inform you. Otherwise---

The Speaker (Hon. Kingi): Sen. Sifuna, that does not amount to a point of information---

Sen. Sifuna: Mr. Speaker, Sir, to be fair, it is for him to say.

The Senate Majority Leader (Sen. Cheruiyot): On a point of order, Mr. Speaker, Sir.

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

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I like that information because if I am granted that, it will take my numbers to almost 45. This means that I will demand, not for five slots in every committee; I will ask for six and I will be able to take care of the Jubilee Members.

Anyway, that is not what we want to debate. I humbly request - because I do not want to enter into this debate with Jubilee and the rest - Sen. Sifuna, even as you obtain that---

Mr. Speaker, Sir, you may want to rectify something that Sen. Cherargei mentioned and I do not know if it is true. It was alleged on this Floor that Sen. Okiya Omtatah does not belong to neither the Majority nor the Minority side. He has no coalition agreement with any of the sides. Nonetheless, he serves committees. Maybe you may want to guide us on how he ended up in those committees, then maybe assist our colleagues from Jubilee.

I want to urge my colleagues to quickly dispense of this matter so that we can serve justice to the people of Siaya County.

With those very many remarks, I beg my good friend, the Bishop from Kitui, Sen. Wambua, to second this Motion.

Sen, Wambua: Mr. Speaker, Sir, all of a sudden, I have become so many things to so many people; my Bishop, my uncle. You can take your pick, Sen. (Dr.) Khalwale.

First, I want to thank the Senate Business Committee (SBC) for coming up with the list of Members to be included in this Special Committee on the decision to remove the Deputy Governor of Siaya from office by way of impeachment.

Mr. Speaker, Sir, I will say very few but important things. One, there is a phrase that you used when you read out the charges that really caught my attention that what this country and the people of Siaya are looking for is a just outcome of this process.

The people of Siaya, the Deputy Governor, William Oduol and the MCAs of Siaya are looking up to the Senate to be served justice. On the matter of which way to go, whether plenary or committee, I stand in support of the proposal by the SBC in line with the Motion as moved by the Majority Leader, that colleagues be persuaded to take the route of the select committee to process this matter in an efficient manner and in a way that spares the plenary time to engage with other business.

I say this because if I was addressing a rally in Kitui now, I would be asking the people attending the rally to clap for themselves. Unfortunately, I am not addressing a rally, I am addressing hon. Senators.

Let us give credit where it is due. In the last two weeks, the Senate has made serious strides when it comes to conclusion of Bills and debate. I was here yesterday when we were debating the Agricultural Extension Officers Bill by Sen. Tabitha Mutinda. When I was walking out, there was consensus on both sides. Sen. Mungatana and Sen. (Dr.) Khalwale were there and we all agreed that this is how debate is supposed to take place.

Mr. Speaker, Sir, we should not come in between our own progress. We should allow Plenary to continue in the same momentum to process the business that is before us. We have a lot of Bills and Motions that are lined up for debate. If we can excuse 11 of our Members from Plenary to deal with the issue of impeachment and the rest of us are engaged in robust debate on Bills and Motions, that will be a good way to go.

Lastly, I would be the last person to take us back to any debate but so that this House is not misled and we bear facts as they are; the Senate Minority Leader is here, he should also listen to this---

The Speaker (Hon. Kingi): Sen. Sifuna, Sen. Oketch Gicheru and Sen. Olekina, acquaint yourselves with Standing Order No. 121 (1) (C). I do not have to read it but for purposes of guiding this House, let me read that:

“(1) A Senator is disorderly if the Senator-

(c) Unnecessarily interrupts proceedings or consults in a disruptive manner.”

Like the way you are doing. Please be guided.

Sen. Wambua, please proceed.

Sen. Wambua: Thank you, Mr. Speaker, Sir, for guiding the Senate Minority Whip and his Deputy.

In conclusion, I would be the last person to want to take us back in debate, but let it be on record that as we speak today, the Jubilee Senators in this House occupy committee positions assigned by the Minority side. Let us not create the wrong impression that somebody has been kicked out of all committees.

One of the best things we have to do in this House is to agree that if a select committee has been set up by the wisdom of the leadership of the House, let us respect that committee. If your name is not there, do not insist that you have to be there. There will be other committees that will come and Members will join those committees. This is not the first and it is not going to be the last impeachment Motion. There will be more to come, there have been others before and not all Members can belong to a select committee.

Mr. Speaker, Sir, with those few remarks, so that we give Members an opportunity to contribute to this Motion, I support.

(Question proposed)

The Speaker (Hon. Kingi): Hon. Members, looking at my dashboard, every Senator wishes to contribute to this Motion. We may proceed by allowing each Member

to speak for the 20 minutes allowable in our Standing Orders or we can agree to limit the debate.

(Loud consultations)

I thought this is a matter that we can easily get a consensus on. The debate shall be limited to three minutes per Senator.

Sen. Osotsi, you may have the Floor.

Sen. Osotsi: Thank you, Mr. Speaker, Sir, for the opportunity. I am a neighbour to Siaya County, and I have been monitoring keenly what is happening in Siaya. This is now an opportunity for the Senate to exercise its mandate and give the people of Siaya the justice they are looking for.

I agree with the sentiments raised by the Senate Majority Leader, that we need to exercise a lot of care as Senators, so that we do not extend the debate on this matter outside this Chamber.

When this matter was being processed in the county assembly, I heard some Senators making comments that are likely to jeopardize the process. I request my colleagues to desist from making comments on this process until it is concluded, so that the Senate is respected as a House.

We have Members who said that when this Motion comes before us, this is what we are going to do, yet they have not looked at the evidence before them. It does not position the Senate well in the eyes of Kenyans. I urge the Special Committee to be objective, look at the evidence they have and make the right decision for the people of Siaya County.

Mr. Speaker, Sir, allow me to make a comment on the membership of the Committee without talking about what has been discussed earlier about the Jubilee Party.

If I look at the membership, I can see three Members of the County Public Investments and Special Funds Committee (CPIC) and two Members of the County Public Accounts Committee (CPAC) who have been proposed to sit on that Committee. Moving forward, we must consider busy committees like CPAC and CPIC, so that we do not have many of our Members sitting on such committees, thereby derailing our work which is a lot.

I raised the same matter in the Shakahola case, where four Members of my Committee had been proposed. It really affects our work. Whips, in future, when you look at the membership, consider committee representation of Members that you propose. Otherwise, you will end up disorganizing our schedule and affecting our performance as a Committee.

Mr. Speaker, Sir, I support that we go the committee way because it is the cleanest and the most efficient way to handle this matter. If you bring it in the Plenary, it means that other processes that we do as a House will be derailed. The smoothest way is to go the committee way.

I urge---

(Sen. Osotsi's microphone was switched off)

The Speaker (Hon. Kingi): Proceed, Sen. Kathuri.

Sen. Kathuri: Thank you, Mr. Speaker, Sir, for giving me an opportunity to also make a comment on the way forward regarding the impeachment of the Siaya Deputy Governor.

Devolution needs to be protected. Since Senators have a say on the impeachment of either governor or deputy governor, it is important that we move together as a House. This issue needs a bipartisan approach, so that we do not appear to be competing on which method should be used.

Looking at the list that has been presented by the SBC, through the Senate Majority Leader, I am confident that these great men and women Senators will handle this process without any problem because they have a lot of experience. I served with Sen. Omogeni and Sen. Kisang, among others, in the National Assembly. I support because I have confidence in the Committee.

I only urge or request them to listen to both sides seriously. Let them listen to the Deputy Governor of Siaya and Members of County Assembly (MCAs) of Siaya who have impeached him. Everybody should get justice in the process.

Mr. Speaker, Sir, another issue is about the wrangles on the other side of the House. As you have put it, I also urge them to sit down and agree on how they will manage their coalition.

If they feel that they cannot manage themselves, then I request the Jubilee Party team to come to this side, with their body and spirit, and we shall accommodate and give them whatever they need including committees. This is because they are really being mistreated.

Sen. Olekina, you are laughing today but, tomorrow, you might be in fire. You know where you came from just three months ago. Whatever happened to Sen. Dullo might happen to you.

You might not know what will happen in the next elections. Maybe the Orange Democratic Movement (ODM) Party will be on this or the other side. Therefore, let us always be our brothers' and sisters' keepers and avoid this---

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

Sen. Olekina: Mr. Speaker, Sir, I will be brief and to the point. I rise to support the Motion of setting up a committee.

I have looked at the membership of the Committee as proposed by both sides of the House. I serve in the CPIC with three distinguished Senators who I know will give attention to detail that the impeachment of a deputy governor deserves.

I was the first person to go to court to defend deputy governors. In the event that a deputy governor is either suspended from office as it has happened or forced to stay out, the ruling of the court is in line with Article 179 of the Constitution; that the deputy governor is part of the executive committee and he is the deputy Chief Executive Officer (CEO) of that county.

I have also sat in this seat when we were going through the impeachment of a governor through the Plenary process as by Standing Order No. 80. By then, it was a different Standing Order.

On that particular day, I agonized while sitting here; I was unable to read the charges. That is when, speaking to my colleagues, they told me I was being reduced to becoming a judge. This is indeed a political process.

I beseech my colleagues that impeachment is a personal matter. It requires you to pay attention to the charges and make sure they are substantiated, if indeed there is a charge. The Senate does not impeach; it comes to confirm the impeachment or gives the deputy governor an opportunity.

We have heard of the charges, not here, but before that involved us to engage the Controller of Budget (CoB). It will be impossible to do that sitting in Plenary.

A Committee will be able to request details from that County Government to substantiate those claims whether they are there or not. The only way for the Committee to sit down and peruse volumes of requisitions is by them engaging the CoB.

I beseech my colleagues. We will have so many *ad hoc* Committees set up. The distinguished Senators have got an opportunity to serve now, tomorrow on another proceeding, others will be given an opportunity.

Thank you.

Sen. Orwoba: Thank you Mr. Speaker, Sir, for this opportunity. I rise to support the Motion to go the Committee way. However, I would like to relay certain sentiments. The Committee way seems to be the only way. I do not know any other because I am a first time Senator. I hear people say it seems to be the most efficient way. However, is there a way that Senators not serving in that Committee can get an opportunity to engage in a debate on the matters?

I ask this because in the last impeachment of Governor Kawira, we were told that as much as we do not sit in the Committee, we were going to be part of it. At one point, even to get the material or paperwork involved when we were seated here listening to the Governor, became an issue.

We are also here to represent the constituents of people where we have been specially elected to represent. Is it possible to have some of these debates, even for one hour, so that people can air their views?

I do not want to anticipate debate but today, for instance, I would like to speak about the duties and responsibilities of a deputy governor. However, because of the nature how the Motion has been tabled, I cannot engage on that. I am not going to be able to interrogate the issues raised.

Some of us who care about the constituency of people we have specially been elected to represent would like them to understand and know that we are representing them well in the Senate.

As we go the Committee way, the question comes then, all the other Senators including the Jubilee Senators who feel disenfranchised, how do we exercise our responsibilities in the Senate in these Committee proceedings?

The Speaker (Hon. Kingi): Sen. Orwoba, get hold of the Message that I communicated today, your answer lies there.

Sen. Sifuna, proceed.

Sen. Sifuna: Thank you, Mr. Speaker, Sir. Allow me to join my colleagues who have spoken before me in supporting this Motion.

I happen to have been lucky enough to have been part of the Committee that dealt with the first impeachment that was brought to us from Meru. I do agree with my colleagues that the Committee way is a more efficient process. It allows for people to interact with evidence and the law so that they can reach an informed decision.

I have had a casual perusal of the names proposed. We serve with Sen. Kisang. He is my Vice-Chair in the Committee of Energy together with Sen. Abass. We serve in the Committee on County Public Accounts with Sen. Gataya Mo Fire. Sen. Tabitha Mutinda and I handle the delicate relations between Kenya and the Kingdom of Eswatini.

I have also looked at the names proposed here from our side. If the Chair of the Governor Mwangaza impeachment was to speak, they agreed that it was good to at least have some people with strong legal background. They help other Members and the Committee in interpreting some of the things and in giving direction on matters of the law that arose.

In the Committee, we, in the Minority side, have given them three senior advocates: Sen. Omogeni, Sen. Mumma and Sen. Maanzo. All of whom are advocates of no mean repute.

I hope that as this process goes on, we, as Members, who are not part of this Committee, will give the Members time to do their job. I know Sen. Orwoba has referred to the previous Committee. We felt a lot of pressure from our colleagues. I know that even the resources are limited. There is a definite number of copies that can be produced and most of these county assemblies do not have the resources.

It is not possible to produce copies for everyone. It converts the thing back to a Committee of the Whole. I wish that we protect this process. I am happy you have directed on the issue of public pronouncements on this issue.

I was a bit worried when the process begun in the County Assembly. I saw some of my colleagues commenting on social media. I insist that we all have a responsibility to protect this House and our processes.

I was very upset by some of the comments that came out after the process. People were thanking people who were not Members of this House for saving Governor Mwangaza. I was perturbed because that process happened only in this House. That is what must be done even in this particular case.

I Thank you.

Sen. Mungatana, MGH: Thank you Mr. Speaker, Sir. I rise to support. I do not want to repeat what colleagues have said but I associate myself with all the wisdom that has come before me.

In 2017, in Tana River County, a governor was elected with his deputy and within the first one month, there was a big quarrel; the governor withdrew the deputy governor's car. In due course, the deputy governor's office was locked. He could not even hold meetings within the precincts of the County Executive.

Governors and deputy governors represent constituencies. I urge the Committee that as they look at these charges to know that they are looking at universal suffrage

issues which are very serious. In our county, it created a lot of disaffection, a dysfunctional government and a problem.

I am asking the Committee, as they execute their duties, to look at whether those charges are proven so that we do not have a problem of disrespecting the wishes of the people.

Mr. Speaker, Sir, I am urging the Committee to continue with their work. They should know that we are waiting for them in this House. If they give us a bad report, we shall reject it. If they give us a good report, we shall support them, but they must know that they bear a heavy responsibility.

The other Members of that Committee will carry out that mandate to its fullest and we have that hope that the people of Siaya will have their day and justice will be served.

I thank you.

The Speaker (Hon. Kingi): Sen. (Dr.) Oburu.

(Applause)

Sen. (Dr.) Oburu: Thank you, Mr. Speaker, Sir, for the opportunity. I am the Senator for Siaya. I will not speak much on this issue. I have 100 percent confidence in the team which has been selected to look into this matter. I have seen senior people of very fair minds and who have served in very senior positions in this House and elsewhere. I am sure that justice will be done.

When two bulls are fighting, it is usually the grass that suffers. The grass are the people of Siaya. The people of Siaya expect to get services from their county and those services cannot be efficiently and sufficiently delivered when there is this kind of a situation.

Mr. Speaker, Sir, the time given to resolve this matter is reasonable, and I hope that those who have been given this noble and heavy responsibility to resolve this matter will come up with resolutions that will give justice. As stated here, the role of this Committee will be *quasi-judicial*, which means that as you are selected there, you are going to be like a judicial officer or a judge.

When you are a judge, you are not supposed to be under any influence or any pressure. You will look at the facts given objectively and come up with a resolution that will be satisfactory to the person who is being accused because he knows why he is being accused, and to the people who are accusing him.

Mr. Speaker, Sir, as the Senator for Siaya, I do not want to express myself because I know what others do not know. I do not want to say anything which can prejudice the investigations on this matter. I, therefore, support the Select Committee---

The Speaker (Hon. Kingi): Sen. Wakili Sigei.

Sen. Wakili Sigei: I thank you, Mr. Speaker, Sir. I support the Motion that has been tabled by the Senate Majority Leader. The process that the Select Committee will embark on, is a constitutional one. It is a process that the law provides to give a remedy to a breach or a perceived breach of a government or a system of government.

This is one way in which we will expect justice to be done, not only to the candidate, the deputy governor, but to also the governor as well as for the people of Siaya, who are beneficiaries of the governance by the victim and the government. The team that has been selected by both the Majority and Minority sides of the House, are seasoned Members who are experienced lawyers with impeccable integrity.

Mr. Speaker, Sir, I believe that once they embark on the process, they will be very objective and will go through the documentation presented in order to ensure that the evidence placed before them serves the purpose. Thus, at the end of the process, we will see justice being done to either party and as has been said by Members who submitted before me, the Committee process is a more independent and efficient way of ensuring that the work of the House and Committee is also served within reasonable time to serve the interests of the parties involved in this case.

This team should do what this House will be forever remembered for by the people of this country and ensure that the position of the Senate, being the second tier to this impeachment process, is not to confirm, but to make sure that justice is done to all the parties involved. I, therefore, support the Motion.

The Speaker (Hon. Kingi): Sen. M. Kajwang'

Sen. M. Kajwang': Mr. Speaker, Sir, I rise to support this Motion and I have got full confidence in the Senators who have been proposed to be on this Committee. I wanted to invite you to consider the difference between a special and a select committee in our Standing Orders.

We had a debate earlier that would have been best undertaken while discussing this Motion. Select committees are established in our Standing Orders to allow the Senate to execute its mandate by delegating some of its affairs to those select committees. That is the reason why our Standing Orders limit membership of select committees to between seven and nine Senators.

Mr. Speaker, Sir, special committees on the hand are established for the sole purpose of considering an impeachment. The only time a special committee is referred to in our Standing Orders is with respect to the impeachment of the President, the Deputy President, a governor, or a deputy governor.

The distinction is further clarified that a special committee comprises of 11 Senators and not seven or nine Senators specified for select committees. The reason why I make this argument is to ensure that those who were speaking earlier and citing Standing Order No. 197 to 200 on the composition of select committees, is that the right Standing Order we should be focussing on is Standing Order No.80, which talks about how such special committees are established and it ought to be bipartisan.

Mr. Speaker, Sir, if we were to argue that every single coalition must be represented in the special committee, the day we will be having 12 coalitions in this House, it will not be possible to fit all those 12 coalitions in an eleven-member committee.

Therefore, I urge the House to separate the issues of select committees that the Jubilee Coalition has raised from the issues of special committees which is a special role that only this Senate can perform. You can take away funds or powers from the Senate

but the one power you cannot take away from the Senate is its power to consider impeachment of the President and governors.

Mr. Speaker, Sir, I urge that we do not bring partisan political arguments in the establishment of this Special Committee in order for us to give hope to the people of Siaya.

The Speaker (Hon. Kingi): Sen. Okenyuri.

Sen. Okenyuri: Thank you, Mr. Speaker, Sir, for this opportunity. I also support the establishment of the Special Committee. I had an opportunity to serve in the first Special Committee which looked into the issue of the Meru County Governor, Her Excellency, Gov. Kawira Mwangaza. I must say as a newly sworn in legislator then, it was a good opportunity for me to learn what processes take place.

I am happy that I can see young legislators in this Committee. It is a blend of a variety of legislators. I urge them to interrogate the issue of Siaya County very carefully. We do not want to have people taking sides or showing interest on one side. There are so many issues in counties, and we are likely to see more impeachments coming. From the look of things, any small interruption triggers an impeachment Motion.

I urge the Members of the Committee to carefully look into the issues. I have full trust in the membership of this Committee. I had the opportunity to serve in the first one. It is good for other Members to equally get the opportunity to serve in this one, so that we do not have monopoly of experience. Every Senator should have an opportunity to represent this House.

Thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Mwaruma

Sen. Mwaruma: Asante, Bw. Spika, kwa kunipa hii fursa ya kuchangia Mjadala huu wa kumwondoa mamlakani naibu wa Gavana wa Kaunti ya Siaya. Ninakubaliana na Senate Business Committee (SBC), kuwa tuende njia ya Kamati. Njia hii inahusisha watu wachache na wanapata fursa ya kuangalia yale mashtaka kwa undani. Nilikuwa na fursa ya kumwondoa maamlakani Gavana wa Kaunti ya Meru na ninakubaliana mia kwa mia, kwamba hii ndio njia mzuri zaidi.

Nilitarajia kuwa kati ya wale Maseneta waliowekwa katika Kamati hii, kungekuwa na mmoja ambaye angalau alikuwa katika ile Kamati nyingine kwa sababu ya kumbukumbu ya taasisi. Kwa sababu hamna yeyote, basi maafisa, hasa Mkuu wa Kitengo cha Huduma za Sheria katika Bunge la Seneti, amekuwa na umuhimu sana katika kuangazia kumbukumbu za taasisi katika Kamati hizo.

Kuna sheria inayoangazia kuondolewa mamlakani kwa magavana, manaibu wao na pia maspika. Sijui huo Mswada umefika wapi lakini ni vizuri uletwe hapa, ili uangazie njia mwafaka ya kuwaondoa mamlakani maafisa wa serikali na kadhalika.

Niko na uhakika ya kwamba kamati hii italeti ripoti nzuri na watu wa Kaunti ya Siaya watapata haki yao kwa sababu wanahitaji huduma wala sio malumbano. Fahali wawili wanapopigana, basi nyasi ndizo huumia.

Muda wa kuwaondoa mamlakani magavana umekuwa mfupi sana. Wanaoumia ni wanakamati. Hata hivyo, ningependa kuwatia moyo wafanye hivyo. Mswada wa

kuangalia hili swala la kuondolewa mamlakani, umependekeza kwamba muda uwe mrefu zaidi, labda siku 15 badala ya 10.

Asante.

The Speaker (Hon. Kingi): Proceed, Sen. Cherargei.

Sen. Cherargei: Thank you, Mr. Speaker, Sir. I am not a fan of the Special Select Committee but this one is an exception. I believe when a Committee sits, they will give us a detailed report.

I challenge the Committee that their role is anchored under Article 145. On the Third Schedule on the process of the removal, there are always two outcomes. If the charges are confirmed, it comes back for Division and debate. If they are not, the House notes it. Under Standing Order No.1 as it has been tradition, you can allow a few comments after that.

Mr. Speaker, Sir, I challenge the Committee to be beyond reproach and have integrity. I believe in their capacity and ability. I agree with Sen. Mwaruma to some extent, but we need to build the capacity of our colleagues, so that they can have opportunity to learn. All of us are learning.

Finally, this Senate deals with only facts. It does not deal with social media propaganda and political competition. Anybody who brings trumped up charges against an individual---

An impeachment procedure is very serious because if that person is impeached, they can take up to 10 years of being banned from taking up public office. Any person who brings charges against an individual – be it a governor, a deputy governor, a President, or his deputy – should note that the Senate is not a playground to settle political witch hunt, competition or address party matters. The Senate will only deal with issues that are seized with matters within the facts and law.

I agree that, in future, we must re-look at the 10 days since they might not be sufficient. However, we believe in the capacity of your Office and the secretariat to ensure the resource.

Some people have submitted that they wish they were in this Committee. Four years is a long time and all of us shall serve in these Committees. I appeal that if my brother, Sen. Oketch Gicheru, was in one impeachment Committee, you will get another chance next time. All of us will grow and learn.

I assure the people of Siaya County and Kenyans, that we shall do justice to Deputy Governor, hon. Oduol, and Siaya County Assembly. They should relax *mos mos* and allow us to prosecute this matter.

The Speaker (Hon. Kingi): Proceed, Sen. Oketch Gicheru.

Sen. Oketch Gicheru: Thank you, Mr. Speaker, Sir, for this opportunity. May you guide Sen. Methu that Standing Order No.121c applies.

(Laughter)

The Speaker (Hon. Kingi): Proceed, Sen. Oketch Gicheru.

Sen. Oketch Gicheru: Mr. Speaker, Sir, I feel honoured to contribute on this matter and I support this Motion.

I had the privilege of serving in the Meru County Committee, which was the first impeachment Committee in this House. If there is anything to go by, I learnt a lot then. There is always need to significantly examine and scrutinize issues that are brought here.

As all Senators would agree, sometimes scrutiny and examination can be a difficult process in a group think. That is what the Committee of the Whole leaves us with. I support this strongly. In any case, if you have Sen. Cherarkey supporting something like this, it is a very good thing. He is actually listening.

Most importantly, I believe in the capability and abilities of the Senators who have been nominated to do this exercise. I have had the privilege of serving very closely with Sen. Tabitha Mutinda, Sen. Miraj, Sen. Kisang', Sen. Gataya Mo Fire and Sen. Chimera from Kilifi County. These are people of great integrity and impeccable record of ensuring honour and justice to this House. I believe they will do justice to the people of Siaya County and their Deputy Governor.

Mr. Speaker, Sir, as I finish my contribution, I would like to leave them with this quote from Winston Churchill –

“All the great things are simple, and many can be expressed in a single word; freedom, justice, honor, duty, mercy, hope.”

This is what the people of Siaya and the Deputy Governor expect from you. We wish the Committee well.

The Speaker (Hon. Kingi): Sen. Methu, proceed.

Sen. Methu: Thank you, Mr. Speaker, Sir, for the opportunity you have accorded to me.

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

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

Sen. Oketch Gicheru: Mr. Speaker, Sir, I draw your attention to Rule No.5 of the Speaker's Rules.

(Sen. Methu stood in his place)

The Speaker (Hon. Kingi): Sen. Methu, take your seat.

Sen. Oketch Gicheru: Mr. Speaker, Sir, Sen. Methu has stepped into this House with a funny head attire, which I do not know whether it is a hat or a handkerchief put together. The point is, whatever he is wearing is not in the dress code of this House under Rule No.5. I do not want to waste time because debate is ongoing. Please, guide on this. It is confusing as it looks like something that is not part of the dress code of the Senate.

The Speaker (Hon. Kingi): Sen. Methu, according to the Speaker's Rules the only hat allowable are religious attires, including religious hats. Would you, therefore, explain the hat you are wearing? Is it as a result of the religion you confess?

Sen. Methu: Thank you, Mr. Speaker, Sir. This question is coming substantively for the second time. The last time the question came up was when the Deputy Speaker was in the Chair. I thought the matter was settled then.

This morning, my Chairman in the County Public Accounts Committee (CPAC) made a determination because I sat through the meeting. I also explained myself to the Deputy Speaker. However, today, the Senator of Meru has left. I will explain myself again.

Besides being a Christian, we also prophesize and subscribe to our traditional religious wings. This is why we go and pray in the forest because we still believe and worship *mwene nyaga*, our God.

We occasionally wear these traditional hats, which out of your kind consideration, have allowed some of us, for example, the Deputy Speaker, myself and many others, to put on. If that satisfies the question, I would ask that you allow me make my contribution, because the matter has---

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

Sen. M. Kajwang': Mr. Speaker, Sir, Sen. Methu is misleading the House by averring that I cleared his outfit in the morning. Indeed, when he walked into the sub-Committee that I was chairing, I was quick to send him to the other sub-Committee that was chaired by Sen. Cherarkey to make the determination.

The danger that Sen. Methu poses is that we will be describing everything as religious regalia. I know certain members of sects and cults who can argue that it is religious.

For the regalia of the well-registered church called *Legio Maria* Church whose leader is Papa Melkio Ondeto to be complete, I must have a fly whisk, rosary, image of Papa Melkio Ondeto on my chest, pull out seven lower teeth and have dreadlocks. If I walked in here in that style and fashion and argue that it is religious regalia, this House will look like an unserious place. We need firmness.

Sen. Methu cannot choose that one day he is *Akorinu* and the next day he is *Mwene Nyaga*. The next day, he will come here dressed like a Hindu. The next day, he will come as a Shakahola convict. The way he looks emaciated, I am suspecting he has started fasting and starving himself.

In a serious regime where our young people are being brainwashed, please, give direction so that we can restore the dignity of this House and ensure that there is some civility in the manner in which we behave or dress. I am afraid Sen. Methu is slowly drifting to the Shakahola sect. It usually starts like this until things get out of hand.

(Laughter)

The Speaker (Hon. Kingi): Order, Senators! Sen. Methu, take your seat. The matter of the dress code of the Senate is well provided for under the Speaker's Rules. However, some of us have tried to stretch those rules to the limit.

A time has come for the Chair to put beacons and boundaries to the extent at which we can stretch that dress code. As Sen. M. Kajwang' has said, if left untamed, many of us will come dressed in a manner that depicts unseriousness to this House.

Therefore, I will make a ruling, not today and not as far as Sen. Methu is concerned, but for all of us to abide by going forward. Sometimes, you put the presiding

officers here in a tight corner. If you read the Speaker's Rules, they will tell you to wear a trouser. However, there was a time, and this is not quoted in a bad way, Sen. Orwoba walked in here with a luminous shining green trouser of whatever material. Her argument was that it was a trouser and, therefore, allowable under the Speaker's Rules.

A Senator will walk in wearing exactly what Sen. M. Kajwang' has described. When you look at the rules, you will find it difficult to chase away the Senator.

Hon. Senators, allow me to retire, look into this matter and pronounce myself on this matter in its finality, to avoid stretching the Speaker's Rules. It was intended that all Senators shall be reasonable when reading the Speakers Rules. However, it seems some of us, every day want to test what the Speaker or the presiding officer will say by going extreme in the way we dress as we come to the Floor of this House.

Therefore, for now, I will allow Sen. Methu to proceed. However, his dress code will form part of my ruling when I retire to write it.

Sen. Methu, proceed.

Sen. Methu: Thank you, Mr. Speaker, Sir', for the ruling. I would like to confirm to you that it is not intended to put you to test or hear what your directions will be. I am ready and willing to abide by whatever direction you give. I have always been respectful to the decisions you have made.

On the Motion before us, I support the formation of the Select Committee that draws its mandate from Section 33 (3) (b) of the County Government's Act and from Standing Order No. 80 of the Senate.

This afternoon, I have heard very many people speak about experience in the selection of the Committee. Nonetheless, I am very excited to see that even the young people led by the very young Senator from Kwale, Sen. Chimera and our very own abled Senator, Sen. Miraj, from Mombasa County are being inducted into the hall of fame and they are getting the opportunity to serve in such a Committee.

Mr. Speaker, Sir, the Senate has been called upon again to make a very serious decision. I would not want to buttress the point that has been made by my colleagues, that it is time that we also as a Senate prove to the world that we are equal to the task by arbitrating this matter and by ensuring that we fairly listen to the two sides of this impeachment Motion. We need to listen to the Deputy Governor for Siaya, William Oduol and the County Assembly for Siaya. It is upon us to make that decision and we cannot be referees or umpires if we are making comments around the same issue.

Mr. Speaker, Sir, as the Committee looks at the impeachment, it is time we also extended the scope to dealing with the substantive question of the strained relationships between governors and their deputies. It is just after a short while that we are getting issues from many counties of strained relationships between governors and their own deputies. We need to speak as people who have been tasked by Article 96(1) of our Constitution to take care of the interest of the counties.

Mr. Speaker, Sir, a county can never be stable if the governor and his deputy are not working in harmony.

I thank you very much for the opportunity. I have a lot of regard for the Committee and I believe that they will do justice to this petition so that we shall look at it.

The Speaker (Hon. Kingi): Proceed, Sen. Mumma.

Sen. Mumma: Thank you, Mr. Speaker, Sir. I rise to support this motion and the decision being proposed that the matter be heard in Committee.

Mr. Speaker, Sir, I happen to be one of the Members that have been proposed to be on the Committee. I wish to indicate that should the House decide that we go as proposed in the Motion, I will be among those who will urge the Committee to do its work in a professional way; not just for the County of Siaya, but also for the nation of Kenya. The issue that is coming before this Committee and before the House is not isolated to Siaya. It is an issue that we need to start having conversation about.

The Senate being the big or the elder child in matters devolution, will sooner or later have to give direction on how best county governments can operate and how best we can have matters relating to relationships of governors and county deputy governors addressed.

Mr. Speaker, Sir, I will not say much because I have been proposed as a Member. I pledge that I will, as I have said, be among those who will be insisting that we work professionally in accordance with the laws and the rules that the House will give us. We will deliver a decision that this Senate will be proud of.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Munyi Mundigi.

Sen. Munyi Mundigi: Bw. Spika, naunga mkono Kamati ambayo imechaguliwa ili izingatie mambo ya *Deputy Governor* wa Siaya inavyoendelea.

Nataka kukumbusha Kamati yale yaliyotekea miaka kumi kule Embu. Gavana alikuwa na Naibu wake lakini alimfinyilia hadi akawa ni kijana ambaye ni kama hana elimu yoyote. Kwa hivyo, waende waangalie na macho ya ukweli na watulete mambo ambayo itafanya hii Seneti iweze kuheshimika.

Pili, nataka kumkosoa Seneta wa Azimio aliyesema ati kuna *advocates* ambao wanajua kazi kuliko wale wengine. Nataka kumwambia kwamba sisi wote Maseneta 67 wa Kenya ni wenye akili timamu na ni Maseneta ambao tunaweza kufanya kazi yoyote ya kuangalia vile watu wanastahili kushughulikiwa.

Asante, Bw. Spika.

The Speaker (Hon. Kingi): Proceed, Sen. Maanzo.

Sen. Maanzo: Thank you, Mr. Speaker, Sir. First, I thank the House for proposing me to be one of the Senators who will sit in this team. Since devolution started, this is a matter that has been repeated many times.

This is not the first time that there is an impeachment motion against a deputy governor. It has been there before and there is sufficient precedence on how to deal with impeachments. However, the most important thing is fairness and also be a *quasi-judicial* body by looking at the evidence presented and its credibility and make a fair decision.

I believe the team will pick a Chair and a Vice Chair and the rest of the team would be able to do a job, which will make this House and Kenyans proud. I am sure

there would be more to come in future. I believe that justice should always prevail so that we may defend devolution.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Kinyua.

Sen. Kinyua: Asante, Bw. Spika, kwa kunipa fursa hii. Kuanzia mwanzo, naunga mkono Hoja hii kwa kuteuliwa kwa Kamati Maalumu ya kuangazia maswala kumwondoa ofisini Naibu wa Gavana.

Bw. Spika, ni wazi dhahiri shahiri ya kwamba Kamati ya watu wachache itakuwa na muda mzuri ya kuangalia hayo maswala kwa kindani kuhusu mashtaka ambayo yameletwa dhidi ya Naibu Gavana wa Siaya.

Bw. Spika, nina imani na Maseneta wote ambao wameteuliwa kuangalia hayo maswala. Kile ambacho ningependa kuwaambia ni kuwa wasiingize maswala ya siasa, waangalie mashtaka ambayo yameletwa na gatuji hilo; wayaangalie kwa undani na walete ripoti ambayo hata sisi hatutakuwa na budi kuiunga mkono.

Hii ni kwa sababu, Seneti ni Bunge ambalo limepewa majukumu ya kisheria ya kushughulikia maswala hayo. Watu wa Siaya, tegemeo lao ni Seneti hii. Wana imani kwamba Maseneta waliochaguliwa, wakiwemo; Sen. Tabitha Mutinda, Sen. Omogeni na wote ambao wamechaguliwa---

Nina uhakika nikiangazia kwanza, kama vile Sen. Gataya Mo Fire, alifanya kazi katika gatuji la Tharaka-Nithi, ana uzoefu na ujuzi wa kuweza kuangalia maswala hayo kwa undani kwa sababu yeye amefanya kazi katika gatuji moja. Kwa sababu gatuji zote zilizoko katika Jamhuri ya Kenya zinafanya kazi visawa, ninajua wataongazia vizuri na wataweza kuangalia maswala haya vizuri.

Pengine tu kwa maoni yangu, Seneta ambaye ni Kiranja wa Wengi Bungeni, wakati alipokuwa akiangazia maswala ya gavana aliyekuwa ameletwa, Wakenya wengi walisema ya kwamba alionekana amebobea katika maswala ya kisheria kuliko maswala ya udaktari.

Pengine angetembea pale ndio aweze kuongeza ule ujuzi pale ndio tuweze kupata matokea ambayo ni mazuri zaidi; matokea ambayo yatakapoletwa hapa, hata watu wa Siaya watakuwa wanafurahia ya kwamba Seneti imefanya vile ambavyo wangetaka mambo yao yafanywe.

Vile ambavyo uamuzi utakavyofanywa, kusiwe na mtu yoyote atakayesema kwamba siasa zilifanywa au Naibu Gavana amengandamizwa ama vile. Hata yeye mwenyewe atakubali matokeo hayo.

Bw. Spika, naunga na nashukuru. Asante.

The Speaker (Hon. Kingi): Proceed, Sen. Korir.

Sen. Korir: Thank you very much, Mr. Speaker, Sir. Allow me to also give my comments on this Committee that has been formed to address the proposed removal from office of the Deputy Governor of Siaya County, hon. Oduol.

This is a strong team. I agree with Sen. Munyi Mundigi that we are all equal to the task, but I must say that the team that has been nominated is a strong team. I know they are in a position to give that particular county the best results. They will also table in

this House a good report on how the issues that are touching on the Deputy Governor are to be addressed.

It had raised a lot of issues and mixed reactions between parties. However, I must commend the political parties that we have in this country, led by Kenya Kwanza on the nomination that they have done.

They are up to the task. I do not want to say much. I do support the list.

Thank you, Mr. Speaker, Sir.

Sen. Gataya Mo Fire: Mr. Speaker, Sir, I sincerely want to thank the Kenya Kwanza Coalition for fronting my name in the list as one of the Members of the Committee. If my name sails through, I promise to bring on board professionalism, integrity and fairness in the whole exercise.

Mr. Speaker, Sir, having worked in the counties for the last 10 years, I have vast experience in matters to do with devolution, governors and deputy governors. As a Member of that Committee, I promise this House that we are going to be very fair and exercise integrity. I am sure that we are going to produce the very best results as this House expects.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): There being no other Senators---

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

The Speaker (Hon. Kingi): Senator Cherarkey, you have spoken on this matter. Let the Mover reply.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. I want to thank our colleagues who have taken time to speak to this Motion. Many of them were actually in support of the decision of the Senate Business Committee (SBC) to go in this particular route. I appreciate their comments.

I believe that this Committee will return a verdict that by and large will be favourable to the people of Siaya. That is what is at the heart of this matter, that eventually the county will be able to move forward and achieve the dream of our nation's founders when they wrote the words of our national anthem that "prosperity be found within our borders". The County of Siaya is within our borders.

Mr. Speaker, Sir, I want to address you on a completely separate matter. I do not know how it escaped my mind when we did the Impeachment Motion of Hon. Kawira Mwangaza. To the best of my recollection, each time we have had this procedural Motion; when the Speakers who were your predecessors were invited to make a determination on how the Senate will vote on that matter, on many occasions, they have ruled that this is not a matter that concerns counties because it is a procedural Motion. They, therefore, allowed us as a House to make a determination.

Now, should the Committee eventually return a verdict that goes in whichever way, then it will warrant a vote by delegation. However, this is just a procedural matter, where the House is making a decision whether to carry out this trial by plenary or committee.

I know that you gave a ruling during the impeachment Motion of Governor Kawira Mwangaza. I, however, have a request in view of Article 123 (2). Allow me to

read it. This is what the Constitution expects you to do before you make a decision on any matter.

Article 123 (2) of the Constitution states”

“When the Senate is to vote on any matter other than a Bill, the Speaker shall rule on whether the matter affects or does not affect counties.”

Therefore, you are invited to make a ruling and I want to request that you make the ruling.

With those many remarks, I beg to reply.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Hon. Senators, before I put the question, indeed, I need to determine whether this matter affects counties or not because then, the way of voting will be determined.

I am aware that when we were dealing with Gov. Kawira Mwangaza’s matter, I did make a ruling that the formation and approval of the Special Committee that retired to look into that matter was indeed a matter that affected counties. I then proceeded to direct that the House to vote by way of delegations.

Having listened to the Senate Majority Leader and the material that he has placed before us, indeed, if you look at the Motion before you, it is a procedural Motion, just like any other Motion to form committees. Therefore, we cannot treat this Committee in any different way.

We have formed committees before and the way we have always treated the approval is through voting by voice. This Select Committee is a Committee for all intents and purposes. It may have other different objectives, but at the end of the day, it is a Committee just like the other committees, which we have been approving here.

Indeed, I will review that ruling and determine that this particular procedural Motion does not affect counties and, therefore, voting shall be by way of voice.

Thank you.

(Question put and agreed to)

The Speaker (Hon. Kingi): Hon. Senators, having put in place this Special Committee, it has 10 days to investigate and report back to the Senate on whether it finds allegations against the Deputy Governor to have been substantiated.

The 10 days will lapse on Sunday, 25th June, 2023. The Committee should, therefore, table its reports in the Senate on or before Friday, 23rd June, 2023.

It is so directed.

Let us go to the next Order.

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

Hon. Senators, pursuant to Standing Order No.45(2), I will rearrange the sequence of today’s Order Paper to allow us deal with the County Allocation of Revenue Bill, which has statutory timeliness.

Therefore, instead of moving to Order No.9 on today's Order Paper, we will prosecute Order No.10, so that we dispense it off. Thereafter, if there will still be time, we will resume business as listed on today's Order Paper.

I want to give preference to the County Allocation Revenue Bill because of the statutory timeliness.

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 COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO.16 OF 2023)

(Sen. Ali Roba on 8.6.2023)

(Resumption of debate interrupted on 14.6.2023 – Afternoon Sitting)

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Members, let us be in order, so that we can immediately move into business. You are all aware that we have previously ---

Sen. (Dr.) Oburu and Sen. Lomenen kindly resume your seats.

I was indicating that we have already canvassed all the clauses in the County Allocation of Revenue Bill, Senate Bills No.16 of 2023. We are going to go straight into Divisions.

I request all Members to pull out your cards from the system and log out. If you have done that, you can now log back in.

Serjeant-at-Arms, ring the Bell for one minute for purposes of establishing quorum.

(The Division Bell was rung)

Serjeant-at-Arms, you may draw the Bar and ensure that all Members are locked in.

(The Bars were drawn and doors closed)

Hon. Members, we are now getting into Divisions.

First, Clauses with amendments. You may now start voting.

(Voting in progress)

DIVISION

ELECTRONIC VOTING

(Question, that the Second Schedule be amended as proposed, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Ali Roba, Mandera County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Gataya Mo Fire, Tharaka-Nithi County; Sen. Joe Nyutu, Murangá County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo-Marakwet; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. M. Kajwang', Homa Bay County; Sen. Maanzo, Makueni County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Oburu, Siaya County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi County; Sen. Thang'wa, Kiambu County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Kitui County; and, Sen. Wambua, Kitui County.

NOES: Nil

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

AYES: 31

NOES: Nil

ABSENTIONS: Nil

(Question carried by 31 votes to nil)

The Temporary Chairperson (Sen. Wakili Sigei): We will now go to the second vote on all clauses.

(Voting in progress)

The Temporary Chairperson (Sen. Wakili Sigei): Sen. Joe Nyutu, you may approach the Table.

(Sen. Joe Nyutu approached the Table and proceeded to vote)

DIVISION

ELECTRONIC VOTING

(Question that Clauses 3,4,5,6,7,8,9,10, the First Schedule, the Second Schedule (as amended), 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. Ali Roba, Mandera County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Gataya Mo Fire, Tharaka-Nithi County; Sen. Joe Nyutu, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang', Elgeyo-Marakwet; Sen. Kinyua, Laikipia County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. M. Kajwang', Homa Bay County; Sen. Maanzo, Makueni County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. Olekina, Narok County; Sen. Oketch Gicheru, Migori County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County, Sen. Thang'wa, Kiambu County; Sen. Wakili Sigei, Bomet County; Sen. Wambua, Kitui County; Sen. Wamatinga, Nyeri County.

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Members, we now have the results of the vote. The results are as follows-

AYES: 29

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 29 votes to nil)

The Temporary Chairperson (Sen. Wakili Sigei): I now call upon the Mover.
Sen. Ali Roba, proceed.

Sen. Ali Roba: Thank you, Mr. Temporary Chairperson, Sir, I beg to move that the Committee of the Whole do report to the Senate its considerations of the County Allocation of Revenue Bill (Senate Bill No.16 of 2023) and its approval thereof with amendments.

Sen.(Dr.) Khalwale seconded.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

The Temporary Chairperson (Sen. Wakili Sigei): Serjeant-at-Arms, please, draw the Bars and open the doors.

(The Bars were drawn and the doors opened)

(Loud Consultations)

(Sen. Abass stood in his place)

The Temporary Speaker (Sen. Wakili Sigei): Order, Hon. Members! Order, Sen. Abass! Resume your seat.

I now call upon Sen. (Dr.) Khalwale to report progress.

REPORTS AND CONSIDERATION OF REPORTS

THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO. 16 OF 2023)

Sen. (Dr.) Khalwale: Thank you, Mr. Temporary Speaker, Sir. I put the question--

(Loud Consultations)

I apologise. I am on the wrong page.

I beg to report that the Committee of the Whole has considered the County Allocation of Revenue Bill (Senate Bills No. 16 of 2023) and its approval thereof with amendments.

Sen. Ali Roba seconded.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Ali Roba, proceed to Move.

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

I request Sen. Oketch Gicheru to Second.

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, with a lot of humility, I second.

(Question proposed)

(Question put and agreed to)

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

Sen. Ali Roba: Mr. Temporary Speaker, Sir, I beg to Move that the County Allocation of Revenue Bill (Senate Bills No. 16 of 2023) be now read a Third Time.

The Temporary Speaker (Sen. Wakili Sigei): Who is the seconder?

Sen. Ali Roba: Mr. Temporary Speaker, Sir, I call upon Sen. Oketch Gicheru to Second.

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, with a lot of humility to my Chairman, I second.

(Question proposed)

The Temporary Speaker (Sen. Wakili Sigei): We proceed to Division. Serjeant-at-Arms, please, ring the bell for one minute.

(The Division Bell was rung)

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, I now put the question, that the County Allocation of Revenue Bill (Senate Bills No.16 of 2023) be now read a Third Time.

You may proceed to vote.

(Voting in progress)

THIRD READING

THE COUNTY ALLOCATION OF REVENUE BILL
(SENATE BILLS NO.16 OF 2023)

DIVISION

ELECTRONIC VOTING

*(Question, that the County Allocation of Revenue Bill
(Senate Bills No.16 of 2023) be read a Third Time put,
and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Abass, Wajir County; Sen. Ali Roba, Mandera County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Gataya Mo Fire, Tharaka-Nithi 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. M. Kajwang', Homa Bay County; Sen. Maanzo, Makueni County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu 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. Sifuna, Nairobi City County; Sen. Thang'wa, Kiambu County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

NOES: Nil

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

AYES: 30

NOES: 0

ABSTENTIONS: 0

The “Ayes” have it.

(Question carried by 30 votes to 0)

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

The Temporary Speaker (Sen. Wakili Sigei): Serjeant-at-Arms, withdraw the Bar and open the Doors.

(The Bar was undrawn and Doors opened)

The Temporary Speaker (Sen. Wakili Sigei): Clerk, call out the next Order.

BILL

Second Reading

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

The Temporary Speaker (Sen. Wakili Sigei): We will defer the Division on the Bill until the next sitting.

(Bill deferred)

The Temporary Speaker (Sen. Wakili Sigei): Let us go to the next Order.

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

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, we are taking---

(Sen. Cherarkey crossed the Floor of the House)

Sen. Kinyua: On a point of order!

The Temporary Speaker (Sen. Wakili Sigei): What is your point of order, Sen. Kinyua?

Sen. Kinyua: Mr. Temporary Speaker, Sir, did you see Sen. Cherarkey just cross over to the other side?

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, unfortunately, the Chair was engaged in confirming the results of the vote. That might have escaped the eye of the Chair, but it does not mean that you will escape compliance with the rules and decorum of the House.

Earlier on, the Speaker directed that you can only stand while speaking and not along the gangways. Sen. Cherarkey and Sen. Ogola, please, resume your seats.

Hon. Members, we are still transacting the business of the House. Let us maintain order. Sen. Cherarkey, resume your seat.

(Sen. Cherarkey resumed his seat)

Hon. Members, we will defer Order Nos.11 and 12 until our next sitting.

COMMITTEE OF THE WHOLE

THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT
OF ECONOMIC AND SOCIAL RIGHTS BILL
(SENATE BILLS NO.7 OF 2022)

THE NATURAL RESOURCES (BENEFITS SHARING)
BILL (SENATE BILLS NO.6 OF 2022)

(Committee of the Whole deferred)

The Temporary Speaker (Sen. Wakili Sigei): Clerk, please, call out the next Order.

BILL

Second Reading

THE AGRICULTURE AND LIVESTOCK EXTENSION SERVICES BILL
(SENATE BILLS NO.12 OF 2022)

(Sen. Tabitha Mutinda on 14.6.2023)

(Resumption of debate interrupted on 14.6.2023 – Afternoon Sitting)

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, I can see that there are hon. Senators who have requested to speak. Before you proceed, I have got a Communication from the Chair to make.

(Interruption of debate on the Bill)

COMMUNICATION FROM THE CHAIR

REVIEW OF AGRICULTURAL AND LIVESTOCK
EXTENSION SERVICES AND MUNG BEAN BILLS

Hon. Senators, as you may recall at the sitting of the Senate held on Wednesday, 14th June, 2023, during the Second Reading of the Agricultural and Livestock Extension Services Bill (Senate Bills No.12 of 2022), an issue arose on some references to mung beans, while the Bill under consideration was the Agricultural and Livestock Extension Services Bill.

Sen. Wambua, while contributing to the debate, observed that there were references to the mung beans crop, whereas there is a substantive Bill addressing concerns around the mung beans crop, that is, The Mung Beans Bill (Senate Bills No.13 of 2022).

Further, Sen. Osotsi made similar observations to that of Sen. Wambua and requested the Speaker to rule that the two Bills be reviewed with a view to addressing the inconsistencies.

Hon. Senators, by way of background, the Agricultural and Livestock Extension Services Bill is sponsored by Sen. Tabitha Mutinda. The Bill successfully underwent pre-publication scrutiny by the Standing Committee on Agriculture, Livestock and Fisheries. The Bill was subsequently approved for publication and published on 30th December, 2022.

The reference to Mung Beans Bill in Clause 4 of the Agricultural and Livestock Extension Services Bill was a printing error that was noted after the Bill had been published.

The matter has since been taken up by the Standing Committee on Agriculture, Livestock and Fisheries and will be addressed through amendments at the Committee of the Whole stage.

The Committee has already tabled its Report and recommended for amendments to correct the errors that were identified.

I thank you.

Sen. Oketch Gicheru, please, proceed.

(Resumption of debate on the Bill)

Sen. Oketch Gicheru: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to contribute to this Motion. I wish that the sponsor of the Bill, Sen. Tabitha Mutinda, was around to be able to take some notes. This is because I believe that this Bill is very important. If well thought through and restructured, it will have a serious ripple effect.

As we speak, we do not have extension workers in counties. As you know, agriculture has been referenced in this House many times. It is the first devolved function in its entirety. To the extent that we want to make agriculture more productive, we definitely need to look at the issue of extension services.

We need these extension services because they are the nexus between all farmers at the grassroots and any kind of new technologies and information that can boost production.

To the extent that we can categorise small-scale and large-scale farmers, the people who need this the most happen to be small-scale farmers. In this country, the small-scale farmers have become the substratum of our economy, in the sense that, if you look at all the urban areas, the people who end up sustaining these economies are small-scale farmers.

For instance, I remember very well, when we had COVID-19 in 2020, the people who sustained this economy were the 4.5 million small-scale farmers. Among those, 3.5 million were involved directly in the production of food crops in this country. About 600,000 of those were pastoral communities. About 130,000 were further engaged in other means of production that help in bolstering the food basket of this country. If these are the people we want to help critically, this Bill must then go into why the agricultural extension workers are not in the counties. We should answer that question in this Bill.

Mr. Temporary Speaker, Sir, I encourage my sister, Sen. Tabitha Mutinda, to focus on the areas of productivity and yields, the issue of growing income, improving standards of living of these small-scale farmers, and more importantly, the idea of aggregating their immense potential. For that to happen, I would have wished that this Bill focusses more on these extension workers, to solve what has been the core challenges to the so-called agricultural extension workers.

Senator, as you look into this together with the Committee, the first thing I want you to address is the idea of job satisfaction. The issue of job satisfaction starts with the issue of clarity with regard to the income that agricultural extension workers should get.

Right now, this country is discussing the Finance Bill in the National Assembly. We know that agriculture is absolutely devolved. If you were to take a county such as Migori County today and give agricultural extension workers even Kshs20,000 as a stipend, so that they can work for these small-scale farmers, and you aggregate it in the 40 wards of Migori County, you will only need Kshs38 million to make sure that Migori County has enough extension workers. If you extrapolate that and say that you want to give that to the 47 counties, you will only need Kshs1.6 billion to give all counties agricultural extension officers.

Mr. Temporary Speaker, Sir, it is unfortunate that even as we speak right now, we do not have that. If you look at the Finance Bill today, the State Department for Livestock is getting about Kshs18 billion. The Blue Economy and Fisheries is getting about Kshs11 billion. The State Department of Crop Development is getting Kshs46 billion. A whopping Kshs77 billion is going to the national Government for a function that is fully devolved into the counties. These are the areas that I wish my sister, Sen. Tabitha Mutinda, can clarify with regard to the issue of job satisfaction.

Secondly, I would wish that as the Senator reviews this particular ---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Oketch Gicheru, it is time to adjourn the House. You have 14 more minutes to contribute to this Bill when the House resumes its next sitting and the Bill is listed on the Order Paper.

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until Tuesday, 20th June, 2023, at 2.30 p.m.

The Senate rose at 6.30 p.m.