



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (SECOND SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**TUESDAY, OCTOBER 31, 2023 AT 2.30 PM**

1. The Senate assembled at thirty Minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Speaker.
3. **QUORUM IN THE HOUSE**

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

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

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

4. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair: -

**i.) Resumption of Sittings of the Senate for Part VI of the Senate Calendar, 2023**

“Honourable Senators,

I take this opportunity to welcome Honourable Senators back from the one-week recess. In accordance with the Calendar of the Senate for the regular sittings, Part VI begins today, Tuesday, 31<sup>st</sup> October, 2023, and will conclude at the rise of the Senate on 7<sup>th</sup> December, 2023.

Honourable Senators,

You will observe that this will be the last segment of the Senate Calendar (Regular Sessions of the Senate, 2023). It will be a short one at that before the Senate undertakes the December – January recess. The resumption of regular sittings in this last part brings with it a certain degree of urgency to conclude the legislative agenda of the Senate. I believe that together, we

can navigate the intricacies of our legislative procedures and make meaningful contributions for the betterment of our country.

It is in this context that I therefore urge that we redouble our collective effort in a bid to conclude the business of the Senate by the close of the Session in December, 2023. I also urge the Office of the Senate Majority Leader, the Senate Minority Leader and Committee Chairpersons to do all that is necessary within the Standing Orders to expedite legislative processing.

Honourable Senators,

I wish you fruitful deliberations and wish all Honourable Senators well.

I thank you.”

**ii.) Request from the Cabinet Secretary, Ministry of Interior, And National Administration for approval by Parliament of the deployment of officers from the National Police Service to the Multinational Security Support Mission for Haiti**

“Honourable Senators,

Vide a letter, Ref. CONF/MINA/CS/VOL.1, dated 19<sup>th</sup> October, 2023, the Cabinet Secretary, Ministry of Interior and National Administration submitted a request to my office seeking the approval of the Senate, for the deployment of officers from the National Police Service to the Multinational Security Support (MSS) Mission for Haiti.

The communication from the Cabinet Secretary indicated that at its meeting held on Friday 13<sup>th</sup> October, 2023, the National Security Council considered and approved a Memorandum, No. NSC (23) 13, from the Cabinet Secretary for Interior and National Administration and the Attorney General, for the proposed deployment of officers from the National Police Service to the Multinational Security Support (MSS) Mission for Haiti, pursuant to Article 240 (8) (a) (i) of the Constitution.

Honorable Senators,

Article 239 (1) of the Constitution states that-

*The National Security Organs are –*

- (a) The Kenya Defence Forces;*
- (b) The National Intelligence Service; and*
- (c) The National Police Service.*

Further, Article 240 (8) (a) of the Constitution provides that –

*The Council may, with the approval of Parliament –*

- (a) deploy national forces outside Kenya for*

- (i) *regional or international peace support operations; or*
- (ii) *other support operations.*

Honorable Senators,

This being a matter of immense national importance, I hereby refer the request of the Cabinet Secretary for Interior and National Administration to the Standing Committee on National Security, Defence, and Foreign Relations. The Standing Committee is required to consider the request and undertake public participation and table a report, thereon on or before 15<sup>th</sup> November, 2023 for consideration by the Senate.

I thank you.”

**iii.) Visiting delegation of members of staff from various county assemblies undertaking the County Assemblies Legislation Tracker Training**

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, visiting delegation of members of staff from various counties undertaking the County Assemblies Legislation Tracker Training.

Honourable Senators,

The County Assemblies Legislation Tracker is a platform where information on legislation passed or being considered by the county assemblies is uploaded. The platform will also provide a centralized online space where members of the public and relevant stakeholders may access bills/ legislation being processed by specific county assemblies and promote openness, transparency and public involvement in the legislative process as required under Article 196 of the Constitution.

It is envisaged that the Senate will utilize the system in accessing firsthand and synthesized information on Bills and Acts passed by county assemblies in undertaking its oversight and legislative mandate. It is for this reason that the Senate, with the support from the Westminster Foundation for Democracy (WFD), engaged a consultant to develop an online legislative database that would bridge the gap on information on the trends in enactment of legislation by county assemblies.

I request each member of staff represented to stand when their county is called out; Meru, Marsabit, Tana River, Taita Taveta, Lamu, Kilifi, Garissa, Kericho, Kirinyaga, Laikipia, Tharaka Nithi, Turkana, Uasin Gishu, Nyeri, West Pokot, Murangá, Baringo, Nyandarua, Trans Nzoia, Elgeyo Marakwet, Bomet, Nairobi and Nandi.

Honourable Senators,

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

I thank you.”

5. **MESSAGE FROM THE COUNTY ASSEMBLY OF MERU ON APPROVAL OF A MOTION, BY THE COUNTY ASSEMBLY, FOR THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF THE HONOURABLE KAWIRA MWANGAZA, THE GOVERNOR OF MERU COUNTY**

The Speaker conveyed the following Message from the County Assembly of Meru -

“Honourable 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 Meru regarding the passage, by the County Assembly, of a Motion, pursuant to Article 181 of the Constitution and Section 33 of the County Governments Act, for the removal from office, by way of impeachment, of Honourable Kawira Mwangaza, the Governor of Meru County. The Message was transmitted to the Senate via a letter Ref. No. M/CARES/VOL.IV/43 dated Thursday, 26<sup>th</sup> October, 2023, signed by the Speaker of the County Assembly of Meru, and received in my Office on Friday, 27<sup>th</sup> October, 2023.

Pursuant to Standing Order 48(5) of the Senate, I shall now report the Message to the Senate –

*“This is to inform you that on Wednesday, the 25<sup>th</sup> day of October, 2023, the County Assembly of Meru, vide a Resolution of the Assembly, and pursuant to the provisions of Article 181 of the Constitution of Kenya, 2010, Section 33 of the County Governments Act, 2012 as read together with the provisions of Standing Order No. 65 of the County Assembly of Meru Standing Orders, approved the motion to remove from office the Governor of Meru County by way of impeachment.*

*The purpose of this letter is to, therefore, 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 Governments Act, 2012 and Standing Order No. 65 (6) of the County Assembly of Meru Standing Orders for your further action.*

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

Honourable Senators,

As stated in the letter from the Speaker of the County Assembly of Meru, 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 –

- i) Copy of approved Notice of Motion for the proposed removal from office of the Governor dated 16<sup>th</sup> October, 2023;
- ii) Order Papers for the County Assembly sittings held on Tuesday 17<sup>th</sup> October (Morning Sitting) and Wednesday, 25<sup>th</sup> October, 2023 (Morning Sitting);
- iii) Certified Hansard Reports of the Assembly Sittings held on Tuesday 17<sup>th</sup> October, 2023 (Morning Sitting) and Wednesday, 25<sup>th</sup> October, 2023 (Morning Sitting);
- iv) Certified Hansard Reports of the Assembly Sittings held on Wednesday, 18<sup>th</sup> October, 2023 (Afternoon Sitting) and Wednesday, 14<sup>th</sup> June, 2023 (Afternoon Sitting);
- v) Copy of certified signatures of County Assembly Members in support of the impeachment Motion for the removal of the Governor of Meru County, dated 25<sup>th</sup> October, 2023;
- vi) Certified copy of Roll Call Vote of Wednesday, 25<sup>th</sup> October, 2023, on the Motion for the impeachment of the Governor of Meru County;
- vii) Copies of the County Assembly Reports referred to during the Debate on the Motion for removal of the Governor of Meru County-
  - a) Report of the Select Committee on County Budget and Appropriations on the Budget Estimates of the County Government of Meru for the Financial year 2023/2024 dated 13<sup>th</sup> June, 2023;
  - b) Report of the Sectoral Committee on Justice, Legal Affairs and Cohesion on the Complaint by H.E the Deputy Governor, Meru County, to the County Assembly against his alleged exclusion from County Executive Committee Meetings and Non-Facilitation of his Office, dated 17<sup>th</sup> October, 2023; and
  - c) Response to Petition No.4 of 2023 urging the County Assembly of Meru to Investigate the alleged illegal employment of Traffic Marshalls by H.E the Governor, Meru County and alleged illegal traffic charges by the Meru County Enforcement Department.
- viii) Copy of a letter Ref. No. DOM/1/2023 dated 24<sup>th</sup> October, 2023 by M/S Danstan Omari & Associates Advocates, addressed to the Speaker of the County Assembly of Meru;

- ix) Copies of newspaper advertisements appearing on the *Standard* and *Daily Nation* of Wednesday, 18<sup>th</sup> October, 2023 and copies of invoices for radio advertisement in *Muuga FM*, calling for submission of memoranda on the Notice of Motion for the proposed removal from office of the Governor of Meru County;
- x) A HP flash disk 2GB containing video Annexures evidencing the particulars alleged in the Motion as well as voice advertisements on the public participation on the Motion run on *Meru FM* and the approved Notice of Motion and Exhibits;
- xi) Copy of public participation report dated 25<sup>th</sup> October, 2023 laid on the Table of the Assembly on Wednesday 25<sup>th</sup> October, 2023;
- xii) Copies of written Memoranda both in support and against the impeachment, from different sub-counties and regions, submitted to the County Assembly during the public participation exercise on the Motion; and
- xiii) Booklet of the Third Edition of the County Assembly of Meru Standing Orders.

Honourable Senators,

In terms of Article 181 of the Constitution, Section 33(3)(a) of the County Governments Act and Standing Order 80(1)(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 80 (1)(a) of the Senate Standing Orders, I hereby proceed to read the charges against the Governor of Meru County, as contained in the Motion of Impeachment by the County Assembly of Meru –

Charge 1: Misappropriation and Misuse of County Resources

The particulars of this allegation are that the Governor –

- i) Embezzled County funds through the Governor's relatives;
- ii) Withdrew County funds through false claims of payment for supplies and services rendered by the Governor's relatives, despite being ineligible to tender for or supply goods to the County Government;
- iii) Paid “full salaries and benefits” for over a year to four high-ranking County officials, despite their not rendering any services to the County; and
- iv) Diverted and (mis)used County resources, including funds and motor vehicles, to support the Governor's private charity (dubbed

'Okolea'), despite previous promises to keep County operations and 'Okolea' operations separate.

### Charge 2: Nepotism and Related Unethical Practices

The particulars of this allegation are that the Governor –

- i) Fraudulently represented unqualified relatives as a "technical team" for medical equipment inspection in China;
- ii) Employed one, Edwin Mutuma Murangiri a nephew to her husband, in key County positions;
- iii) Designated her brother-in-law, Nephath Kinyua, as Director of External Linkages without transparent and competitive recruitment; and
- iv) Assigned diplomatic duties with engagements with foreign diplomats and dignitaries to unqualified relatives.

### Charge 3: Bullying, vilification and demeaning other leaders

The particulars of this allegation are that the Governor –

- i) Excluded the Deputy Governor from County Executive Committee meetings and other official function
- ii) Engaged in bullying and posted demeaning messages about the Deputy Governor in WhatsApp groups known as "*3<sup>rd</sup> Government 012*" and "*County Admin Services*" whose membership includes several officers who are subordinate to the Deputy Governor;
- iii) Encouraged and condoned insubordination and the making of insulting and demeaning public utterances by subordinate staff against the Deputy Governor and other elected leaders;
- iv) Encouraged and condoned the removal of the Deputy Governor by junior officers from official county WhatsApp forums;
- v) Arbitrarily suspended, dismissed, withdrew and frustrated staff of the office of the Deputy Governor;
- vi) Illegally, irregularly and fraudulently hounded the Deputy Governor's staff out of office by purporting to accept their non-existent resignations;
- vii) Arbitrarily reduced, suspended and withdrew budgetary facilitation for legitimate operations of the Deputy Governor's office;
- viii) Threatened to inflict bodily harm against the Deputy Governor orally and in WhatsApp chats;
- ix) Forcefully broke into and ransacked the Deputy Governor's office;
- x) Changed the locks to the said office;
- xi) Arbitrarily relocated the Deputy Governor's office;
- xii) Arbitrarily withdrew security from the Deputy Governor's residences;
- xiii) Persistently made demeaning public utterances against other elected leaders despite the same issue featuring prominently in previous impeachment proceedings;

- xiv) Made inciteful, insulting and demeaning remarks against other leaders, by falsely accusing them of cartelism at a presidential thanksgiving service held in Laare despite the issue arising in previous impeachment proceedings; and
- xv) Encouraged, connived and condoned her husband's insulting and demeaning public utterances and musical performances against other elected leaders despite the issue arising in previous impeachment proceedings.

Charge 4: Illegal appointments and usurpation of statutory powers

The particulars of this allegation are that the Governor–

- i) Appointed Kenneth Mwiti Riungu as a Chief Officer without County Assembly approval;
- ii) Sent Dr. Ntoiti (CEO of the County Revenue Board), Paul Mwaki (CEO of Liquor Board), Kenneth Kimathi Mbae (Managing Director of Meru Microfinance Corporation) and Joseph Kithure Mberia (CEO, Meru County Water and Sanitation Services) on indefinite compulsory leave with full salary and benefits, in usurpation of the powers of the appointing authorities;
- iii) Deployed other persons to perform the functions of those sent on compulsory leave, in breach of a court order;
- iv) Appointed unqualified persons as Acting Chief Officers without the requisite competitive recruitment and recommendation from the County Public Service Board;
- v) Recruited traffic marshals without involving the County Public Service Board, disregarding the criteria for establishing county offices;
- vi) Usurped the powers of the County Public Service Board by creating traffic marshal offices;
- vii) Employed an excessive workforce of over one hundred personal staff in the Governor's office;
- viii) Designated and paid various cleaners as Senior Support Staff, despite already having 16 support staff; and
- ix) Appointed four individuals to hold county offices in an acting capacity for more than six months without proper authorization.

Charge 5: Contempt of Court

The particulars of this allegation are that the Governor –

- i) Grossly violated Articles 10 and 73 of the Constitution;
- ii) Section 7 of the Leadership and Integrity Act; and
- iii) Section 10 of the Public Officers Ethics Act, by engaging in a contumacious stubborn refusal to obey lawful court orders.

Charge 6: Illegally naming a public road after husband

The particulars of this allegation are that the Governor –



- i) Grossly violated Articles 10 and 73 of the Constitution; and
- ii) Sections 7 and 11 (1) (c) of the Meru County Honours and Awards Act, 2018, by naming a public road after her husband without following the applicable statutory procedures.

Charge 7: Contempt of the Assembly

The particulars of this allegation are that the Governor –

- i) Refused to honour summons from the County Assembly's Sectoral Committee on Justice, Legal Affairs and Cohesion to answer questions related to the impeachment Motion;
- ii) Directed her Chief of Staff to send a contemptuous letter to the Assembly in response to the summons for her to appear before the Sectoral Committee; and
- iii) Through the CECM Finance and the County Secretary, refused to furnish documents to the Assembly on the grounds that an audit process was underway and that the matters raised by the Assembly were *sub judice*.

Honourable Senators,

In terms of the way forward following the reading of the charges against the Governor, Standing Order 80(1)(b) of the Senate Standing Orders, as read together with Section 33(3)(b) of the County Governments Act, gives the Senate two options on how to proceed with the matter. The Senate may –

- (a) *by Resolution, appoint a Special Committee comprising eleven of its members to investigate the matter; or*
- (b) *investigate the matter in plenary.*

At an appointed time during this sitting, a Notice of Motion for the establishment of a Special Committee shall be given. Should this Motion be carried, the Special Committee will be required, under Section 33(4) of the County Governments Act and Standing Order 80(2) of the Senate, to investigate the matter and to report to the Senate on whether it finds the particulars of the allegations against the Governor to have been substantiated.

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 Governor.

Honourable Senators,

It is noteworthy, and I wish to emphasize to all Honourable Senators, that when we come to the debate on the Motion for the establishment of the

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 the constitutionality or the legality of the processes that have preceded the submission of this matter to the Senate. It is, therefore, not permissible to deviate to any matters other than the Motion before the Senate.

In the meantime, and during the pendency of the Impeachment process in the Senate, I wish to caution Honourable Senators to desist from publicly commenting on the merits or demerits of the impeachment Motion before the Senate. Doing so would amount to anticipation of debate which is an infringement of Standing Order 99. Therefore, it shall be out of order, within the meaning of Standing Order 122, for any Senator to make comments, whether written or spoken, in relation to the conduct of the 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.

Honourable Senators,

This is the third impeachment hearing in the 13<sup>th</sup> Parliament, and the second one involving the Governor in question. 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.

As such this is a reminder that the impeachment hearing is not just a procedural formality, but a fundamental process that plays a crucial role in upholding the principles of democracy and good governance. This hearing is one of the most crucial oversight tools and singular roles of the Senate.

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

I thank you.”

## **6. PETITIONS**

- i.) Pursuant to Standing Order 238 (2), the Chairperson, Standing Committee on Roads, Transportation and Housing tabled before the Senate, the Report of the Standing Committee on a Petition to the Senate by Mr. Nickey Muoko Mwanacha, regarding the construction of a pedestrian bridge at Chiromo, along Waiyaki Way in Nairobi City County.
- ii.) Pursuant to Standing Order 238 (2), the Chairperson, Standing Committee on Devolution and Intergovernmental Relations tabled

before the Senate, the Report of the Standing Committee on a Petition to the Senate by Mr. Julius Wairiuko Wanjohi concerning the lack of implementation of a resolution to absorb the Contracted Instructors under the Economic Stimulus Programme (ESP) by the County Government of Nyeri.

- iii.) Pursuant to Standing Order 238 (2), the Chairperson, Standing Committee on National Security, Defence and Foreign Relations tabled before the Senate, the Report of the Standing Committee on a Petition to the Senate by Mr. Benson Nyaga Kagete concerning the recognition and remuneration of village elders under the 'Nyumba Kumi' initiative.

## **7. PAPERS**

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

- i.) Report of the Standing Committee on Roads, Transportation and Housing on a Petition to the Senate by Mr. Nickey Muoko Mwanicha, regarding the construction of a pedestrian bridge at Chiromo, along Waiyaki Way in Nairobi City County.

*(The Chairperson, Standing Committee on Roads,  
Transportation and Housing)*

- ii.) Report of the Standing Committee on Devolution and Intergovernmental Relations on a Petition to the Senate by Mr. Julius Wairiuko Wanjohi concerning the lack of implementation of a resolution to absorb the Contracted Instructors under the Economic Stimulus Programme (ESP) by the County Government of Nyeri.

*(The Chairperson, Standing Committee on Devolution and  
Intergovernmental Relations)*

- iii.) Report of the Standing Committee on National Security, Defence and Foreign Relations on a Petition to the Senate by Mr. Benson Nyaga Kagete concerning the recognition and remuneration of village elders under the 'Nyumba Kumi' initiative.

*(The Chairperson, Standing Committee on National Security,  
Defence and Foreign Relations)*

- iv.) The 17<sup>th</sup> Edition of the Bi-Annual Report on the Status of Alcohol and Drug Abuse Control in Kenya.

- v.) Report of the Auditor General on the financial statements of the Iten County Referral Hospital, County Government of Elgeyo Marakwet for the year ended 30<sup>th</sup> June, 2022.

- vi.) Report of the Auditor General on the financial statements of the Kapsabet County Referral Hospital, County Government of Nandi for the year ended 30<sup>th</sup> June, 2022.

- vii.) Report of the Auditor General on the financial statements of the Karatu Level 4 Hospital, County Government of Kiambu for the year ended 30<sup>th</sup> June, 2022.
- viii.) Report of the Auditor General on the financial statements of the Kinango Sub-County Hospital, County Government of Kwale for the year ended 30<sup>th</sup> June, 2022.
- ix.) Report of the Auditor General on the financial statements of the Karatina Sub-County Hospital, County Government of Nyeri for the year ended 30<sup>th</sup> June, 2022.

*(The Deputy Senate Majority Whip)*

- x.) Report of the Standing Committee on Justice, Legal Affairs and Human Rights on its consideration of the Constitution of Kenya (Amendment) Bill (Senate Bills No. 15 of 2023).

*(The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)*

**8. NOTICE OF MOTION – ESTABLISHMENT OF A SPECIAL COMMITTEE TO INVESTIGATE AND REPORT ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HONOURABLE KAWIRA MWANGAZA, THE GOVERNOR OF MERU COUNTY**

*(The Senate Minority Whip)*

THAT, WHEREAS, pursuant to Article 181 of the Constitution and Section 33 of the County Governments Act, on Wednesday, 25<sup>th</sup> October, 2023, the Meru County Assembly approved a Motion to remove from office, by impeachment, Honourable Kawira Mwangaza, the Governor of Meru County;

AND FURTHER, WHEREAS by a letter Ref. M/CARES/VOL.IV/43, dated 26<sup>th</sup> October, 2023, and received in the Office of the Speaker of the Senate on Friday, 27<sup>th</sup> October, 2023, the Speaker of the Meru County Assembly informed the Speaker of the Senate of the approval of the Motion by the County Assembly 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 the following Senators: -

1. Sen. (Dr.) Boni Khalwale, CBS, MP
2. Sen. Jackson Mandago, EGH, MP
3. Sen. Karungo Thangwa, MP

4. Sen. Esther Okenyuri, MP
5. Sen. Ali Roba, EGH, MP
6. Sen. Peris Tobiko, CBS, MP
7. Sen. Enock Wambua, CBS, MP
8. Sen. Abdul Haji, MP
9. Sen. Okoiti Omtatah, MP
10. Sen. Crystal Asige, MP
11. Sen. Shakila Abdalla, MP

to investigate the proposed removal from office of the Governor of Meru County and pursuant to standing order 80 (2), to report to the Senate, within ten (10) days of its appointment, on whether or not it finds the particulars of the allegations against the Governor to have been substantiated.

9. **THE SUGAR BILL (NATIONAL ASSEMBLY BILLS NO. 34 OF 2023)**  
(Sen. David Wafula Wakoli, MP)

Order for First Reading read;

Bill read a first time and committed to the Standing Committee on Agriculture, Livestock and Fisheries.

10. **MOTION – ESTABLISHMENT OF A SPECIAL COMMITTEE TO INVESTIGATE AND REPORT ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HONOURABLE KAWIRA MWANGAZA, THE GOVERNOR OF MERU COUNTY**

Order read;

Motion made and Question proposed;

THAT, WHEREAS, pursuant to Article 181 of the Constitution and Section 33 of the County Governments Act, on Wednesday, 25<sup>th</sup> October, 2023, the Meru County Assembly approved a Motion to remove from office, by impeachment, Honourable Kawira Mwangaza, the Governor of Meru County;

AND FURTHER, WHEREAS by a letter Ref. M/CARES/VOL.IV/43, dated 26<sup>th</sup> October, 2023, and received in the Office of the Speaker of the Senate on Friday, 27<sup>th</sup> October, 2023, the Speaker of the Meru County Assembly informed the Speaker of the Senate of the approval of the Motion by the County Assembly 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 the following Senators: -

1. Sen. (Dr.) Boni Khalwale, CBS, MP
2. Sen. Jackson Mandago, EGH, MP
3. Sen. Karungo Thangwa, MP
4. Sen. Esther Okenyuri, MP
5. Sen. Ali Roba, EGH, MP
6. Sen. Peris Tobiko, CBS, MP
7. Sen. Enock Wambua, CBS, MP
8. Sen. Abdul Haji, MP
9. Sen. Okiya Omtatah, MP
10. Sen. Crystal Asige, MP
11. Sen. Shakila Abdalla, MP

to investigate the proposed removal from office of the Governor of Meru County and pursuant to standing order 80 (2), to report to the Senate, within ten (10) days of its appointment, on whether or not it finds the particulars of the allegations against the Governor to have been substantiated.

*(The Senate Minority Whip)*

Debate arising;

Rising on a Point of Order pursuant to Standing Order 109(1), the Senator for Busia County (Sen. Okiya Omtatah, MP) claimed to move –

THAT the Mover be now called upon to reply

*(Sen. Okiya Omtatah, MP)*

And the Speaker acceding to the claim, forthwith put the Question pursuant to Standing Order 109(1).

Question put and agreed to.

Thereupon, the Mover Replied;

Before the Question was put and pursuant to Standing Order 84 (1), the Speaker ruled that the Motion does not affect counties;

Question put and Negated.

11. **MOTION - REPORT OF THE SENATE DELEGATION TO THE 67<sup>TH</sup> SESSION OF THE COMMISSION ON THE STATUS OF WOMEN (CSW 67) HELD IN NEW YORK, FROM 6<sup>TH</sup> TO 17<sup>TH</sup> MARCH 2023.**

Order read;

Motion made and Question proposed;

THAT, the Senate notes the Report of the Senate Delegation to the 67<sup>th</sup> Session of the Commission on the Status of Women (CSW) held in New York, from 6<sup>th</sup> to 17<sup>th</sup> March, 2023, laid on the Table of the Senate on Thursday, 29<sup>th</sup> June, 2023.

*(Sen. Veronica Maina, MP on behalf of Sen. Fatuma Dullo, MP)*

Debate arising;

And there being no Senator wishing to contribute;

Mover replied;

Before the Question was put, and pursuant to Standing Order No. 84(1), the Temporary Speaker (Sen. Abdul Haji, MP) ruled that the Motion does not affect counties.

Question put and agreed to.

**RESOLVED ACCORDINGLY**

**THAT**, the Senate notes the Report of the Senate Delegation to the 67<sup>th</sup> Session of the Commission on the Status of Women (CSW) held in New York, from 6<sup>th</sup> to 17<sup>th</sup> March, 2023, laid on the Table of the Senate on Thursday, 29<sup>th</sup> June, 2023.

12. **THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL (SENATE BILLS NO. 12 OF 2023)**

Order for Second Reading read;

Motion made –

THAT, the Prevention of Livestock and Produce Theft Bill (Senate Bills No. 12 of 2023) be now read a Second Time.

*(Sen. Samson Cherarkey, MP)*

And the time being thirty minutes past six O'clock, the temporary Speaker (Sen. Abdul Haji, MP) interrupted the business of the House and adjourned the Senate without Question put, pursuant to the Standing Orders.

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

**M E M O R A N D U M**

*The Speaker will take the Chair on  
Wednesday, November 1<sup>st</sup>, 2023 at 9:30 am.*