



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, NOVEMBER 02, 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 Deputy Speaker.
3. **QUORUM OF THE SENATE**

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

4. **COMMUNICATIONS FROM THE CHAIR**

The Deputy Speaker conveyed the following communications from the Chair: -

i.) Address to Parliament by His Excellency the President, pursuant to Article 132 (1) (b) and (c) of the Constitution.

“Honourable Senators,

Article 132 (1) (b), mandates the President to address a special sitting of Parliament once every year. Article 132 (1) (c) also requires the President, once every year to-

i. Report, in an address to the nation, on all the measures taken and progress achieved in the realization of the national values, referred to in Article 10;

ii. Publish in the Gazette, the details of the measures and progress under sub-paragraph (i); and

iii. Submit a report to the National Assembly on the progress made in fulfilling the international obligations of the Republic.

Further, Article 240(7) of the Constitution requires the National Security Council to “report annually to Parliament on the state of the security of Kenya.” Ordinarily, this report is submitted to Parliament during the address by the President referred to under Article 132 (1) (b), and Tabled in the Houses of Parliament.

Vide letter Ref. No OP/CAB.26/4A VOL.II/ (52), dated 26th September 2023, the Chief of Staff and Head of the Public Service, informed the Speakers of the Houses of Parliament of the intention of His Excellency the President to deliver his inaugural address to Parliament in accordance with Article 132(1) (b) and (c) of the Constitution. The Chief of Staff and Head of Public Service further requested the Speakers’ concurrence to schedule the State of the Nation Address on Thursday, 9th November, 2023, at 2:30 p.m.

Honourable Senators,

Subsequently, and after consultation, the Speakers of the Houses of Parliament acceded to the request from His Excellency the President. A team of officers has been appointed by the Clerks to co- ordinate the event. Further details will be communicated through the Office of the Clerk.

I therefore take this opportunity, to inform you that His Excellency the President, will deliver his inaugural State of the Nation Address to Parliament during a Joint Sitting of the Houses of Parliament on Thursday, 9th November, 2023, at 2:30 p.m in the National Assembly Chamber.

I thank you.”

ii.) Plenary sittings to consider proposed removal from office, by impeachment, of Hon. Kawira Mwangaza, the Governor of Meru County.

“Honorable Senators,

You will recall that at the sitting of the Senate held on Tuesday, 31st October, 2023, I communicated the resolution of the Meru County Assembly, made on Wednesday, 25th October, 2023, for the removal from office, by impeachment, of Honourable Kawira Mwangaza, the Governor of Meru County. Pursuant to Section 33(3) (a) of the County Governments Act and Standing Order 80(1) (a) of the Senate, I also read the charges against the Governor of Meru County to the Senate.

In a Supplementary Order Paper for the sitting held on Tuesday, 31st October, 2023, a Notice of Motion and Motion for the establishment of a Special Committee to hear the charges against the Governor of Meru County was listed pursuant to Section 33(3) (b) of the County Governments Act and Standing Order 80(1) (b) (i) of the Senate. Honourable Senators will however recall that

the Motion was negatived, and that being the case, the default position for the hearing of the impeachment charges against the Governor of Meru County will be held by the Senate sitting in Plenary, acting as the whole legislative body rather than a Special Committee.

Honourable Senators,

In line with the stipulated timelines in the County Governments Act and Standing Orders, a schedule of activities for the impeachment hearing in Plenary has been prepared. I have therefore appointed Tuesday, 7th and Wednesday 8th November, 2023, as the days when the Senate will investigate the proposed removal from office, by impeachment, of Honourable Kawira Mwangaza, the Governor of Meru County. The morning sittings will commence at 9.00 am to 1.00 pm and afternoon sittings at 2.30 pm until conclusion of Business listed in the Order Paper of the day.

Consequently, in today's Order Paper at Order No. 9, a Procedural Motion for alteration of the meeting time of the Senate for Tuesday, 7th and Wednesday, 8th November, 2023, for the impeachment hearing against the Governor of Meru County has been listed in order to facilitate the Senate to conclude the matter within the timelines stipulated in the County Governments Act and the Senate Standing Orders.

I thank you.”

5. **PETITIONS**

- i. Pursuant to Standing Order 236 (2) (b), the Deputy Speaker reported a Petition by Hon. Simon Lenguiya, a resident of Narok County and a Member of the Narok County Assembly, concerning academic qualifications required to be a Speaker of either a County Assembly, the Senate or the National Assembly.

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

- ii. Pursuant to Standing Order 238 (2), the Senator for Nairobi City County (Sen. Edwin Sifuna, MP), a Member of the Standing Committee on Roads, Transportation and Housing, on behalf of the Chairperson of the Standing Committee, tabled before the Senate the Report of the Standing Committee on a Petition to the Senate by Mr. John Tsuma and other residents of Buxton estate regarding eviction from and demolition of Buxton estate in Mvita Constituency of Mombasa County.

Pursuant to Standing Order 238 (2), the Deputy Speaker invited Senators to comments or observations in relation to the Petition.

6. PAPERS LAID

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. John Tsuma and other residents of Buxton estate regarding eviction from and demolition of Buxton estate in Mvita Constituency of Mombasa County.

(Sen. Edwin Sifuna, MP, on behalf of the Chairperson, Standing Committee on Roads, Transportation and Housing)

- ii.) Report of the Auditor General on the financial statements of the Kombewa County Hospital, County Government of Kisumu for the year ended 30th June, 2022.

- iii.) Statement on the business of the Senate for the week commencing Tuesday, 7th November, 2023.

(The Deputy Senate Majority Leader)

7. QUESTIONS AND STATEMENTS**STATEMENTS****a) Statement, pursuant to Standing Order 52(1)**

Nominated Senator (Sen. Esther Okenyuri, MP) made a statement concerning the state visit to Kenya by His Majesty King Charles III and Her Majesty Queen Camilla of the United Kingdom (UK).

In the Statement, the Senator noted that the deep-rooted ties between Kenya and the United Kingdom transcends the colonial era. The Senator observed that presently, Kenya and the UK maintain a good trade relationship with goods and services exceeding Kshs. 100 Billion, being trade between the two countries. Further, the Senator highlighted the cultural and historical ties between the two countries noting the influence UK has on global affairs and international trade.

The Senator further noted the impossibility of overlooking the historical ramifications of colonial oppression that Kenyans endured during the British colonial rule, making specific reference to the struggle for independence and the State of Emergency in 1952. Consequently, the visit by their Majesties to Kenya was of paramount importance in serving as a mirror to our past relations and offering an opportunity to redefine and shape the future relationships of our countries.

In conclusion, the Senator urged the Senate to take a leading role in making a clear declaration on the terms of engagement between Kenya and the UK, thereby establishing the groundwork for addressing our

shared history and forging new mutually beneficial relationship between the two countries.

b) Requests for Statements, pursuant to Standing Order 53(1)

- i.) Seneta wa Kaunti ya Bungoma (Sen. David Wakoli, MP) aliomba kauli kutoka kwa Kamati ya Kudumu ya Elimu kuhusu ongezeko la visa vya mimba za mapema kwa wanafunzi wa shule za upili katika Kaunti ya Bungoma.
- ii.) Seneta wa Kaunti ya Bungoma (Sen. David Wakoli, MP) aliomba kauli kutoka kwa Kamati ya Kudumu ya Barabara, Uchukuzi na Makao kuhusu hali ya ujenzi wa barabara pacha kutoka makutano ya Sang'alo hadi Kanduyi katika Kaunti ya Bungoma.
- iii.) The Senator for Migori County (Sen. Eddy Oketch, MP) sought a statement from the Standing Committee on Labour and Social Welfare concerning the position of 'Advisor' in the Public Service.
- iv.) The Senator for Marsabit County (Sen. Mohamed Chute, MP) sought a statement from the Standing Committee on Devolution and Intergovernmental Relations regarding the handover of unfinished projects from the Third to the Fourth County Governments of Turkana.
- v.) The Senator for Marsabit County (Sen. Mohamed Chute, MP) sought a statement from the Standing Committee on Roads, Transportation and Housing regarding the sale of affordable units under the Marsabit Housing Project in Marsabit County.
- vi.) The Senator for Marsabit County (Sen. Mohamed Chute, MP) sought a statement from the Standing Committee on Roads, Transportation and Housing regarding the upgrade to bitumen standard of the Odda-Bute-Danaba road in Wajir and Marsabit Counties.
- vii.) The Senator for Marsabit County (Sen. Mohamed Chute, MP) sought a statement from the Standing Committee on Roads, Transportation and Housing concerning the status of construction of Korongo road in Karen, Nairobi City County.

c) Statement by the Senate Majority Leader, pursuant to Standing Order 57(1)

The Deputy Senate Majority Leader issued a statement on the business of the Senate for the week commencing Tuesday, 7th November, 2023.

8. THE NATIONAL RATING BILL (NATIONAL ASSEMBLY BILLS NO. 55 OF 2022)

(The Senate Majority Leader)

Order for First Reading read;

Bill read a first time and committed to the Standing Committee on Land, Environment and Natural Resources.

9. **PROCEDURAL MOTION - ALTERATION OF THE HOURS OF MEETING FOR TUESDAY, 7TH AND WEDNESDAY, 8TH NOVEMBER, 2023**

Order read;

Motion made and Question proposed;

THAT, notwithstanding the Resolutions of the Senate made on 16th February, 2023, and on 29th March, 2023 pursuant to Standing Order 32 on the approval of the Senate Calendar (Regular Sessions) for the Second Session, 2023 and pursuant to Standing Order 34 (4) (b), the Senate resolves to alter its hours of meeting on Tuesday, 7th November, 2023 and Wednesday, 8th November, 2023 as follows: -

- i. morning sittings at 9.00 am to 1.00 pm; and
- ii. afternoon sittings at 2.30 pm until conclusion of Business listed in the Order Paper of the day.

In order to investigate the proposed removal from office by impeachment of the Honourable Kawira Mwangaza, the Governor of Meru County.

(The Senate Majority Leader)

Debate arising;

And there being no other Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order No. 84 (1), the Deputy Speaker informed the House that the Motion does not affect counties.

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, notwithstanding the Resolutions of the Senate made on 16th February, 2023, and on 29th March, 2023 pursuant to Standing Order 32 on the approval of the Senate Calendar (Regular Sessions) for the Second Session, 2023 and pursuant to Standing Order 34 (4) (b), the Senate resolves to alter its hours of meeting on Tuesday, 7th November, 2023 and Wednesday, 8th November, 2023 as follows: -

- i. morning sittings at 9.00 am to 1.00 pm; and
- ii. afternoon sittings at 2.30 pm until conclusion of Business listed in the Order Paper of the day.

in order to investigate the proposed removal from office by impeachment of the Honourable Kawira Mwangaza, the Governor of Meru County.

10. **MOTION – ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS ON THE APPLICATION FOR CONFERMENT OF CITY STATUS TO THE MUNICIPALITY OF ELDORET**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations on the application for conferment of city status to the Municipality of Eldoret laid on the table of the Senate on Wednesday, September 20, 2023 and pursuant to Section 8(6) of the Urban Areas and Cities Act, 2011 the Senate approves the conferment of City status to the Municipality of Eldoret.

(Sen. Richard Onyonka, MP, on behalf of the Chairperson, Standing Committee on Devolution and Intergovernmental Relations – 05.10.2023)

Debate interrupted on 19th October 2023 resumed for the Mover to reply;

Thereupon, the Mover replied;

Pursuant to Standing Order 66(3), the Mover requested the Temporary Speaker (Sen. Veronica Maina, MP) to defer putting of the Question to a later date;

And the Temporary Speaker (Sen. Veronica Maina, MP) acceding to the request, deferred putting of the Question to a later date.

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

Order for Second Reading read;

Motion made and Question proposed;

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)

Debate arising;

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

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

MEMORANDUM

*The Speaker will take the Chair on
Tuesday, November 07, 2023 at 9:00 a.m.*