



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

AFTERNOON SITTING

WEDNESDAY, SEPTEMBER 20, 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 IN 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 before 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) **Visiting Delegation from the County Assembly of Vihiga**

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, a visiting delegation from the County Assembly of Vihiga comprising Members of the Justice and Legal Affairs Committee and its Secretariat. The delegation is undertaking a benchmarking visit with their counterpart in the Senate.

Honourable Senators,

I request each Member of the delegation to stand when called out so that you may be acknowledged in the Senate tradition -

NO.	NAME	DESIGNATION
1.	Hon. Hellen Mwanika	- Chairperson
2.	Hon. Richard Muhiga	- Vice Chairperson
3.	Hon. Wimsy Osore	- Member
4.	Hon. Patrick Kigumba	- Member
5.	Hon. David Onjiri	- Member
6.	Hon. Rita Atieno	- Member
7.	Hon. Hellam Esipira	- Member
8.	Hon. Gladys Yalwala	- Member
9.	Hon. Fela Ajega	- Member
10.	Rodgers Obuhuma	- Committee Clerk
11.	Aston Emile	- Researcher
12.	George Kibisu	- Senior Sergeant at Arms
13.	Daisy Nyandiko	- Hansard Reporter

Honourable Senators,

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

I thank you.”

ii) Visiting Students and Teachers from Mai - Mahiu Boys' High School

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, visiting teachers and students from Mai Mahiu Boys High School. The group comprises three (3) teachers and forty-one (41) students who are in the Senate for a one- day academic exposition.

“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.”

iii) Visiting Officer from the County Assembly of Lamu

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, Ms. Consolata Mwaura, an officer from the County Assembly of Lamu who is in the Senate for a one - week attachment.

Honourable Senators,

On behalf of the Senate, and on my own behalf, I wish her well during her attachment and in her future endeavors.

I thank you.”

5. PETITIONS

The following Petitions were considered in the Senate: -

- i) The Deputy Speaker, pursuant to Standing Order 236 (2) (b), reported to the Senate a Petition by Mr. Taratisio Ileri Kawe concerning introduction of an amendment to the Constitution of Kenya and other relevant laws on the election of the Deputy President and Deputy Governors.

Pursuant to Standing Order 237, the Deputy Speaker invited Senators to comment on the Petition and, subsequently, pursuant to Standing Order 238, committed the Petition to the Standing Committee on Justice, Legal Affairs and Human Rights for consideration.

- ii) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP), pursuant to Standing Order 236 (2) (a), presented to the Senate a Petition by Mr. Lenox M. Mshila concerning discrimination in the payment of hardship allowance to teachers in Taita Taveta County.

Pursuant to Standing Order 237, the Deputy Speaker invited Senators to comment on the Petition and, subsequently, pursuant to Standing Order 238, committed the Petition to the Standing Committee on Education.

6. PAPERS LAID

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

- i.) The Architects and Quantity Surveyors (Amendment) By-Laws, Legal Notice No. 133 of 2023.
- ii.) Annual National Government Budget Implementation Review Report by the Office of the Controller of Budget for the financial Year 2022/2023.

(The Senate Majority Whip on behalf of the Senate Majority Leader)

- iii.) The Report of the Standing Committee on Devolution and Intergovernmental Relations on the application for conferment of city status to the Municipality of Eldoret.

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

7. NOTICE OF 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

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

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 today, Wednesday, September 20, 2023.

8. QUESTIONS AND STATEMENTS

STATEMENTS

a) Pursuant to Standing Order 52(1)

The Senator for Mombasa County (Sen. Mohammed Faki Mwinyihaji, MP) made a statement regarding the circular issued by the Principal Secretary for Devolution in the Office of the Deputy President in foreign travel for county governments.

In the statement, the Senator stated that on 30th June 2023, the Principal Secretary for Devolution in the Office of the Deputy President, issued a circular entitled “*Policy on International travels to all Governors and County Assemblies’ employees in the Country.*” In the said policy, the Principal Secretary sought to provide for clearance to all County Executives’ and County Assemblies’ employees travelling outside the country, before their intended travel date.

He further noted that pursuant to the said circular, the office of the Controller of Budget had forthwith stopped issuing approvals for foreign travel to County Executives and County Assemblies without the authority and approval from the State Department for Devolution which had occasioned delays in processing of travels outside the country for county employees attending courses and important meetings outside the country.

In conclusion, the Senator pointed out that the bureaucracy had further curtailed budget implementation by County Governments which would impact budget absorption at the end of the financial year leading to

unnecessary audit queries. In this regard, the Senator urged the relevant Committee to take interest in this Statement as the circular had very grave repercussions on the County Governments.

b) Statements pursuant to Standing Order 53(1)

- i.) The Senator for Vihiga County (Sen. Godfrey Osotsi, MP) sought a statement from the Standing Committee on Roads, Transportation and Housing regarding the status of construction of stadiums in Vihiga County.
- ii.) Nominated Senator (Tabitha Mutinda, MP), on behalf of the Senator for Meru County (Sen. Kathuri Murungi, MP), sought a statement from the Standing Committee on Roads, Transportation and Housing regarding the designation of Kenya Association of the Bus Manufacturers (KABM) as a conformity assessment provider.
- iii.) The Senator for Nakuru County (Sen. Tabitha Karanja Keroche, MP) sought a statement from the Standing Committee on Health regarding the state of healthcare in Nakuru County.
- iv.) The Senator for Nakuru County (Sen. Tabitha Karanja Keroche, MP) sought a statement from the Standing Committee on Health concerning the unprocedural dismissal of healthcare workers in Nakuru County.
- v.) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on Roads, Transportation and Housing regarding the construction of six interchanges on the Nairobi's Western Bypass.
- vi.) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on Roads, Transportation and Housing regarding the status of rehabilitation and expansion of Airports and Airstrips in Kenya.
- vii.) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a statement from the Standing Committee on Education concerning the management of the Taita Taveta revolving education fund.
- viii.) The Senator for Lamu County (Sen. Joseph Githuku, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the security situation in Lamu County.
- ix.) The Senator for Lamu County (Sen. Joseph Githuku, MP) sought a statement from the Standing Committee on Health concerning

the status of healthcare provision in Mpeketoni Sub-County in Lamu County.

- x.) The Senator for Machakos County (Sen. Agnes Kavindu, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources concerning the incessant human-wildlife conflicts in Masinga Dam and Ol-Donyo Sabuk game reserve in Machakos County.
- xi.) The request for a statement by the Senator for Kiambu County (Sen. Karungo Thangwa, MP) from the Standing Committee on Land, Environment and Natural Resources regarding the status of exploration of the Turkana aquifers was **dropped** in the absence of the Senator.

9. **MOTION - ADOPTION OF THE REPORT OF THE COMMITTEE OF POWERS AND PRIVILEGES ON THE INQUIRY, ON ITS OWN MOTION, INTO CONDUCT OF SENATOR GLORIA ORWOBA, MP AND TO ESTABLISH IF THE CONDUCT CONSTITUTED BREACH OF PARLIAMENTARY PRIVILEGE**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Committee of Powers and Privileges on the inquiry, on its own motion, into conduct of Senator Gloria Orwoba, MP and to establish if the conduct constituted breach of Parliamentary Privilege, laid on the Table of the Senate on Wednesday, 9th August, 2023.

(The Chairperson, Committee of Powers and Privileges – 10.08.2023)

Debate interrupted on Thursday, 10th August, 2023 resumed;

Amendment proposed;

THAT, the Motion be amended by deleting the “full stop” at the end of the Motion and inserting the following –

“Subject to amendment of the Recommendations appearing on page 66 of the Report by –

- i.) Deleting the words “for the remainder of the second session of the Thirteenth Parliament” appearing in paragraph 1, and substituting thereof the words “until 31st October, 2023.”
- ii.) Deleting the words, the remainder of the second session of the Thirteenth Parliament” appearing in paragraph 2, and inserting the following words in place, thereof “for the duration referred to in paragraph 1.”

- iii.) Deleting the words, “for the third session” appearing in paragraph 3 and inserting the words, “in November 2023 in place thereof.”

(Sen. Mwinyihaji Faki, MP)

And there being no Secunder; the proposed amendment pursuant to Standing Order 70(1) was stood **withdrawn**;

Debate on the Motion resumed;

Raising a point of order pursuant to Standing Order 109(1), the Senator for Bomet County (Sen. Wakili Hillary Sigei, MP) claimed to move THAT, the Mover be now called upon to reply;

And the Deputy Speaker acceding to the request;

Question put and **agreed to**.

Mover replied;

Before the Question was put and pursuant to Standing Order 84(2), the Deputy Speaker ruled that the Question did not affect Counties.

Question put and agreed to.

RESOLVED ACCORDINGLY:-

THAT, the Senate adopts the Report of the Committee of Powers and Privileges on the inquiry, on its own motion, into conduct of Senator Gloria Orwoba, MP and to establish if the conduct constituted breach of Parliamentary Privilege, laid on the Table of the Senate on Wednesday, 9th August, 2023.

10. **MOTION - CONSIDERATION OF A NOMINEE FOR APPOINTMENT AS THE CHAIRPERSON OF THE BOARD OF DIRECTORS OF THE CENTRAL BANK OF KENYA**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Joint Report of the Departmental Committee on Finance and National Planning of the National Assembly and the Standing Committee on Finance and Budget of the Senate, on the vetting of Mr. Andrew Mukite Musangi for appointment as the Chairperson of the Board of Directors of the Central Bank of Kenya, laid on the Table of the Senate on Tuesday, 19th September, 2023, and that pursuant to section 11(2A) of the Central Bank of Kenya Act and section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011, the Senate approves the appointment of Mr.

(No. 080) WEDNESDAY, SEPTEMBER 20, 2023 (AFTERNOON SITTING) (1072)

Andrew Mukite Musangi to the position of Chairperson of the Board of the Central Bank of Kenya.

(The Chairperson, Standing Committee on Finance and Budget)

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.

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

MEMORANDUM

*The Speaker will take the Chair on
Thursday, September 21, 2023, at 2:30 p.m.*

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