



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (FIRST SESSION)

THE SENATE

ORDER PAPER

WEDNESDAY, OCTOBER 12, 2022 AT 2.30 PM

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers (as listed in the Appendix)
6. Notices of Motion (as listed in the Appendix)
7. Statements
8. **MOTION - APPROVAL OF SENATORS TO SERVE IN THE SPEAKER'S PANEL**
(The Senate Majority Leader)

THAT, pursuant to Standing Order 20, the Senate approves the nomination of the following Senators to serve in the Speaker's Panel and to further preside over the Senate in the absence of the Speaker and the Deputy Speaker, pursuant to Article 107(1)(c) of the Constitution and Standing Order 18 of the Senate-

1. Sen. Wakili Hillary Kiprotich Sigei, MP
2. Sen. Veronica W. Nduati, MP
3. Sen. Abdul Mohammed Haji, MP
4. Sen. Catherine Muyeka Mumma, MP.

9. **MOTION - APPROVAL OF THE SENATE CALENDAR FOR THE FIRST SESSION OF THE THIRTEENTH PARLIAMENT**
(The Senate Majority Leader)

THAT, pursuant to Standing Order 32 (1), the Senate approves its Calendar (Regular Sessions) for the First Session of the Thirteenth Parliament (September to December, 2022), laid on the Table of the Senate on Wednesday, 5th October, 2022.

...../**Motions**

10. **MOTION - APPROVAL OF SENATORS TO SERVE IN THE PROCEDURE AND RULES COMMITTEE**

(The Senate Majority Leader)

THAT, pursuant to Standing Orders No. 191 (2) (d) and 199, the Senate approves the following Senators nominated by the Senate Business Committee to serve in the Procedure and Rules Committee, in addition to Senators specified in Standing Order 191 (2) (a), (b) and (c)-

1. Sen. Sheikh Mohammed Abass, MP
2. Sen. Joseph Nyutu Ngugi, MP
3. Sen. Beth Kalunda Syengo, MP

11. **MOTION - APPROVAL OF SENATORS TO SERVE IN THE POWERS AND PRIVILEGES COMMITTEE**

(The Senate Majority Leader)

THAT, Pursuant to section 15 (1) (b) (ii), of the Parliamentary Powers and Privileges Act, and Standing Order 199, the Senate approves the following Senators nominated by the Senate Business Committee to serve in the Committee on Powers and Privileges, in addition to the Speaker of the Senate, who, pursuant to Section 15 (1) (b) (i) of the Parliamentary Powers and Privileges Act, shall be the Chairperson of the Committee-

1. Sen. Alexander Munyi Mundigi, MP
2. Sen. Wamatinga Wahome, MP
3. Sen. Rosalinda Soipan Tuiya, CBS, MP
4. Sen. Miraj Abdulahi Abdulrahman, MP
5. Sen. James Lomenen Ekomwa, MP
6. Sen. Shakila Abdalla Mohamed, MP

12. **MOTION - APPROVAL OF SENATORS TO SERVE IN STANDING COMMITTEES OF THE SENATE**

(The Senate Majority Leader)

THAT, pursuant to Standing Orders 199 and 228, and the Fourth Schedule to the Standing Orders, the Senate approves the following Senators nominated by the Senate Business Committee to serve in Standing Committees of the Senate as follows –

A. Agriculture, Livestock and Fisheries

- 1 Sen. James Kamau Murango, MP
- 2 Sen. Alexander Munyi Mundigi, MP
- 3 Sen. Wamatinga Wahome, MP
- 4 Sen. Allan Kiprotich Chesang', MP
- 5 Sen. Maureen Tabitha Mutinda, MP
- 6 Sen. Moses Otieno Kajwang', MP
- 7 Sen. Daniel Kitonga Maanzo, MP
- 8 Sen. Enoch Kii Wambua, MP
- 9 Sen. Beth Kalunda Syengo, MP

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B. Devolution and Intergovernmental Relations

- 1 Sen. Sheikh Mohamed Abass, MP
- 2 Sen. Roselinda Soipan Tuya, CBS, MP
- 3 Sen. Peris Pesi Tobiko, MP
- 4 Sen. George Mungai Mbugua, MP
- 5 Sen. Mohamed Said Chute, MP
- 6 Sen. (Dr.) Oburu Oginga, CBS, MP
- 7 Sen. Richard Momoima Onyonka, MP
- 8 Sen. Hezena M. Lemaletian, MP
- 9 Sen. Catherine Muyeka Mumma, MP

C. Education

- 1 Sen. Joseph Nyutu Ngugi, MP
- 2 Sen. Peris Pesi Tobiko, MP
- 3 Sen. Lenku Ole Kanar Seki, MP
- 4 Sen. James Kamau Murango, MP
- 5 Sen. John Kinyua Nderitu, MP
- 6 Sen. (Prof.) Margaret Kamar, EGH, MP
- 7 Sen. Agnes Kavindu Muthama, MP
- 8 Sen. Joseph Githuku Kamau, MP
- 9 Sen. Johnes Mwashushe Mwaruma, MP

D. Energy

- 1 Sen. Wamatinga Wahome, MP
- 2 Sen. Veronica W. Nduati, MP
- 3 Sen. Danson Buya Mungatana, MP
- 4 Sen. Sheikh Mohamed Abass, MP
- 5 Sen. (Dr.) Boni Khalwale, CBS, MP
- 6 Sen. Ledama Olekina, MP
- 7 Sen. (Dr.) Oburu Oginga, CBS, MP
- 8 Sen. James Lemenen Ekomwa, MP
- 9 Sen. Edwine Watanya Sifuna, MP

E. Finance and Budget

- 1 Sen. Ali Ibrahim Roba, MP
- 2 Sen. Maureen Tabitha Mutinda, MP
- 3 Sen. (Dr.) Boni Khalwale, CBS, MP
- 4 Sen. Joyce Chepkoech Korir, MP
- 5 Sen. Tabitha Karanja Keroche, MP
- 6 Sen. Richard Momoima Onyonka, MP
- 7 Sen. Shakila Abdalla Mohamed, MP
- 8 Sen. Eddy Gicheru Oketch, MP
- 9 Sen. Mohamed Faki Mwinyihaji, MP

F. Health

- 1 Sen. Jackson Kiplagat Mandago, EGH, MP
- 2 Sen. Mariam Sheikh Omar, MP
- 3 Sen. Raphael Chimera Mwinzagu, MP

...../Motions

- 4 Sen. Joseph Nyutu Ngugi, MP
- 5 Sen. Roselinda Soipan Tuya, CBS, MP

- 6 Sen. Erick Okong’o Mogeni, SC, MP
- 7 Sen. Ledama Olekina, MP
- 8 Sen. Abdul Mohammed Haji, MP
- 9 Sen. Hamida Kibwana, MP

G. Information, Communication and Technology

- 1 Sen. Allan Kiprotich Chesang, MP
- 2 Sen. Gloria Magoma Orwoba, MP
- 3 Sen. Miraj Abdulahi Abdulrahman, MP
- 4 Sen. Karen Njeri Nyamu, MP
- 5 Sen. Samson Kiprotich Cherarkey, MP
- 6 Sen. Boy Issa Juma, MP
- 7 Sen. Shakila Abdalla Mohamed, MP
- 8 Sen. Beatrice Akinyi Oyomo, MP
- 9 Sen. Godfrey Atieno Osotsi, MP

H. Justice, Legal Affairs and Human Rights

- 1 Sen. Wakili Hillary Kiprotich Sigei, MP
- 2 Sen. Raphael Chimera Mwinzagu, MP
- 3 Sen. Samson Kiprotich Cherarkey, MP
- 4 Sen. Veronica W. Nduati, MP
- 5 Sen. William Cheptumo Kipkiror, CBS, MP
- 6 Sen. Fatuma Adan Dullo, CBS, MP
- 7 Sen. Hamida Kibwana, MP
- 8 Sen. Andrew Omtatah Okoiti, MP
- 9 Sen. Catherine Muyeka Mumma, MP

I. Labour and Social Welfare

- 1 Sen. Julius Murgor Recha, MP
- 2 Sen. George Mungai Mbugua, MP
- 3 Sen. Karen Njeri Nyamu, MP
- 4 Sen. Alexander Munyi Mundigi, MP
- 5 Sen. Miraj Abdulahi Abdulrahman, MP
- 6 Sen. Mohamed Faki Mwinyihaji, MP
- 7 Sen. Erick Okong’o Mogeni, SC, MP
- 8 Sen. (Rtd.) Justice Stewart Madzayo, CBS, MP
- 9 Sen. Crystal Kegehi Asige, MP

J. Land, Environment and Natural Resources

- 1 Sen. John Muhia Methu, MP
- 2 Sen. (Dr.) Steve Lelegwe Ltumbesi, MP
- 3 Sen. William Cheptumo Kipkiror, CBS, MP
- 4 Sen. Wamatinga Wahome, MP
- 5 Sen. Mariam Sheikh Omar, MP
- 6 Sen. Issa Juma Boy, MP
- 7 Sen. Johnes Mwashushe Mwaruma, MP
- 8 Sen. Agnes Kavindu Muthama, MP

...../Motions

- 9 Sen. Beatrice Akinyi Oyomo, MP

K. National Cohesion, Equal Opportunity and Regional Integration

- 1 Sen. Mohamed Said Chute, MP
- 2 Sen. Joyce Chepkoech Korir, MP
- 3 Sen. Julius Gataya Mwenda, MP
- 4 Sen. Gloria Magoma Orwoba, MP
- 5 Sen. Raphael Chimera Mwinzagu, MP
- 6 Sen. Betty Batuli Montet, MP
- 7 Sen. Joseph Githuku Kamau, MP
- 8 Sen. James Lomenen Ekomwa, MP
- 9 Sen. Beth Kalunda Syengo, MP

L. National Security, Defence and Foreign Relations

- 1 Sen. William Cheptumo Kipkiror, CBS, MP
- 2 Sen. Karen Njeri Nyamu, MP
- 3 Sen. Julius Murgor Recha, MP
- 4 Sen. Lenku Ole Kanar Seki, MP
- 5 Sen. George Mungai Mbugua, MP
- 6 Sen. Fatuma Adan Dullo, CBS, MP
- 7 Sen. Joseph Githuku Kamau, MP
- 8 Sen. Tom Odhiambo Ojienda, SC, MP
- 9 Sen. Abdul Mohammed Haji, MP

M. Roads, Transportation and Housing

- 1 Sen. Paul Karungo Thangwa, MP
- 2 Sen. Peris Pesi Tobiko, MP
- 3 Sen. John Kinyua Nderitu, MP
- 4 Sen. Mohamed Said Chute, MP
- 5 Sen. (Dr.) Steve Lelegwe Ltumbesi, MP
- 6 Sen. Enoch Kiiro Wambua, MP
- 7 Sen. Moses Otieno Kajwang', MP
- 8 Sen. (Rtd.) Justice Stewart Madzayo, CBS, MP
- 9 Sen. Edwine Watanya Sifuna, MP

N.Trade, Industrialization and Tourism

- 1 Sen. Lenku Ole Kanar Seki, MP
- 2 Sen. Onesimus Kipchumba Murkomen, EGH, MP
- 3 Sen. Jackson Kiplagat Mandago, EGH, MP
- 4 Sen. Tabitha Karanja Keroche, MP
- 5 Sen. Paul Karungo Thangwa, MP
- 6 Sen. Crystal Kegehi Asige, MP
- 7 Sen. Andrew Omtatah Okoiti, MP
- 8 Sen. Betty Batuli Montet, MP
- 9 Sen. Hezena M. Lemaletian, MP

...../Motions

13. MOTION - APPROVAL OF SENATORS TO SERVE IN THE COUNTY PUBLIC ACCOUNTS COMMITTEE; COUNTY PUBLIC INVESTMENTS AND SPECIAL FUNDS COMMITTEE; AND THE COMMITTEE ON DELEGATED LEGISLATION

(The Senate Majority Leader)

THAT, pursuant to Standing Orders Nos.193, 194, 195, and 199 the Senate approves the following Senators nominated by the Senate Business Committee to serve in Select Committees of the Senate as follows –

A. County Public Accounts Committee

1. Sen. Samson Kiprotich Cherarkey, MP
2. Sen. John Muhia Methu, MP
3. Sen. Mariam Sheikh Omar, MP
4. Sen. Julius Gataya Mwenda, MP
5. Sen. Moses Otieno Kajwang', MP
6. Sen. Fatuma Adan Dullo, CBS, MP
7. Sen. Richard Momoima Onyonka, MP
8. Sen. Edwine Watanya Sifuna, MP
9. Sen. Andrew Omtatah Okoiti, MP

B. County Public Investments and Special Funds Committee

1. Sen. Onesimus Kipchumba Murkomen, EGH, MP
2. Sen. Paul Karungo Thangwa, MP
3. Sen. Maureen Tabitha Mutinda, MP
4. Sen. Miraj Abdullahi Abdulrahman, MP
5. Sen. Eddy Gicheru Oketch, MP
6. Sen. Ledama Olekina, MP
7. Sen. Hamida, Kibwana MP
8. Sen. Tom Odhiambo Ojienda, SC, MP
9. Sen. Godfrey Atieno Osotsi, MP

C. Committee on Delegated Legislation

1. Sen. Julius Gataya Mwenda, MP
2. Sen. Danson Buya Mungatana, MP
3. Sen. Gloria Magoma Orwoba, MP
4. Sen. Joyce Chepkoech Korir, MP
5. Sen. Julius Murgor Recha, MP
6. Sen. Daniel Kitonga Maanzo, MP
7. Sen. Mohamed Faki Mwinyihaji, MP
8. Sen. Betty Batuli Montet, MP
9. Sen. (Rtd.) Justice Stewart Madzayo, CBS, MP

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...../Appendix

APPENDIX

1. PAPERS

- i.) Report of the Auditor General on the Financial Statements of Trans-Nzoia County Executive for the year ended 30th June, 2021.
- ii.) Report of the Auditor General on the Financial Statements of Trans-Nzoia County Assembly for the year ended 30th June, 2021.

- iii.) Report of the Auditor General on the Financial Statements of Trans-Nzoia County, Nawiri Fund for the year ended 30th June, 2021.
- iv.) Report of the Auditor General on the Financial Statements of Trans-Nzoia County Assembly (Members and Staff) Car Loan & Mortgage Scheme Fund for the year ended 30th June, 2021.
- v.) Report of the Auditor General on the Financial Statements of Trans-Nzoia County Public Service Board for the year ended 30th June, 2021.
- vi.) Report of the Auditor General on the Financial Statements of County Executive of Meru for the year ended 30th June, 2021.
- vii.) Report of the Auditor General on the Financial Statements of County Assembly of Meru for the year ended 30th June, 2021.
- viii.) Report of the Auditor General on the Financial Statements of County Assembly of Meru, Staff Car Loan & Housing Scheme Fund, for the year ended 30th June, 2021.
- ix.) Report of the Auditor General on the Financial Statements of Meru Youth Service Board for the year ended 30th June, 2021.
- x.) Report of the Auditor General on the Financial Statements of of Meru County Executive Staff Housing Fund for the year ended 30th June, 2021.
- xi.) Report of the Auditor General on the Financial Statements of County Executive of Embu for the year ended 30th June, 2021.
- xii.) Report of the Auditor General on the Financial Statements of County Assembly of Embu for the year ended 30th June, 2021.
- xiii.) Report of the Auditor General on the Financial Statements of Embu County Assembly Car Loan & Mortgage (Members) Scheme Fund for the year ended 30th June, 2021.
-/Appendix
- xiv.) Report of the Auditor General on the Financial Statements of Kyeni Water and Sewerage Company Ltd for the year ended 30th June, 2021.
- xv.) Report of the Auditor General on the Financial Statements of Tharaka Nithi County Executive for the year ended 30th June, 2021.
- xvi.) Report of the Auditor General on the Financial Statements of Tharaka Nithi County Assembly for the year ended 30th June, 2021.
- xvii.) Report of the Auditor General on the Financial Statements of Tharaka Nithi County Emergency Fund for the year ended 30th June, 2021.

- xviii.) Report of the Auditor General on the Financial Statements of Tharaka Nithi County Bursary Development Fund for the year ended 30th June, 2021.
- xix.) Report of the Auditor General on the Financial Statements of Nithi Water and Sanitation Company Ltd for the year ended 30th June, 2021.
- xx.) Report of the Auditor General on the Financial Statements of Isiolo County Executive for the year ended 30th June, 2021.
- xxi.) Report of the Auditor General on the Financial Statements of Isiolo County Assembly for the year ended 30th June, 2021.
- xxii.) Report of the Auditor General on the Financial Statements of Isiolo County Assembly Car Loan & Mortgage Scheme Fund for the year ended 30th June, 2021.
- xxiii.) Report of the Auditor General on the Financial Statements of Isiolo County Education Bursary Fund for the year ended 30th June, 2021.
- xxiv.) Report of the Auditor General on the Financial Statements of Isiolo Water and Sewerage Company Ltd for the year ended 30th June, 2021.
- xxv.) Report of the Auditor General on the Financial Statements of Marsabit County Executive for the year ended 30th June, 2021.
- xxvi.) Report of the Auditor General on the Financial Statements of Marsabit County Assembly for the year ended 30th June, 2021.
- xxvii.) Report of the Auditor General on the Financial Statements of Marsabit County Emergency Fund for the year ended 30th June, 2021.
- xxviii.) Report of the Auditor General on the Financial Statements of County Government of Marsabit Car Loan Fund for the year ended 30th June, 2021.

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- xxix.) Report of the Auditor General on the Financial Statements of Marsabit County Executive Mortgage Scheme Fund for the year ended 30th June, 2021.
- xxx.) Report of the Auditor General on the Financial Statements of Marsabit County Education Fund for the year ended 30th June, 2021.
- xxxi.) Report of the Auditor General on the Financial Statements of Kakamega County Executive for the year ended 30th June, 2021.
- xxxii.) Report of the Auditor General on the Financial Statements of Kakamega County Trade Loans Fund for the year ended 30th June, 2021.

- xxxiii.) Report of the Auditor General on the Financial Statements of Kakamega County Farm Inputs Fund for the year ended 30th June, 2021.
- xxxiv.) Report of the Auditor General on the Financial Statements of Kakamega County Microfinance Corporation for the year ended 30th June, 2021.
- xxxv.) Report of the Auditor General on the Financial Statements of Kakamega County Maternal Child Health & Family Planning Fund for the year ended 30th June, 2021.

(The Senate Majority Leader)

2. NOTICE OF MOTION - THE STATE OF AFFAIRS AND THE NEED FOR REFORMS AT THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (IEBC)

(Sen. John M. Methu, MP)

THAT, AWARE THAT the general election of August 9th 2022 and the tallying process went smoothly until prior to the announcement of the results of the Presidential election when four Commissioners of the Independent Electoral and Boundaries Commission (IEBC), namely, Juliana Whonge Cherera, Irene Massit, Justus Nyang'aya and Francis Wanderi denounced the verification and tallying processes conducted by the Chairman of the Independent Electoral and Boundaries Commission (IEBC);

ACKNOWLEDGING THAT, the mandate of tallying and verification of votes is vested in the Commission as a collective, and cannot be conducted with the exclusion of any member of the Commission, contrary to the claims made by the four Commissioners and in breach of good corporate governance espoused in the provisions of Article 75(1)(c) of the Constitution;

OBSERVING THAT their actions were a deliberate and concerted effort to subvert the sovereign will of the people through obstructing the constitutional mandate of the Commission to conduct free, fair, transparent and verifiable elections, which go against their official duties and oaths of office;

...../Appendix

FURTHER AWARE THAT as a direct result of the conduct of the quartet, the country was plunged into a state of disquiet and uncertainty that resulted in questions being raised on the legitimacy and legality of the results and the integrity of the electoral process;

NOTING THAT the four Commissioners did not provide information or evidence to substantiate their accusations that the Chairperson of the (IEBC) had compromised the process;

CONCERNED THAT in the absence of any evidence of violation of the Constitution and the electoral laws of Kenya, the four Commissioners attempted to defeat the sovereign will of the people of Kenya espoused in Article 138(10) of the Constitution on the basis of what was described in the Supreme Court ruling on the Presidential Petition No. E005 of 2022 as a "last minute boardroom rupture (the details of which remain scanty and contradictory)";

NOW THEREFORE, the Senate –

- i. condemns the actions of the said four IEBC Commissioners;
- ii. calls upon the Independent Electoral and Boundaries Commission (IEBC) to effect the legal, policy, and institutional reforms recommended by the Supreme Court ruling on the Presidential Petition No. E005 of 2022; and,
- iii. urges the Standing Committee on Justice, Legal Affairs and Human Rights to study the Supreme Court ruling and introduce legislation that will seal existing loopholes in the electoral process, including the manner of appointment of future IEBC Commissioners and enhance the statutory and regulatory framework especially to separate the policy and administrative remit of IEBC.

...../Notice Paper

NOTICE PAPER

Tentative Business for

Thursday, October 13, 2022

(Published pursuant to Standing Order 43 (1))

It is notified that the Senate Business Committee has approved the following **tentative** business to appear in the Order Paper for Thursday, October 13, 2022.

Motion - The State of affairs and the need for reforms at the Independent Electoral and Boundaries Commission (IEBC)

(Sen. John M. Methu, MP)

REPUBLIC OF KENYA


**THE SENATE
13TH PARLIAMENT (FIRST SESSION)**
CALENDAR

(Regular Sessions of the Senate, September to December, 2022)

IT IS NOTIFIED for general information that pursuant to Standing Order 32 of the Senate Standing Orders, by a Resolution made on, 2022, the Senate approved its Calendar (Regular Sessions) for the First Session, 2022 as set out in the Schedule.

SCHEDULE

SITTING DATES	SITTING DAYS	RECESS DATES
First Session: Part I		
8 th September, 2022	Thursday – morning	9 th September, 2022 to 28 th September, 2022
First Session: Part II		
29 th September, 2022 to 27 th October, 2022	Tuesdays – afternoon Wednesdays – afternoon Thursdays – afternoon	28 th October, 2022 to 7 th November, 2022
First Session: Part III		
8 th November, 2022 to 1 st December, 2022	Tuesdays – afternoon Wednesdays – afternoon Thursdays – afternoon	2 nd December, 2022 to 6 th February, 2023

Note:

- (i) The Senate shall sit from 2.30 p.m. to 6.30 p.m. pursuant to Standing Order 34 of the Senate Standing Orders.
- (ii) Special Sittings shall be notified through Kenya Gazette notices, as per Standing Order 33 of the Senate Standing Orders.

**J. M. NYEGENYE, CBS,
CLERK OF THE SENATE.**