



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (FIRST SESSION)

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, OCTOBER 12, 2022 AT 2.30 P.M.

1. The Senate assembled at thirty Minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Deputy Speaker.
3. **COMMUNICATIONS FROM THE CHAIR**

The Deputy Speaker conveyed the following Communications from the Chair-

i.) **On visiting Teachers and Students from Leadership Academy in Nairobi County**

“Honorable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting teachers and students from Leadership Academy, in Nairobi County, who are on an academic trip.

Honorable 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.”

ii.) **On Substantiation of facts that a Senator alleges to be true**

“Honourable Senators,

As you may recall, on Wednesday, 5th October, 2022, during the debate on the Presidential Address on the Opening of the 13th Parliament, Nominated Senator (Sen. Veronica Nduati, MP) rose on a Point of Order pursuant to Standing Order 105, regarding remarks by the Senator for Vihiga County (Sen. Godfrey Osotsi, MP), while contributing on the Motion.

Sen. Veronica Nduati sought the intervention of the Chair to require Sen. Godfrey Osotsi to withdraw a statement, which in her opinion, falls within the application of Standing Order 105. Sen. Veronica Nduati stated, and I quote –

“I rise under Standing Order No. 105 to respond to Sen. Osotsi in respect of his reference to the loss of Kshs. 2 billion per day.”

Sen. Veronica Nduati went on to quote the provisions of Standing Order 105.

Sen. Veronica Nduati added, and I quote –

“I want to bring it to your attention that the statement that has been thrown to the floor of this House, has no relevance absolutely to the current speech of the President and must be withdrawn.”

The Senator further alleged that Sen. Osotsi had referred to some persons as corrupt, which was inappropriate, and therefore required to be withdrawn.

Honourable Senators,

Sen. Veronica Nduati was, simply put, asking Sen. Godfrey Osotsi to substantiate the statement that he had made.

Honourable Senators,

Standing Order 105 provides, and I quote -

- (1) *“A Senator shall be responsible for the accuracy of any facts that the Senator alleges to be true and may be required to substantiate any such facts instantly.*
- (2) *If a Senator has sufficient reason to convince the Speaker that the Senator is unable to substantiate the allegations instantly, the Speaker shall require that such Senator substantiates the allegations not later than the next sitting day, failure to which the Senator shall be deemed to be disorderly within the meaning of Standing Order 121 (Disorderly conduct), unless the Senator withdraws the allegations and gives a suitable apology, if the Speaker so requires.”*

I have reviewed the Hansard report of the proceedings of Wednesday, 5th October, 2022, and I have ascertained that indeed, the Senator for Vihiga County (Sen. Godfrey Osotsi) made the following remarks –

“.....In their rallies and meetings, they do not talk about corruption, because they are beneficiaries of corruption. We expected the President to tell us, one way of ensuring that this country has money is to fight corruption. This is

because we were told that this country is losing Kshs 2 billion a day, in a year, it is about Kshs700 billion. This is enough money to inject into the economy and improve it.”

A reading from the Hansard infers that it is these remarks that necessitated the Point of Order raised by Nominated Senator (Sen. Veronica Nduati).
Honourable Senators,

Let me take this opportunity to urge Senators to acquaint themselves with the rules of procedure to enhance orderly conduct of proceedings and optimum utilization of the time of the House.

Pursuant to Standing Order 105, I now invite the Senator for Vihiga County to substantiate the allegations or withdraw and apologize. Failure to comply with the directives of the Chair constitutes gross disorderly conduct pursuant to Standing Order 122.

I thank you”.

Thereupon, the Senator for Vihiga County (Sen. Godfrey Osotsi, MP) undertook to substantiate the allegations. The Speaker directed the Senator to do so on the sitting of Thursday, 13th October, 2022 at 2.30 pm.

4. PAPERS

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

- 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.
- 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.
- 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)

5. **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.

Order deferred.

6. **MOTION - APPROVAL OF THE SENATE CALENDAR FOR THE FIRST SESSION OF THE THIRTEENTH PARLIAMENT**

Order read;

Motion made and Question proposed;

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.

(The Senate Majority Leader)

And there being no Senator wishing to contribute;

Mover replied;

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

Question put, agreed to.

RESOLVED ACCORDINGLY

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.

7. **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

Order deferred.

8. **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

Order deferred.

9. **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

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
- 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
- 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 Kii 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

Order deferred.

10. 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

Order deferred.

And there being no other business, the Deputy Speaker adjourned the Senate at twenty-six minutes past four O'clock without Question put, pursuant to the Standing Orders.

11. **SENATE ROSE** – at twenty-six minutes past four minutes past six O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Thursday, October 13, 2022 at 2.30 p.m.*

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