



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (SECOND SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**THURSDAY, APRIL 27, 2023 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 Speaker.
3. **QUORUM OF THE SENATE**

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 three 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: -

**a) Visiting Delegation from the County Assembly of Kilifi**

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of a visiting delegation from the County Assembly of Kilifi comprising Members of the Committee on Delegated County Legislation and its Secretariat. The delegation is undertaking a four (4) day benchmarking visit with their counterparts in the Senate.

Honourable Senators,

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

- |                              |                                   |
|------------------------------|-----------------------------------|
| 1. Hon. Morgan Kubo          | - Chairperson                     |
| 2. Hon. Phelister Meso       | - Vice-Chairperson                |
| 3. Hon. Edward Ziro          | - Member                          |
| 4. Hon. Mbura Ronald         | - Member                          |
| 5. Hon. Moris Hinzano        | - Member                          |
| 6. Hon. Oscar Wanje          | - Member                          |
| 7. Hon. Ray Katana           | - Member                          |
| 8. Hon. Rose Baraka          | - Member                          |
| 9. Hon. Patricia Sikuku      | - Member                          |
| 10. Hon. Haroun Tete         | - Member                          |
| 11. Hon. Theophilus Kalama   | - Member                          |
| 12. Hon. Lilian Vijenderwa   | - Member                          |
| 13. Ms. Sally Kadzo          | - Hansard Editor                  |
| 14. Mr. Rashid Mbeto         | - Senior Legal Counsel            |
| 15. Ms. Rehema Kenneth Mtoro | - 2 <sup>nd</sup> Clerk Assistant |
| 16. Mr. Abdulrahman Chuba    | - 2 <sup>nd</sup> Clerk Assistant |
| 17. Mr. Alfred Mumba         | - Serjeant-at-Arms                |
| 18. Ms. Irene Chepkemai      | - Public Relations Officer        |

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.”

**b) Visiting Delegation of Members of the County Assembly Service Board of the County Assembly of Kiambu**

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of a visiting delegation from the County Assembly of Kiambu comprising Members of the County Assembly Service Board and its Secretariat. The delegation is undertaking a benchmarking visit in the Senate.

Honourable Senators,

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

- |                                    |   |
|------------------------------------|---|
| 1. Hon. Charles Murungaru Thiong'o | - Speaker, Chairperson & Leader of delegation |
| 2. Hon. Erick Warugu               | - Vice Chairperson                            |
| 3. Hon. Joachim Mwangi Njama       | - Member                                      |
| 4. Mr. David Ngure                 | - Deputy Clerk                                |
| 5. Mr. James Githu Muiruri         | - Director, Human Resource                    |
| 6. Mr. Martin Mugambi              | - Principal Clerk Assistant                   |
| 7. Ms. Susan Ngatia                | - Principal Administrative Officer            |
| 8. Ms. Julia Wanjiru               | - Serjeant-at-Arms                            |

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."

**c) Visiting Delegation from the Parliament of Zambia**

"Honourable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of a visiting delegation from the Parliament of Zambia. The delegation comprises Members of the House Business Committee and its staff, who are on a benchmarking visit.

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

- |                                       |  |
|---------------------------------------|--|
| 1. The Rt. Hon. Nelly B. K. Mutti, MP | - Speaker and Leader of Delegation           |
| 2. Hon. Stafford Mulusa, MP           | - Government Chief Whip                      |
| 3. Hon. Brian Mundubile, MP           | - Leader of the Opposition                   |
| 4. Hon. Stephen Kampyongo, MP         | - Whip for the Patriotic Front               |
| 5. Hon. Jay E. Banda, MP              | - Whip for Independent Members of Parliament |
| 6. Hon. Kampamba S Mulenga, MP        | - Member of the Committee                    |
| 7. Hon. Clement Andeleki, MP          | - Member of the Committee                    |

- |                              |   |
|------------------------------|---|
| 8. Mr. Roy Ngulube           | - Acting Clerk of the National Assembly                                     |
| 9. Mr. Tenniesion Nyangu     | - Principal Clerk (Journals and Table Office), Secretary to the Delegation; |
| 10. Mr. Sage C. Samuwika     | - Executive Assistant to the Speaker  |
| 11. Mr. Barnabas Bwalya      | - Executive Assistant to the Clerk  |
| 12. Mr. Temwani Nyirenda     | - Deputy Principal Clerk (International Relations);                         |
| 13. Mr. Simon Bwalya Mulenga | - Assistant Director, Parliamentary Business, Office of the Vice President  |
| 14. Ms. Caroline Silenga     | - Aide -De-Camp to the Speaker  |

Honourable Senators,

On behalf of the Senate and on my own behalf, I extend a warm welcome and wish them a fruitful visit.

I thank you.”

**d) Visiting Students from the Muhuroni College and University Students' Association**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of a visiting delegation from Muhuroni College and University Student's Association. The delegation comprises seventeen (17) students who are in the Senate for a one- day visit.

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. PAPERS LAID**

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

- i.) Report of the Auditor General on the financial statement of the Municipality of Eldoret for the year ended 30<sup>th</sup> June, 2022.
- ii.) Report of the Auditor General on the financial statement of the Municipality of Kathwana for the year ended 30<sup>th</sup> June, 2022.
- iii.) Report of the Auditor General on the financial statement of the Ngagaka Water and Sanitation Company Limited for the year ended 30<sup>th</sup> June, 2022.
- iv.) Report of the Auditor General on the financial statement of the Trans Nzoia County Elimu Bursary Fund for the year ended 30<sup>th</sup> June, 2022.
- v.) Report of the Auditor General on the financial statement of the Trans Nzoia County Assembly (Members and Staff) Car Loan and Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2022.
- vi.) Report of the Auditor General on the financial statement of the Nandi County Executive Committee Car Loan and Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2022.
- vii.) Report of the Auditor General on the financial statement of the Nandi County Assembly Scheme Fund for the year ended 30<sup>th</sup> June, 2022.
- viii.) Report of the Auditor General on the financial statement of the Nandi County Education Fund for the year ended 30<sup>th</sup> June, 2022.
- ix.) Report of the Auditor General on the financial statement of the Meru County Alcoholic Drinks Control Board for the year ended 30<sup>th</sup> June, 2022.
- x.) Report of the Auditor General on the financial statement of the Meru County Microfinance Corporation for the year ended 30<sup>th</sup> June, 2022.
- xi.) Report of the Auditor General on the financial statement of the County Revenue Fund for the County Government of Meru for the year ended 30<sup>th</sup> June, 2022.

- xii.) Report of the Auditor General on the financial statement of the Meru County Revenue Board for the year ended 30<sup>th</sup> June, 2022.
- xiii.) Report of the Auditor General on the financial statement of the Turkana County Co-operative Enterprise Development Fund for the year ended 30<sup>th</sup> June, 2022.
- xiv.) Report of the Auditor General on the financial statement of the Turkana County Education and Skills Development Fund for the year ended 30<sup>th</sup> June, 2022.
- xv.) Report of the Auditor General on the financial statement of the Turkana County Youth and Women Empowerment Fund for the year ended 30<sup>th</sup> June, 2022.
- xvi.) Report of the Auditor General on the financial statement of the County Revenue Fund for the County Government of Tharaka Nithi for the year ended 30<sup>th</sup> June, 2022.
- xvii.) Report of the Auditor General on the financial statement of the Tharaka Nithi Emergency Fund for the year ended 30<sup>th</sup> June, 2022.
- xviii.) Report of the Auditor General on the financial statement of the Receiver of Revenue – Revenue Statements for the County Government of Tharaka Nithi for the year ended 30<sup>th</sup> June, 2022.
- xix.) Report of the Auditor General on the financial statement of the Tharaka Nithi County Bursary Development Fund for the year ended 30<sup>th</sup> June, 2022.
- xx.) Report of the Auditor General on the financial statement of the Embu County Youth Trust Fund for the year ended 30<sup>th</sup> June, 2022.
- xxi.) Report of the Auditor General on the financial statement of the Embu County Executive Car Loan and Mortgage (Committee Members) Scheme Fund for the year ended 30<sup>th</sup> June, 2022.
- xxii.) Report of the Auditor General on the financial statement of the Embu County Government Emergency Fund for the year ended 30<sup>th</sup> June, 2022.
- xxiii.) Report of the Auditor General on the financial statement of the Embu County Education Support Fund for the year ended 30<sup>th</sup> June, 2022.

- xxiv.) Report of the Auditor General on the financial statement of the Elgeyo Marakwet County Assembly Car and Mortgage Revolving Fund for the year ended 30<sup>th</sup> June, 2022.
- xxv.) Report of the Auditor General on the financial statement of the Elgeyo Marakwet County Education Fund for the year ended 30<sup>th</sup> June, 2022.
- xxvi.) Report of the Auditor General on the financial statement of the Receiver of Revenue – Revenue Statement for the County Government of Elgeyo Marakwet for the year ended 30<sup>th</sup> June, 2022.
- xxvii.) Report of the Auditor General on the financial statement of the Elgeyo Marakwet Alcoholic Drinks Control Fund for the year ended 30<sup>th</sup> June, 2022.
- xxviii.) Report of the Auditor General on the financial statement of the Elgeyo Marakwet County Assembly Catering Services Revolving Fund for the year ended 30<sup>th</sup> June, 2022.
- xxix.) Report of the Auditor General on the financial statement of the Turkana County COVID-19 Emergency Response Fund for the year ended 30<sup>th</sup> June, 2022.
- xxx.) Report of the Auditor General on the financial statement of the West Pokot County – Bursary, Education Development and Infrastructure Fund for the year ended 30<sup>th</sup> June, 2022.
- xxxi.) Report of the Auditor General on the financial statement of the West Pokot County Assembly Staff Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June, 2022.
- xxxii.) Report of the Auditor General on the financial statement of the Uasin Gishu County Alcoholic Drinks Control Fund for the year ended 30<sup>th</sup> June, 2022.
- xxxiii.) Report of the Auditor General on the financial statement of the County Revenue Fund of the County Government of Uasin Gishu for the year ended 30<sup>th</sup> June, 2022.
- xxxiv.) Report of the Auditor General on the financial statement of the Uasin Gishu County Education Revolving Fund for the year ended 30<sup>th</sup> June, 2022.

- xxxv.) Report of the Auditor General on the financial statement of the Uasin Gishu County Inua Biashara for the year ended 30<sup>th</sup> June, 2022.
- xxxvi.) Report of the Auditor General on the financial statement of the Receiver of Revenue – Revenue Statement of the County Government of Uasin Gishu for the year ended 30<sup>th</sup> June, 2022.
- xxxvii.) Report of the Auditor General on the financial statement of the Uasin Gishu County Assembly Members Mortgage and Car Loans Scheme Fund for the year ended 30<sup>th</sup> June, 2022.
- xxxviii.) Report of the Auditor General on the financial statement of the Uasin Gishu County Staff Mortgage and Car Loans Scheme Fund for the year ended 30<sup>th</sup> June, 2022.
- xxxix.) Report of the Auditor General on the financial statement of the Uasin Gishu County Bursary and Skills Development Support Fund for the year ended 30<sup>th</sup> June, 2022.
- xl.) Report of the Auditor General on the financial statement of the Uasin Gishu County Cooperative Enterprise Development Fund for the year ended 30<sup>th</sup> June, 2022.
- xli.) The Senate Majority Leader to issue a statement on the business of the Senate for the week commencing Tuesday, 2<sup>nd</sup> May, 2023.

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

6. **NOTICE OF MOTION – AD HOC COMMITTEE TO INVESTIGATE THE PROLIFERATION OF RELIGIOUS ORGANIZATIONS AND THE CIRCUMSTANCES LEADING TO THE DEATHS OF MORE THAN 95 PEOPLE IN SHAKAHOLA, KILIFI COUNTY**  
(Sen. (Dr.) Boni Khalwale, CBS, MP.)

THAT, AWARE THAT under the Bill of Rights, the Constitution of Kenya grants every person the right to freedom of conscience, religion, thought, belief and opinion, and that every Kenyan has the right to manifest any religion or belief through worship, practice, teaching or observance, including observance of a day of worship;

FURTHER AWARE THAT, new religious groups, institutions or places of worship, and faith-based nongovernmental organizations (NGOs) must register with the Registrar of Societies, which reports to the Attorney General's Office, yet indigenous and traditional religious groups are not required to register;



COGNIZANT THAT, there has been increased activity and membership in extremist occult religious organizations in the country;

CONCERNED THAT, the current recorded death toll of an apparent occultist religious group led by one Paul Mackenzie Nthenge, in Shakahola Village, Kilifi County has reached 95 persons, while the search for more buried victims continues;

NOW THEREFORE in exercise of its oversight function, the Senate resolves to establish an Ad Hoc committee to –

- i.) investigate the circumstances leading to the death of the followers of the Good News International Church led by one Paul Mackenzie Nthenge in Shakahola Village, Kilifi County;
- ii.) investigate the role played by one Paul Mackenzie of the Good News International Church, his pastoral team and the Kilifi County Security committee in aiding and abetting the deaths of the followers of the Good News International Church in Shakahola, Kilifi County;
- iii.) establish through the office of the Registrar of Societies, the number and activities of religious groups in the country including their registration and compliance status;
- iv.) audit the legal and registration framework for religious organizations in the country;
- v.) develop a legislative proposal on regulation of religious activities in the country; and
- vi.) make any other recommendation that will prevent religious organizations from extreme indoctrination of their followers including radicalization, spiritual and financial exploitation.

and submit a report to the House within 90 days;

AND FURTHER THAT, the following Senators be appointed to serve in the committee –

- 1. Sen. Mohammed Faki, MP;
- 2. Sen. Danson Mungatana, MP;
- 3. Sen. Tabitha Mutinda, MP;
- 4. Sen. Veronica Maina, MP;
- 5. Sen. William Kipkiror Cheptumo, CBS, MP;
- 6. Sen. Shakila Mohammed, MP;

7. Sen. David Wakoli, MP;
8. Sen. Hamida Kibwana, MP;
9. Sen. Richard Onyonka, MP;
10. Sen. Eddy Oketch, MP; and
11. Sen. Abdul Haji, MP

## **7. QUESTIONS AND STATEMENTS**

### **STATEMENTS**

#### **a) Pursuant to Standing Order 53(1)**

- i.) Seneta wa Kaunti ya Mombasa (Sen. Mohammed Faki, MP) aliomba Kauli kutoka kwa Kamati ya Kudumu ya Barabara, Uchukuzi na Makao kuhusu ujenzi wa barabara ya mzunguko wa Barclays hadi makutano ya Jomvu, barabara ya Magongo na Jomvu hadi SGR, jijini Mombasa.
- ii.) The Senator for Isiolo County (Sen. Fatuma Dullo, MP) sought a statement from the Standing Committee on Finance and Budget regarding the delays in exchequer disbursement and reports of hacking of the IFMIS system.  
  
Following comments by Senators, the Speaker referred the Statement to the Standing Committee on Finance and Budget and the Standing Committee on Information, Communication and Technology.
- iii.) The Senator for Marsabit County (Sen. Mohamed Chute, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources concerning the state of boreholes in Marsabit County.
- iv.) The Senator for Marsabit County (Sen. Mohamed Chute, MP) sought a statement from the Standing Committee on Labour and Social Welfare regarding the staffing policy by the Marsabit County Government.
- v.) The Senator for Nairobi City County (Sen. Edwin Sifuna, MP) sought a statement from the Standing Committee on Labour and Social Welfare, regarding the status of operationalization of the Nairobi City County Liquor Licensing Board.

- vi.) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on Health regarding the state of health service provision in Nandi County.

**b) Pursuant to Standing Order 56(1)(a)**

The Vice-Chairperson, Standing Committee on Devolution and Intergovernmental Relations made a Statement relating to a matter for which the committee is responsible, namely; the review of the devolved sector laws that should be aligned to the Constitution of Kenya, 2010.

Thereupon, the Vice-chairperson informed the House that the Standing Committee on Devolution and Inter-governmental Relations had resolved to initiate an audit of all laws existing before the promulgation of the 2010 Constitution to identify laws that require to be amended to align with the Constitution.

The Vice-chairperson reported that the audit indicated that a total of 63 laws included provisions that facilitated a claw-back on devolution, and that these laws needed to be amended, reviewed or repealed to align with the Constitution.

The Committee recommended that the laws be assigned to the Standing Committees of the Senate, in accordance with their respective mandates, for review and formulation of Bills for consideration and passage by the Senate.

**c) Pursuant to Standing Order 57(1)**

The Senate Majority Whip, on behalf of the Senate Majority Leader, issued a statement on the business of the Senate for the week commencing Tuesday, 2<sup>nd</sup> May, 2023.

8. **MOTION – AD HOC COMMITTEE TO INVESTIGATE THE PROLIFERATION OF RELIGIOUS ORGANIZATIONS AND THE CIRCUMSTANCES LEADING TO THE DEATHS OF MORE THAN 95 PEOPLE IN SHAKAHOLA, KILIFI COUNTY**

Order read;

Motion made and Question proposed in an amended form-

THAT, AWARE THAT under the Bill of Rights, the Constitution of Kenya grants every person the right to freedom of conscience, religion,

thought, belief and opinion, and that every Kenyan has the right to manifest any religion or belief through worship, practice, teaching or observance, including observance of a day of worship;

FURTHER AWARE THAT, new religious groups, institutions or places of worship, and faith-based nongovernmental organizations (NGOs) must register with the Registrar of Societies, which reports to the Attorney General's Office, yet indigenous and traditional religious groups are not required to register;

COGNIZANT THAT, there has been increased activity and membership in extremist occult religious organizations in the country;

CONCERNED THAT, the current recorded death toll of an apparent occultist religious group led by one Paul Mackenzie Nthenge, in Shakahola Village, Kilifi County has reached 95 persons, while the search for more buried victims continues;

NOW THEREFORE in exercise of its oversight function, the Senate resolves to establish an Ad Hoc committee to –

- i.) investigate the circumstances leading to the death of the followers of the Good News International Church led by one Paul Mackenzie Nthenge in Shakahola Village, Kilifi County;
- ii.) investigate the role played by one Paul Mackenzie of the Good News International Church, his pastoral team and the Kilifi County Security committee in aiding and abetting the deaths of the followers of the Good News International Church in Shakahola, Kilifi County;
- iii.) establish through the office of the Registrar of Societies, the number and activities of religious groups in the country including their registration and compliance status;
- iv.) audit the legal and registration framework for religious organizations in the country;
- v.) develop a legislative proposal on regulation of religious activities in the country; and,
- vi.) make any other recommendation that will prevent religious organizations from extreme indoctrination of their followers including radicalization, spiritual and financial exploitation.

and submit a report to the House within 90 days;

AND FURTHER THAT, the following Senators be appointed to serve in the committee –

1. Sen. Mohammed Faki, MP;
2. Sen. Danson Mungatana, MGH, MP;
3. Sen. Tabitha Mutinda, MP;
4. Sen. Veronica Maina, MP;
5. Sen. William Kipkiror Cheptumo, CBS, MP;
6. Sen. Shakila Mohammed, MP;
7. Sen. David Wakoli, MP
8. Sen. Hamida Kibwana, MP;
9. Sen. Richard Onyonka, MP;
10. Sen. Eddy Oketch, MP; and
11. Sen. Abdul Haji, MP

*(Sen. (Dr.) Boni Khalwale, CBS, MP)*

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Before the Question was put, and pursuant to Standing Order No. 84 (1), the Temporary Speaker (Sen. Veronica Maina, MP) informed the House that the Motion did not affect Counties.

Question put and agreed to.

**RESOLVED ACCORDINGLY**

THAT, AWARE THAT under the Bill of Rights, the Constitution of Kenya grants every person the right to freedom of conscience, religion, thought, belief and opinion, and that every Kenyan has the right to manifest any religion or belief through worship, practice, teaching or observance, including observance of a day of worship;

FURTHER AWARE THAT, new religious groups, institutions or places of worship, and faith-based nongovernmental organizations (NGOs) must register with the Registrar of Societies, which reports to the Attorney General's Office, yet indigenous and traditional religious groups are not required to register;

COGNIZANT THAT, there has been increased activity and membership in extremist occult religious organizations in the country;

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- ii.) investigate the role played by one Paul Mackenzie of the Good News International Church, his pastoral team and the Kilifi County Security committee in aiding and abetting the deaths of the followers of the Good News International Church in Shakahola, Kilifi County;
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- iv.) audit the legal and registration framework for religious organizations in the country;
- v.) develop a legislative proposal on regulation of religious activities in the country; and,
- vi.) make any other recommendation that will prevent religious organizations from extreme indoctrination of their followers including radicalization, spiritual and financial exploitation.

and submit a report to the House within 90 days;

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- 5. Sen. William Kipkiror Cheptumo, CBS, MP;
- 6. Sen. Shakila Mohammed, MP;
- 7. Sen. David Wakoli, MP
- 8. Sen. Hamida Kibwana, MP;
- 9. Sen. Richard Onyonka, MP;

10. Sen. Eddy Oketch, MP; and
11. Sen. Abdul Haji, MP.

9. **THE EQUALIZATION FUND APPROPRIATION BILL (SENATE BILLS NO. 3 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Equalization Fund Appropriation Bill (Senate Bills No. 3 of 2023) be now read a Second Time.

*(The Chairperson, Standing Committee on Finance and Budget– 26.04.2023)*

Debate interrupted on Wednesday, 26<sup>th</sup> April, 2023 (afternoon sitting) resumed;

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

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

**MEMORANDUM**

*The Speaker will take the Chair on  
Tuesday, May 02, 2023 at 2:30 p.m.*

--X--