



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, APRIL 25, 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 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: -

a) On guidelines for questions to Cabinet Secretaries appearing before the Senate

“Honourable Senators,

As you may recall, on Thursday, 23rd March, 2023, the Senate passed a Motion on the 5th Report of the Procedure and Rules Committee and approved amendments to the Standing Orders, whose effect was to provide a framework for Questions to Cabinet Secretaries.

In approving the amendments to the Standing Orders, the Senate also varied the hours of meetings to provide for sittings on Wednesdays morning pursuant to Standing Order 34 (1). To this end a Resolution of the Senate

to amend the Senate Calendar in accordance with Standing Order 34 (1) was approved and adopted on 29th March, 2023.

Honourable Senators,

The amendments took effect from Tuesday, 11th April 2023, and the First set of Questions has been scheduled for tomorrow, Wednesday, 26th April, 2023 (Morning Sitting). In preparation for implementation of the Standing Orders on Questions, I issued guidelines on 28th March 2023, detailing the key aspects relating to the procedure in which Questions shall be considered. In preparation for implementation of this framework, allow me to give highlights of the guidelines as follows –

- i. **Filing of Questions;** a Senator who wishes to ask a Question to a Cabinet Secretary will be required to deliver a signed copy of the Question to the Clerk. Thereafter, the Clerk shall process the Question in line with Standing Order 51B and submit the notification to my office for approval. Upon approval, the Clerk will be required to convey the Questions to the relevant Cabinet Secretary.
- ii. **Scheduling of Questions;** upon approval of Questions by the Speaker, the Clerk shall submit a list of the Questions to the Senate Business Committee, which shall schedule a date and time for appearance of the relevant Cabinet Secretary. The Clerk will be required to give a Cabinet Secretary at least seven days' notice before the date appointed for the Cabinet Secretary to appear before the Senate. A Cabinet Secretary will in turn be required to provide a physical and electronic copy of a response to a Question at least twenty-four hours before appearing before the Senate.
- iii. **Publication of Questions;** The Clerk is required to publish and to circulate to Senators the Schedule of Questions not later than the Friday preceding the day upon which the Question is to be responded to by the relevant Cabinet Secretary.
- iv. **Disposal of Questions in Plenary;** Questions shall be dispensed with in the manner approved by the Senate Business Committee and as scheduled in the Order Paper. A Senator shall only ask his or her Question on the day it is scheduled in the Order Paper. Senators will be required to address Questions to Cabinet Secretaries pursuant to Standing Order 51C (1), in the manner approved by the Speaker.
- v. **Order for Disposal of Questions:** The Speaker may, on his own motion, or on the request of the Senator who proposes to ask a Question or the Cabinet Secretary, vary the order in which Questions shall be disposed of.

- vi. **Absence of a Senator on the due date of a Question;** Pursuant to Standing Order 51C (2), a Senator may, in writing, nominate another Senator to ask a Question on his or her behalf where the Senator shall be absent on the day on which the Question is listed.
- vii. **Withdrawal of a Question;** for reasons stated, the Speaker may allow a Senator to withdrawal a Question.
- viii. **Supplementary Questions;** after a Cabinet Secretary has responded to a Question, the Standing Orders gives the Speaker power to allow the Senator who asked the Question to raise a maximum of two (2) supplementary questions that relate to the original Question. All other Senators will be allowed to ask one (1) supplementary Question.
- ix. **Allocation of time per Question;** each Question scheduled shall not take more than twenty (20) minutes. This accounts for the original Question and the supplementary questions. Cabinet Secretaries may submit to the Clerk, documents in support of oral responses, which will be deemed to have been Tabled upon receipt by the Clerk.
- x. **Cabinet Secretary submissions:** whenever a Cabinet Secretary addresses the Senate, the Cabinet Secretary shall be heard in silence. Interventions and Points of Order will not be entertained when the Cabinet Secretary is making his/her submission. Senators may react to the submission by Cabinet Secretaries through supplementary questions.

A Cabinet Secretary will be required to provide five (5) physical copies and an electronic copy of a response to a Question at least twenty-four hours before appearing before the Senate. The response will be addressed to the Clerk and delivered to the Senate Journals office located at Main Parliament Buildings.

Honourable Senators,

The Office of the Clerk has made arrangements to ensure that Cabinet Secretaries have access to the Senate to respond to Questions. To this effect, upon arrival at the Parliament Buildings, a Cabinet Secretary will be ushered to the lounge area in the New Wing. At the appropriate time, the Cabinet Secretary, accompanied by a maximum of three (3) officers from the Ministry, will be led into to the Chamber by the Serjeant-at-Arms. Other officers from the Ministry may take up seats in the Speaker's Gallery.

The Cabinet Secretary, and the three designated officers will take up seats to the right of the Chair and wait for the Order for Questions to be called out upon which Senators may ask to pose their questions to the Cabinet

Secretary in the manner approved by the Speaker and provided for in the Order Paper.

After a Senator has asked the Question, the Chair will give an opportunity to the Cabinet Secretary to respond. In making the response, the Cabinet Secretary will proceed to the podium on the right of the Chair and make his or her submissions to the Senate. In the event that there will be need for consultations, the Cabinet Secretary and the officers from the ministry may utilize the consultation rooms behind the Speaker's Chair.

After all the Questions to the Cabinet Secretary have been addressed, the Cabinet Secretary will be at liberty to take leave, whereupon the Senate will continue with the business scheduled in the Order Paper for the day.

Honourable Senators,

Appreciating that tomorrow will be the first time that the Senate will be considering Questions in plenary, I take this opportunity to implore upon Honourable Senators to acquaint yourselves with the procedure on Questions in the Standing Orders and the guidelines issued on the same.

I thank you.”

b) On Visiting delegation for County Assembly of Murang'a

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, a visiting delegation from the County Assembly of Murang'a. The delegation comprises the Speaker, Members of the Speaker's Panel and Secretariat who are on a benchmarking visit with their counterparts in the Senate. They will observe the plenary sessions on Tuesday, 25th April, 2023 and Thursday, 27th April, 2023.

Honourable Senators,

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

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| 1. | Hon. Moses Gachui | Deputy Speaker |
| 2. | Hon. Francis Kibe | Leader of Majority |
| 3. | Hon. John Kamwanga Mwangi | Member, Speaker's Panel |
| 4. | Hon. Antony Marubu Chege | Member, Speaker's Panel |
| 5. | Hon. Hannah Wairimu Kamau | Member, Speaker's Panel |

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| 6. | Ms. Jane Nduta | Senior Clerk Assistant |
| 7. | Ms. Hellen Githinji | Principal Hansard Editor |
| 8. | Mr. Peter Ndung'u | Serjeant- at -Arms |

On behalf of the Senate and on my own behalf, I extend a warm welcome and wish you 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 County Executive of Nakuru for the year ended 30th June, 2022.
- ii.) Report of the Auditor General on the financial statement of the County Assembly of Nakuru for the year ended 30th June, 2022.
- iii.) Report of the Auditor General on the financial statement of the Kitui Water and Sanitation Company Limited for the year ended 30th June, 2022.
- iv.) Report of the Auditor General on the financial statement of the County Revenue Fund for the County Government of Makueni for the year ended 30th June, 2022.
- v.) Report of the Auditor General on the financial statement of the Baringo County Emergency Fund for the year ended 30th June, 2022.

(Deputy Senate Majority Whip)

- vi.) Report of the Standing Committee on Devolution and Intergovernmental Relations on the County Boundaries Bill (Senate Bills No. 6 of 2023)

(Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

6. **NOTICE OF MOTION – ADJOURNMENT OF THE SENATE TO DISCUSS A DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE NAMELY, THE DISCOVERY OF MASS GRAVES THOUGHT TO BE THOSE OF PASTOR PAUL MACKENZIE’S FOLLOWERS WHO PURPORTEDLY DIED OF STARVATION AS PART OF THE RELIGIOUS CONVICTION PREVAILING IN SHAKAHOLA VILLAGE, KILIFI COUNTY, SINCE FRIDAY, 20TH APRIL 2023**

Rising on a point of order, the Nominated Senator (Sen. Catherine Mumma, MP) sought leave to give notice of Motion pursuant to Standing Order 37 for the adjournment of the Senate to discuss a definite matter of urgent National

importance, namely, the discovery of mass graves thought to be those of Pastor Paul Mackenzie's followers who purportedly died of starvation as part of the religious conviction prevailing in Shakahola village, Kilifi County, since Friday, 20th April 2023.

And there being the requisite number of Senators rising in support of the claim;

Thereupon, the Deputy Speaker nominated thirty minutes past five o'clock, as the time when the Motion would be moved.

7. **QUESTIONS AND STATEMENTS**

STATEMENTS PURSUANT TO STANDING ORDER 53(1)

- i.) The Senator for Kisii County (Sen. Richard Onyonka, MP) sought a Statement from the Standing Committee on Finance and Budget regarding the status of pending bills of Kisii County Government.
- ii.) The Senator for Migori County (Sen. Eddy Oketch, MP) sought a Statement from the Standing Committee on National Security, Defense and Foreign Relations regarding threats to the security of *bodaboda* operators in Migori County.
- iii.) The Nominated Senator (Sen. Miraj Abdullahi, MP) sought a Statement from the Standing Committee on Roads, Transportation and Housing regarding landing rights for scheduled international flights to Mombasa International Airport.

8. **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 Vice-Chairperson, Standing Committee on Finance and Budget-20.04.2023)

Debate interrupted on Thursday, 20th April, 2023 resumed;

9. **MOTION - ADJOURNMENT OF THE SENATE TO DISCUSS A DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE NAMELY, THE DISCOVERY OF MASS GRAVES THOUGHT TO BE THOSE OF PASTOR PAUL MACKENZIE'S FOLLOWERS WHO PURPORTEDLY DIED OF STARVATION AS PART OF THE RELIGIOUS CONVICTION PREVAILING IN SHAKAHOLA VILLAGE, KILIFI COUNTY, SINCE FRIDAY, 20TH APRIL 2023.**

Motion made and proposed: -

THAT, pursuant to Standing Order 37, the Senate do now adjourn to discuss a definite matter of urgent National importance, namely, the discovery of mass graves thought to be those of Pastor Paul Mackenzie's followers who purportedly died of starvation as part of the religious conviction prevailing in Shakahola village, Kilifi County, since Friday, 20th April 2023.

(Sen. Catherine Mumma, MP)

Debate arising;

Pursuant to Standing Order 34(2A), the Temporary Speaker (Sen. Hillary Kiprotich Sigei Wakili, MP) adjourned the Senate at forty-five minutes past six O'clock without Question put.

10. **SENATE ROSE** – at forty-five minutes past six O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Wednesday, April 26, 2023 at 9:30 a.m.*

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