



The SENATE

For the Welfare of Society and the Just government of the People

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Weekly

Bill to bar County Governors from Parliamentary elections finally in the House

The Senator says having former governors sit in the two legislatures would lead to conflict of interest and interfere in their decision-making process.



Senator Raphael Chimera.

A Bill that seeks to bar former County Governors from contesting both in the Parliamentary and County Assembly elections has been introduced in the House.

The Constitution of Kenya (Amendment) Bill, 2023, sponsored by Senator Raphael Chimera, went through the First Reading on Wednesday, February 14, 2024, soon after the House

resumed its sittings for the Third Session after the long December recess.

Senator Chimera is seeking to amend Articles 99 (2) and 193 (2) of the Constitution to bar individuals who have served as county governors from vying for election as Members of Parliament or Members of County Assembly for the first five years immediately after completing their term.

The Bill also amends section 24

(2) and 25 (2) of the Elections Act which replicate the provisions of the Constitution.

If the proposal is adopted by the House and signed into law, it means that any County Governors serving his final term in office, or those in the first term who wish to transition to parliamentary politics will not be eligible in the 2027 General Election.

This means that such governors

can only rebound in 2032 when they will be eligible to participate in the parliamentary or Member of County Assembly elections.

Senator Chimera argues that this proposal is meant to offer room for the conclusion of any accountability processes such county chiefs may be subjected to.

The accountability he refers to in the Bill includes auditing of county government financial accounts as the outcome usually has a bearing on whether such a person would be suitable to hold any other elective office.

“In the course of their duties, County Governors have to account to the County Assemblies and the Senate for any financial and administrative decisions they make while in office,” says Senator Chimera in the Objects of the Bill.

Every year, County Governors are mandated by law to respond to audit queries prepared by the Office of the Auditor General and submitted to the Senate and County Assemblies for scrutiny in line with the provisions of the Public Audit Act.

The Senator argues that if former governors are elected to sit in the County Assembly or the Senate, they may be in a position to influence outcomes of the accountability processes against them.

“Barring former county governors from vying for the elections will allow for the completion of any accountability processes related to the administration and financial management of the county to be completed,” says the Senator.

The Senator argues that the Senate and County Assemblies, in exercising oversight over county governments, are bound to examine the actions and decisions of governors, whether they are still in office or have left office.

The Senator says having former governors sit in the two legislatures would lead to conflict of interest and interfere in their decision-making process.

The effect of the bar would mean that oversight bodies will have adequate

time to inquire into any matters arising from the tenure of the governors during their time in office without interference.

“Interference is highly likely particularly if the person is elected as member of county assembly or to the Senate,” argues Senator Chimera

adding that barring the Governors will offer voters a reference point in making an informed choice on the candidate’s suitability for another elective office since all accountability processes would have been completed.

After its introduction, the Bill was

committed to the Committee on Justice, Legal Affairs and Human Rights which will conduct public participation and file back its report to the House.

This being a Bill to amend the Constitution, the Second Reading is not due until after 90 days, which will be May, 14, 2024.

Senators insist on tough sanctions against those who defy House, committee summons



Senators Veronica Maina, Catherine Mumma, Karungo Thang'wa and Agnes Muthama.

Senators have unanimously agreed to increase fine imposed on public officers who have formed the habit of defying summons of the Houses of Parliament and their committees.

During the debate on the Parliamentary Powers and Privileges (Amendment) Bill, 2023, the lawmakers argued that defying such summons has become fashionable in the recent past and it was time for the House to act tough as one of the ways of protecting the integrity of Parliament.

In particular, the lawmakers singled out County Governors who they accuse of arrogance and treating the institution of Parliament with contempt as they refuse to appear before the House when invited to account for the billions of shillings allocated to them.

“There is need to create that offense of contempt of Parliament,” said Senator Catherine Mumma in her contribution to the debate on the Bill which is sponsored by Senator Godfrey Osotsi.

The Bill givea effect to Article 125 of the Constitution by operationalising the powers of arrest by Parliament and Article 50 of the Constitution on the right to a fair hearing.

Article 125 of the constitution vests parliamentary Committees with powers similar powers to those of the High Court.

“When you do not do what the High

Court requires you to do, you are cited for contempt of court. We need to specifically create that offense of contempt of Parliament and proceed to say that contempt of Parliament will attract sanctions.”

She also proposed the creation of an offence in which any person obstructing the arrest of an officer who is in contempt of Parliament also commits an offence.

Accordingly, the Senator argued that obstructing arrest of an officer who is in contempt of Parliament should include failure by any instructed police officer to, actually, arrest the person.

“We need to contemplate that there could be collusion by arresting officers who might not arrest. We should also contemplate that you might get some officers who use goons or other people to make the arrest impossible. Therefore, we should cite an offence against anybody who does that.”

While in the amendment Senator Osotsi had enhanced the fine to sh2 million from Sh500,000, Senators were of the view that the figure was still low and they proposed that it be enhanced to Sh5 million.

“Imposing a fine of Sh500,000 for somebody who has snubbed the summons of Parliament, is a slap on the wrist. The people who snub parliamentary summons are arrogant and rich.

In my humble opinion the Sh2 million in this Bill is too little,” said Majority Leader Aaron Cheruiyot when he contributed to debate on the Bill.

“There must be a price to pay for anybody who is not being responsive and dishonouring summons to Parliament, be they public officers or whoever. There is a difference between an invite to appear and a summon. By the time it gets to a summon, it is because you have dishonoured invites several times. I think Sh2 million proposed in this Bill by Senator Osotsi is still little. We need to be tough. There are people who have all this money.”

The Majority Leader urged Senator Osotsi to increase the amount to Sh5 million and also explore ways of enforcing so that a way is found of compelling people to pay that fine.

While supporting the proposal for the Sh5 million as fine for defying summons, Senator Thangwa further proposed that before any sitting governor is cleared by IEBC to defend their seats, such a Governor should also be cleared by Parliament.

“This is so that when they are taking their papers to IEBC to be cleared for the next running, they should also be cleared by Parliament. This is so that if you owe Parliament anything, you pay at that particular time.

Senator Veronica Maina said the Senate should develop something close to a list of shame of those governors and officers who have been summoned and have consistently refused to appear.

She said those who fail to appear on one single summon, three times, and maybe have even been fined the first time, and there are no justifiable reasons why they did not present themselves before the Committee, their name should be pushed to the list of shame.

“The whole country and the world will then know that an officer can receive public funds and does not want to account for it,” she said.

Senator Agnes Kavindu suggested that the fine should be raised to Sh10 million with a firm directive that the money is recovered even when their term ends.

“This Bill will give the Senate and the Senators teeth to bite. It is very frustrating for us as lawmakers when we summon these people to appear before the Senate or the Committee and they do not appear. It is not like most of them have serious businesses that are making them not to appear. They just ignore because they know even if they do not come, nothing much will be done to them.”

Speaker Kingi leads celebrations to mark Scout Movement Founder's Day

Speaker Amason Jeffah Kingi last weekend joined the scout fraternity in Nyeri town for the annual celebrations to mark the birth of Lord Baden-Powell, the Founder of the global Scout Movement.

The two phased event, started with a campfire event on Friday night at the Kaiyaba Scout Camp, which paved the way for the Founder's Day fete on Saturday at Kamukunji Grounds.

The campfire and the Founder's Day event were attended by thousands of members of the Scout Movement, including Parliamentarians who are members of the World Scout Parliamentary Union (WSPU) caucus.

The Speaker was accompanied by Dagoretti MP John Kiarie, who is President of the WSPU-Kenya and 1st Vice President of the WSPU, Senator Tabitha Mutinda and Ms Teresia Mbaika, Mumias East MP Peter Salasya, Principal Secretary for Devolution, Office of the Deputy President among other leaders and dignitaries.

In the Scouting movement, the Campfire is an integral part of a rich tradition handed down over the decades and serves as a focal point for scouts to gather, bond and share experiences.

Speaker Kingi, who is also the World Scout Parliamentary Union Kenya Senate Patron, lauded the Scouts and Girl Guides for their dedication to the movement and braving the chilly night to participate in the campfire event.

"We in Kenya are privileged to be the home of the Scout movement, given that our founder settled and was buried here.

"We must at all times remain at the forefront in undertaking activities that champion the cause of the Scout Movement," Speaker Kingi said at the campfire.

And in his address during the Founder's Day event, Speaker Kingi reiterated that plans were underway to commence processing of a legislation "Nyeri City of the World Bill" that would provide a basis for elevation of Nyeri town to a City status.

He also challenged the scout fraternity to mobilise its team of youthful members to play an active role in Climate Action initiatives such as tree planting, environmental clean-up campaigns, community sensitization, among other green activities.



Speaker Kingi, Senator Tabitha Mutinda and Dagoretti South MP John Kiarie march to Kamukunji grounds, Nyeri, for the annual celebrations to mark the birth of Lord Baden-Powell, the Founder of the global Scout Movement.



Speaker Kingi and other leaders try out a jig before the official start of the event.



Speaker Kingi addresses members of the Scout Movement



Speaker Kingi, Hon Kiarie and Prof Jacob Kaimenyi sing the national anthem at Kamukunji Grounds in Nyeri



Speaker Kingi inspects a guard of honour mounted by Scouts and Girl Guides.



The Speaker addresses Scouts and Girl Guides during the campfire event on Friday night at the Kaiyaba Scout Camp.



The Speaker addresses Scouts and Girl Guides during the campfire event on Friday night at the Kaiyaba Scout Camp.

Seneta Asige ataka ufafanuzi kuhusu usajili wa walimu wenye ulemavu kwenye miungano bila idhini

Seneta Crystal Asige anaitaka Kamati ya Seneti ya Leba na Huduma za Jamii kutoa taarifa kuhusu usajili wa walimu wenye ulemavu kwenye Muungano wa Kitaifa wa Walimu Wanaofundisha Wanafunzi wenye Mahitaji Maalum yaani Kenya Union of Special Needs Education Teachers (KUSNET).

Katika ombi la taarifa kwa Kamati hiyo, kupitia kwa Spika Amason Kingi, Seneta huyo anataka orodha ya walimu wote wenye ulemavu walioajiriwa na Tume ya Huduma za Walimu TSC, vyama ambavyo wao ni wanachama na kuonesha mchakato kamili wa jinsi walivyosajiliwa kwenye vyama hivyo.

Pia Seneta huyo anataka kueleza ikiwa walimu hao wana haki ya kujiunga na vyama vya wafanyakazi wanavyotaka kwani ni haki yao ya kikatiba na ikiwa ndivyo sababu zitolewe kueleza mbona baadhi yao wamesajiliwa kuwa wanachama wa



Seneta Asige.

KUSNET na kuendelea kutozwa ada za uanachama kila mwezi bila idhini yao.

Seneta Asige anaitaka Kamati hiyo inayoongozwa na Seneta wa Pokot Magharibi Julius Murgor kuthibitisha kuwa uanachama wote wa KUSNET

unafungamana na mwongozo wa usajili wa wanachama wapya kwenye vyama vya wafanyakazi.

Taarifa hiyo, kulingana na ombi la Seneta Asige, itahitajika kujumuisha pia ufafanuzi wa mikakati inayowekwa kuangazia suala hilo na kuwarejeshea walimu husika pesa zao walizotowazwa baada ya kusajiliwa visivyo kwenye muungano huo.

Wakati uo huo, Seneta Asige anaitaka Kamati ya Elimu kwenye Bunge la Seneti kutoa taarifa kuhusu kilio cha walimu wenye ulemavu kuhusiana na Marupurupu yao ya kuwasaidia kuwaajiri wasaidizi.

Asige anaitaka Kamati hiyo inayoongozwa na Seneta wa Murang'a Joseph Nyutu kutoa maelezo kuhusu viwango vilivyochapishwa na Tume ya Mishahara na Marupurupu Nchini SRC kuhusu marupurupu hayo ambayo lengo lake ni kuwasaidia watu wenye ulemavu kuwaajiri wasaidizi au vifaa

vya kuwasaidia katika utendakazi wao.

Seneta Nyutu na Kamati yake wanatakiwa kuthibitisha mchakato wa kutuma upya maombi ya kupata marupurupu hayo, na maombi hayo yanafaa kutumwa baada ya muda gani.

Vile vile Seneta Asige anataka kueleza sababu ambazo huifanya Tume ya Huduma kwa walimu, TSC kuwahusisha walimu wenye ulemavu katika mchakato mrefu wa kutuma maombi licha ya kufuzu kupata marupurupu hayo, hali inayofanya mazingirayao yakazikuwamagumuzaidi.

Kadhalika, Seneta huyo anataka kujua ikiwa walimu wenye ulemavu walioajiriwa na tume ya TSC kwa mkataba wa mafunzo ya nyanjani wanapata marupurupu hayo, na ikiwa sivyo Kamati ibaini ni kwa nini hilo halijatiliwa maanani

Seneta Dullo ataka taarifa kuhusu miradi kwenye Kaunti ya Isiolo

Seneta wa Kaunti ya Isiolo Fatuma Dullo amewasilisha ombi la taarifa katika Seneti akiitaka Kamati ya Seneti ya Barabara, Uchukuzi na Makazi kutoa maelezo kuhusu hali ya miradi inayotekelezwa na Serikali ya Kaunti ya Isiolo.

Seneta Dullo anataka orodha ya miradi yote ya Kaunti, inakopatikana na hali ya kutamatika kwake, na mgao wa kibajeti wa miradi na matumizi ya pesa katika mwaka wa kifedha wa 2022/2023 na 2023/2024.

Aidha Kamati hiyo inayoongozwa na Seneta wa Kiambu Karungo Thang'wa inatakiwa kutoa maelezo ya lini miradi hiyo itatamatika, kueleza kucheleweshwa kokote na jinsi changamoto hiyo inavyotatuliwa.

Seneta huyo wa Isiolo anataka pia kueleza kuhusu miradi mingine yoyote mipya inayoratibiwa kutekelezwa na Serikali ya Kaunti siku zijazo.

Kwenye ombi jingine la taarifa, Seneta yuyo huyo anaitaka Kamati ya Leba na Maslahi ya Kijamii katika Seneti kutoa taarifa kuhusu utoaji wa ajira katika serikali ya kaunti ya Isiolo.

Seneta Dullo anataka taarifa hiyo



Seneta Dullo.

ijumuishe nakala ya sera za uajiri katika Serikali ya Kaunti ya Isiolo na orodha ya wafanyakazi ambao wameajiriwa na Serikali tendaji na Bunge la Kaunti Isiolo, na

mfumo wa uajiri wao ikiwa ni wa mkataba wa muda, vibarua au wa kudumu.

Aidha Kamati hiyo inayoongozwa na Seneta wa Kaunti ya Pokot

Magharibi Julius Murgor inatakiwa kutoa taarifa kamili kuhusu kiasi cha pesa zinazotumiwa kwa mishahara kwenye Serikali tendaji na Bunge la Kaunti, ikieleza viwango vya mishahara na marupurupu kwa kila mfanyakazi.

Wakati uo huo, Seneta huyo wa chama cha Jubilee anataka taarifa kutoka kwa Kamati ya Kudumu ya Fedha na Bajeti kuhusu malipo ya wazabuni yaliyocheleweshwa katika Serikali ya Kaunti ya Isiolo.

Kwenye ombi la taarifa lililowasilishwa kwa Spika Amason Kingi, Seneta Dullo anataka maelezo kuhusu malipo yaliyocheleweshwa kwa wazabuni kwa mwaka wa kifedha wa 2013/2014 hadi mwaka wa 2022/23 na sababu za malipo hayo kukosa kutolewa na kwa kipindi gani.

Seneta Dullo anaitaka Kamati hiyo inayoongozwa na Seneta wa Manderu Ali Roba kutoa maelezo ya malipo yote ambayo yamefanywa kwa wazabuni katika Kaunti ya Isiolo tangu Ugatuzi ulipoanzishwa na mkakati wowote wa Serikali ya Kaunti kutatua changamoto hii ya malimbikizi ya madeni kwa wazabuni.

Committee on Lands starts consideration of three key Bills

The Committee on Land, Environment and Natural Resources has started engaging stakeholders to get their buy-in several business before it.

Last week the committee, which is chaired by Senator John Methu hosted stakeholders where it deliberated on the Real Estate Regulation Bill, 2023, the National Rating Bill, 2022 and Meteorology Bill, 2023.

During the meetings, the committee hosted the Cabinet Secretary Ministry of Lands, Public Works, Housing and Urban Development Alice Wahome, Principal Secretary Ministry of Environment and Forestry Festus Ng'eno, the Council of Governors and other Stakeholders to deliberate on Bills.

The National Rating Bill, 2023, seeks to establish a uniform legislative framework for county governments in Kenya to levy rates on land and buildings within their jurisdiction, in line with Articles 190(1) and 209(3)(a) of the Constitution.

The Bill aligns with national values and principles of governance, public



The Lands Committee led by chairman John Methu pose for a picture with CS Lands Alice Wahome (4th right) after the meeting that considered three Bills before the House. On the right, is Senator Methu.

service, and public finance as defined in Articles 10, 232 and 210 of the Constitution. It serves as a strategic tool for county governments to use property rates for enhancing local socio-economic development.

The Meteorology Bill, 2023, proposes to establish a comprehensive framework for regulating, coordinating, monitoring, managing, and controlling meteorological services in Kenya.

The Bill seeks to align the meteoro-

logical services with international standards and enhance the contribution of these services to various sectors such as aviation, agriculture, and environmental management.

The primary purpose of the Real Estate Regulation Bill is to establish a robust and transparent framework for the regulation of the real estate sector in Kenya. It aims to create standardised practices and codes of conduct for real estate agents and developers, thereby en-

hancing accountability and professionalism within the industry.

The Bill seeks to protect the interests of various stakeholders, including purchasers, by ensuring compliance with national values and principles. It also intends to provide a structured approach to the registration and licensing of real estate agents, the registration of real estate projects, and the supervision of developers' activities to promote fair and ethical practices in the real estate sector.



We shall ensure Counties are properly resourced, Senator Roba assures Governors



Senator Ali Roba, chairman of the Budget Committee, talks to Governor Anne Waiguru during the meeting between the Council of Governors and the committee.

The Council of Governors (CoG) has asked the Senate to help push the National Government to let go all the devolved functions as provided for in the constitution.

The Council faulted the State for clinging on some functions and resources and insisted that the Senate must step in and ensure that counties get their "rightful and constitutional share" of devolution.

At a meeting with the Committee on Finance and Budget during the consideration of the Budget Policy Statement, CoG observed that the National Treasury should allocate money towards the implementation of Aggregation and Industrial Parks projects that are being imple-

mented jointly between the two levels of Government.

The Governors are demanding an allocation of Sh450 billion as equitable shareable revenue for the 2024/25 financial year which is much higher than the Sh319 billion being proposed by the National Treasury.

To justify their demand, the Council says the allocation is aimed sustaining the implementation of the Medical Equipment Service Programme, which is coming to an end in March 2024; expenditure on MRI and CT Scan machines.

They also submitted that the Housing Levy, National Social Security Fund, Social Health Insurance Fund deductions besides the annual salary increment as



Senator Johnson Sakaja makes his contribution to the Budget Committee during the consideration of the Budget Policy Statement. He is flanked by Governors Waiguru and Mutahi Kahiga.

required by the law will increase County expenditure thus need for an increase in the allocation to Counties.

In addition, the County Governors say they need to set aside resources for the implementation of Library and Museum functions, which are the latest functions to be devolved.

"It's your obligation to protect and ensure Devolution works as envisioned in the constitution," said Governor Anne Waiguru, who also chairs the Council.

Governor Waiguru warned that should the Senate abdicate its noble role then Devolution will collapse.

Other stakeholders who appeared before the Senator Ali Roba led Committee were the Commission on Revenue Allo-

cation and the International Budget Partnership-Kenya (IBP-Kenya).

Senator Roba assured the stakeholders that the committee will do its best as provided in the constitution to ensure that the counties are properly financed.

"Pushing for more allocation to counties is part of our role as a Senate. We can assure you that as a committee we shall ensure that all functions that need to be devolved are devolved and that the necessary funds follow the functions," said Roba.

The stakeholders appeared before the Committee to deliberate on the 2024 Budget Policy Statement (BPS), Medium Term Revenue Strategy (MTRS) and Medium Term Debt Management Strategy (MTDMS).

Senators extend time for consideration of 2024 Budget Policy Statement



Senators Aaron Cheruiyot, Danson Mungatana and Enoch Wambua.

The House has voted to extend the time for the consideration of the 2024 Budget Policy Statement (BPS), beyond the statutory 14 days.

The lawmakers unanimously adopted the motion brought by the Leader of Majority Aaron Cheruiyot arguing they need more time to look into the issues because the magnitude of the work involved in the consideration of the BPS is immense.

The work involves consideration of the proposals in the BPS by all House Committees, stakeholder engagements, reporting by the Committees to the Committee on Finance and Budget, and debate and approval of the report of the Finance Committee on Finance and Budget by the House.

“We must stop the last-minute rush

to hurriedly consider a very important policy document that involves the overall management of our economy and having to force Committees to hold hearings within short periods,” said Senator Cheruiyot when he moved the motion.

The National Treasury submitted the BPS to the House on Thursday, February 15 as required by the Public Finance Management Act which goes on to obligate Parliament to complete its consideration within 14 days.

In his Communication to the House, Speaker Amason Kingi had directed the Committees to complete the consideration of the document by February 28, to pave the way for debate by the House a day later, February 29.

But during the Wednesday debate, the lawmakers agreed to

extend the deadline to March 7, 2024 as most of the committees received copies of the BPS, five days after the stipulated date, on February 20.

“I support the extension because the Committee on Energy received the BPS yesterday,” said Senator Danson Mungatana during the debate on Tuesday, February 21.

“When we looked at and analysed it, there were many issues. We had many questions for the Cabinet Secretaries,” said Senator Mungatana even as he cited the example of Ministry of Energy.

“For example, how are they intending to make Kenya Power Company more profitable? It has huge debts and yet, they are talking about allocating it more funds.”

Senator Mungatana, who seconded

the motion said the House needs more time so that we the lawmakers can engage Cabinet Secretaries.

“It is not possible for us to receive that report on a Tuesday morning and then on a Thursday, we are supposed to give it to the Committee on Finance and Budget.”

While supporting the extension, Deputy Minority Leader Enoch Wambua observed that a way must be found for the input of the Senate on the BPSs to be considered.

“Many a time, we have engaged in what I will call largely a wild goose chase. This is whereby the committees of the Senate sit and consider the statement; they have their input. It is forwarded to the relevant authorities, but never considered.”

Senator Jackson Mandago, who chairs the Health Committee, cited the Universal Health Coverage (UHC), the delay in the completion of the Kidney Training and Treatment Centre and the concerns about the National Health Insurance Fund (NHIF) as it is being transitioned to the Social Health Insurance Fund (SHIF) as some of the things that the committee wants the Health Cabinet Secretary to respond to before finally submitting its report to the Committee on Finance and Budget.

House to probe amputation of baby's arm in Taita Taveta Hospital



Senator Hamida Kibwana.

The Senate has launched investigations into circumstances that led to amputation of baby Jennifer Mwasi's hand by Wesu hospital in Taita

Taveta County.

Nominated Senator Hamida Kibwana has sought the intervention of the House following the incident that saw the infant lose one of her arms while receiving treatment at the health facility.

The probe is now being handled by the Committee on Health.

Senator Kibwana wants the committee to conduct thorough investigation into the circumstances surrounding the amputation, review the medical

Records of the baby and record witness testimonies and any other pertinent evidence that may help solve the case.

She wants the committee to summon the medical staff and administrators involved in the case to provide testimony and explanations regarding their actions leading up to the tragic incident.

She further wants the committee to

evaluate the adequacy of existing patient safety protocols, medical procedures and supervision mechanisms in place at healthcare facilities in Taita Taveta County.

Senator Kibwana told the House this will aid in pinpointing systemic weaknesses and areas for improvement.

“The committee should engage with relevant stakeholders, such as the county health department, medical associations, patient advocacy groups and civil society organisations to gather input and recommendations for strengthening patient safety measures and ensuring accountability in the delivery of healthcare service,” said Senator Kibwana.

At the same time, Senator Kibwana wants the same committee to report to the House on the absence of a national data bank for unclaimed bodies in the

country.

The Senator is seeking a statement concerning the handling of unclaimed bodies in Kenya.

She the Ministry of Health to explain the number of unclaimed bodies, their locations and the existing procedures for handling and disposing them.

The committee should evaluate international best practices and existing models for managing unclaimed bodies with a focus on making policy recommendations, if any, on a centralized data bank for unclaimed bodies.

The further proposed that the committee should recommend legislative proposals or policy recommendations that are aimed at establishing a national framework to address the identified gaps and challenges in the management of unclaimed bodies.

Collaborate with Senate for flawless impeachment process, Deputy Clerk Gichangi advises stakeholders



Deputy Clerk Eunice Gichangi addresses participants during the retreat.



Participants in the impeachment retreat, led by Director of Legal Services, Senate, Dr. Johnson Okello pose for a picture after the meeting.

Deputy Clerk Eunice Gichangi has said there is need for stakeholders to strengthen and fortify the process to impeach state officers so as to increase transparency and accountability on the part of the County Assemblies and the Senate.

The Deputy Clerk called on those involved in the impeachment process to collaborate with the

Senate with a view to ensuring the impeachments are smooth and flawless.

Speaking on Friday, February 23, Ms Gichangi thanked the stakeholders for their invaluable input in strengthening the process pointing out the work that they do is critical in serving Kenya's legislative needs and upholding the integrity of the democratic institutions.

"The work you do serves to

grow jurisprudence not just in our country but even beyond our borders," declared Deputy Clerk Gichangi when she officially opened the Impeachment Review Process Retreat for stakeholders in Nairobi.

"As we review the impeachment digest and manual documents, we should ensure the final documents we come up with should not only reflect

the legal framework required for the impeachment process but also embody the principles of justice and fairness."

The stakeholders advised the Senate to extend the time required for the House to consider the impeachment of a state officer so as have ample time to conduct public participation in line with the Constitution.

"The courts have said that the Senate must conduct public participation. The Senate must therefore, find ways in which it can amend its Standing Orders to subject the process to fair hearing," said lawyer Ndegwa Njiru.

"The timelines for the impeachment of the Governor and Deputy Governor aren't prescribed in the Constitution. If the Senate amended the Standing Orders to expand the impeachment timelines, I don't think the world will come crumbling down," added lawyer Elisha Ongoya.

The Impeachment Review Process Retreat aims to conduct a comprehensive review of the past impeachment proceedings in the Senate and document precedence emerging from them.

This Week in History



"There is an urgent need for African parliaments, including the Kenyan institution, to institute mechanisms to protect women parliamentarians from sexism and other forms of sexual harassment and violence. This can be achieved through independent receipt and processing of gender sexual harassment and discrimination complaints that protect the victims from retribution by the perpetrators."

Senator Abshiro Halake contributing to debate on a statement on the high prevalence of sexism and violence against women in African Parliaments on March 3, 2022



"This is an issue of concern not only in Kenya but globally. Women have not been predominant in issues of governance and politics. The society in the past had defined the role of women as being in the kitchen."

Senator (Dr.) Gertrude Musuruve contributing to the debate on a statement on the high prevalence of sexism and violence against women in African Parliaments on March 3, 2022.



"This is a very disturbing issue. First, it points to a state of impropriety on Nairobi City County Government, if the statement is true. Secondly, under statutory deductions whether it is the National Health Insurance Fund (NHIF) or the National Social Security Fund (NSSF), any person who is found not to have remitted the statutory deductions appropriately is liable to criminal prosecution."

Senator Mutula Kilonzo Jr., contributing to the debate on the statement on the unsettled statutory deductions for staffers of Nairobi City County on March 2, 2022.



"This is corruption and it must be called by its name. The deduction was not remitted. How come the money has been released by the exchequer to the county government? It is supposed to ensure that statutory deductions are paid. We have witnessed this issue in many counties. In Nandi County, for example, there was a time they were not remitting NHIF deductions. There have been cases where statutory deductions to KRA are not remitted. I remember the former governor of this county was almost arrested by the KRA for failure by the county government to remit this money. That is why there are many pending bills in most county governments."

Senator Samson Cherarkey contributing to the debate on the statement on the unsettled statutory deductions for staffers of Nairobi City County on March 2, 2022.

Affordable Housing Bill in the Senate

The Affordable Housing Bill, 2023 was introduced in the House for the first time and committed to the Committee on Roads, Transportation and Housing.

The committee, which is chaired by Senator Karungo Thangwa, has 30 days to conduct public participation and consider the Bill which is a key pillar of the Kenya Kwanza manifesto.

The Bill, which originated from the National Assembly, was first published on December 4, 2023 and introduced pursuant to Article 109(4) of the Constitution as a Bill seeking to provide a legal framework for development and access to affordable housing and institutional housing and to give effect to Article 43(1)(b) of the Constitution on the right to accessible and adequate housing.

The National Assembly considered the Bill and passed it with amendments on Wednesday, February 21, 2024 and Speaker Moses Wetangula referred it to the Senate for consideration.

Standing Order No.163 requires that

a Bill which originates in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading.

“I will direct the Clerk to call out and read the Bill for the first time, The Affordable Housing Bill (National Assembly Bill No.75 of 2023),” Speaker Amason Kingi ruled.

The Bill establishes the Affordable Housing Fund, into which the levies deducted from salaries are to be paid, to be managed by a board of directors.

The Bill anchors in to law the decision to collect a 1.5 percent levy on workers’ gross pay and extends the imposition of the affordable housing levy to incomes other than salaries paid to employees in the formal employment sector.

The Bill also empowers the Cabinet Secretary (CS) responsible for the National Treasury to exempt any income or class of income or any person or class of persons from the Levy.

The Bill designates either, the Commissioner General of the KRA, or any other person appointed by the CS responsible for the National Treasury, as the collector of the Levy.

The Levy should be paid to the collector by the ninth working day after the end of the month in which the gross salary was due or gross income was received or accrued.

“Any default on payment attracts a penalty of three percent (3%) of the unpaid amount payable for each month that it remains unpaid,” says the Bill.

The Board shall be composed of a non-executive chairperson appointed by the President, the Principal Secretaries to both the National Treasury and the State Department responsible for matters related to affordable housing or their designated representatives and three other persons appointed by the cabinet secretary responsible for matters related to affordable housing.

The three persons shall be nominees of the Council of County Governors

(COG), the Central Organisation of Trade Union (COTU) and the Federation of Kenya Employers (FKE) his designated representative.

Three persons, not being public officers appointed by the cabinet secretary and possessing qualifications in the built environment, finance and law; and the Chief Executive Officer who shall have no right to vote at a meeting of the Board.

The Bill establishes a framework for the criteria and application procedure for an affordable housing unit. The Bill proposes three (3) categories of housing units; a social housing unit for persons whose monthly income is below Sh20,000, an affordable housing unit for persons with income of between Sh20,000 and Sh149,000 and an affordable market housing unit for persons with income of over Sh149,000.

The Bill also allows persons who meet the eligibility criteria to make an application to the relevant agency for allocation of an affordable housing unit or for a loan towards the purchase of a unit.

Senators demand explanation from government over various national issues

Senator Edwin Sifuna wants the state to explain circumstances leading to the death of Master Jollyben Iboshe, a nine-year old child who drowned on January 5 following flash floods in Mashimoni, Kibra Constituency, Nairobi County.

The boy’s body was retrieved after being swept into the Nairobi Dam.

In a request for a statement on the death on the floor of the House, Senator Sifuna the state to explain the actions taken by the disaster response authorities and the national security personnel in the area to facilitate the recovery of Master Iboshe’s body and hand it over to his family for a decent burial.

He also wants the government to outline targeted long-term strategies and actions that will be implemented to prevent similar tragedies in the future.

Similarly, Senator Beatrice Ogolla also wants a statement regarding waste disposal by Sukari Industries in Ndhiva Sub-County, Homa Bay County.

The senator wants the state to provide a comprehensive report regarding the location and methods utilised for the disposal of both liquid and solid waste generated by Sukari Industries and to explain the treatment process employed for liquid waste, ensuring its alignment with the requisite environmental standards and furnish the Senate with tangible evidence on the effectiveness of the treatment methodologies deployed by the company in the disposal of liquid waste.

The senator further wants the Senate to undertake a site visit to the Sukari Industries Limited to evaluate their waste



Senator Mwaruma

management strategies and actively engage with the local community to mitigate persistent apprehensions regarding potential environmental risks stemming from pollutants emitted by the industry.

Senator Johnes Mwaruma is seeking a statement regarding the welfare of adult education teachers in Taita Taveta County. In the Statement, the Senator wants the government is aware that adult education teachers in Taita Taveta County have not received their salaries for a period of 10 months.

The senator wants the government to give timelines when the teachers are expected to receive their overdue salaries and explain measures the Ministry is implementing to curb future salary disbursement delays.

“The Ministry of Education should inform the Senate whether it intends to recruit additional adult education teachers in Taita Taveta County to address the shortage caused by retirement and resignations and Spell-out plans to promote the teachers to the next grade and



Senator Sifuna and Senator Moses Kajwang;



Senator Ole Kina and Senator Godfrey Osotsi

provide details of the adult education scheme of service.

Senator Ledama ole Kina also wants details of electricity connectivity at various hospitals and public schools in Narok County. In the Statement, the senator wants to know why Emurua Dikirr Level 4 Sub County Hospital has not been installed with three-phase electricity to run the Radiology Department of the hospital.

He wants the government to state why over 27 schools located at Emurua Dikirr Sub County of Ilkerin, Kapsasian

and Mogondo wards have not been connected to electricity.

He also wants the Ministry of Energy to provide a status report on the replacement of all faulty transformers in Narok County, provide an update on the last mile electricity connectivity of all the schools and hospitals and explain why Level 3 hospitals in Narok County, including Sakutiek Hospital (Narok North), Loita Hospital (Narok South) have not been connected to electricity to run equipment such as incubators and the Radiology Department

House adopts NADCO report as lawmakers push for peaceful coexistence

The House has adopted the National Dialogue Committee (NADCO) report has been adopted amid calls by the Senators for peaceful coexistence in the country.

The motion on the report was moved by Majority Leader Aaron Cheruiyot who asked the House to adopt the document to pave the way for its implementation.

“If we had gone to the talks and turned it into a contest of egos, we would not have gotten where we are. We ought to respect the work and the integrity that has gone into this Report,” said Senator Cheruiyot when moving the motion.

“As politicians, a few months before elections we make amendments to the law and when things change we come back to Parliament to cry. There no better time to have sober discussions to, say how to run our political parties or the two-thirds gender challenge.”

Some of the recommendations of the Committee include an audit of the 2022 Electoral Process and the restructuring and reconstitution of the Independent Electoral and Boundaries Commission.

NADCO has also recommended the establishment of an expanded IEBC selection panel from the current 7-member to a 9-member selection panel.

It also recommended the increase of timelines within which the Supreme Court shall hear and determine a petition



Majority Leader Aaron Cheruiyot moves the motion on Nadco report.

challenging the validity of a presidential election from 14 to 21 days.

The Committee also recommended that legal reforms passed less than 18 months to the general elections become effective in the next electoral cycle.

Among the instruments of the report is the Constitution of Kenya (Amendment) Bill for consideration by Parliamentarians.

Bills on IEBC among others, including policies, have been attached to the report with Sen. Cheruiyot saying some of them do not require Parliament to do anything as they already have sufficient laws to govern them.

Other proposals included in the report

are governance issues, making the Senate

serve a longer term than the provided five years as a way of compensating for it, fidelity to political parties, coalitions and the law of multiparty democracy, how to share the political party fund, entrenchment of various funds into the Constitution and the establishment and entrenchment of the various state offices.

“This is an ample document and platform upon which we can negotiate and get a solution to build a better future for this country. Very commendable document, maybe not a magical document but it a platform that has taught us that we can talk to each other rather than at

each other.” Senator Wamatinga Wamohome told the House.

Senator John Kinyua Nderitu supported the Report but suggested that in the spirit of urgency and austerity measures, future talk could be held in Parliament.

Senator Mohammed Chute championed for restoration of privileges enjoyed by political leaders regardless of their side of the political inclination.

Majority Whip Boni Khalwale said the compromise in the report is in keeping with the spirit of progression and urged his colleagues to adopt the Report to help move the frontier of democracy.

Senator Tom Ojienda lamented on the flimsy tackling of the question of cost of living. He added that there are also a number of Constitutional hurdles that would need streamlining before the various Bills needed were done to avoid the hitting the dead end that the BBI did.

Senator Okong’o Omogeni countered the narrative that the issue of cost living had not been addressed. He said that they had a sit down with the Cabinet Secretary for National Treasury, Prof. Njuguna Ndung’u which led to recommendations in the report on the same.

Senator Margaret Kamar lauded the Committee for including the Offices of the Prime Cabinet Secretary and Leader of Opposition citing the grand coalition government whose aim was inclusivity of all Kenyans in the running of government.



Senators Margret Kamar, Boni Khalwale, Tom Ojienda and Mohamed Chute are among the lawmakers who contributed to the debate on the report.



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1. Majority Whip Boni Khalwale leads other Senators in congratulating Majority Leader Aaron Cheruiyot for another milestone. This was during Senator Cheruiyot's birthday party at an event held in Parliament Buildings.
2. Speaker Amason Kingi and other Senators join Senator Cheruiyot in cutting the cake to celebrate his birthday.
3. Speaker Kingi leads Senators in singing Happy birthday to Senator Cheruiyot.
4. Senator Miraj Abdulrahman pose for a picture with youth leaders from Nandi County who had visited Parliament Buildings for a familiarisation tour.
5. National Assembly Speaker Moses Wetangula and Speaker Amason Kingi share a light moment with Public Service CS Aisha Jumwa. The CS had paid a courtesy call to the Offices of the two Speakers.
6. Speakers Kingi and Wetangula in discussion with the CS Aisha Jumwa during the visit.



7. *Speaker Kingi receives a gift hamper from Mr Kithinji Kiragu, the chairman of the Inter-Governmental Relations Technical Committee, IGRTC, during a function at the Senate.*
8. *Speaker Kingi presides over the meeting with officials from IGRTC.*
9. *Speaker Kingi and Senators Catherine Mumma (right) and Veronica Maina (second right) with IGRTC officials after the meeting in Parliament Buildings.*
- 10: *Dr Johnson Okello, Director, Legal Services in the Senate, makes his contribution during the Impeachment Stakeholders meeting in Nairobi.*
- 11: *Deputy Clerk Eunice Gichangi and Mr Njenga Njuguna, Director, Governance and Accountability Committees of the Senate, during the meeting with impeachment Stakeholders in Nairobi.*



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