



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, JULY 03, 2024 (MORNING SITTING)

1. The Senate assembled at thirty Minutes past Nine O'clock.
2. The proceedings were opened with Prayer said by the Speaker.
3. **QUORUM OF THE SENATE**

The Speaker, having counted the Hon. Senators present at the commencement of the Sitting and confirming that there was a Quorum, invited the Clerk to call out the Orders of the Day.

4. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair-

(i) Consideration of National Assembly amendments to the Equalization Fund Appropriation (No. 2) Bill (Senate Bill No. 30 of 2023)

“Honourable Senators,

At the morning sitting of the Senate held on Wednesday, 26th June, 2024, I conveyed a Message from the National Assembly, on the passage, with amendments, by the National Assembly, of the Equalization Fund Appropriation (No. 2) Bill (Senate Bill No. 30 of 2023).

Pursuant to Standing Order 165 (2), the Senate is required to make a determination on the National Assembly amendments to the Bill, upon a Motion that “*the Amendments by the National Assembly to the Equalization Fund Appropriation (No. 2) Bill (Senate Bill No. 30 of 2023), be now considered*”.

Honourable Senators,

As a matter of procedure, I hereby commit the National Assembly amendments to the Bill, to the Standing Committee on Finance and Budget.

The Standing Committee will be required to consider the amendments and make a report to the Senate, with recommendation on whether the Senate adopts the National Assembly amendments to the Bill or otherwise. The report of the Committee will facilitate the Senate in deciding on the Motion referred to above.

In this respect, the Standing Committee is hereby directed to table its report by Wednesday, 10th July, 2024.

I thank you.”

(ii) Nomination of a person for appointment as the Director General for Health

“Honourable Senators,

I have a communication to make on the nomination of a person for appointment as the Director General for Health.

Vide a letter, Ref. MOH/ADM/VOL III/2023, dated 21st June, 2024, my office received communication from the Cabinet Secretary, Ministry of Health submitting the name of Dr. Amoth Patrick Omwanda as the successful candidate for the position of Director General for Health, following a competitive recruitment exercise conducted by the Public Service Commission.

Honourable Senators,

Section 16 (2) of the Health Act, requires Parliament to vet the nominee submitted by the Cabinet Secretary for appointment as the Director General for Health. The said Section states as follows-

“The Director-General for health shall be recruited by the Public Service Commission through a competitive process, vetted by Parliament and appointed by the Cabinet Secretary.”

Section 8 (1) of the Public Appointments (Parliamentary Approval) Act states that a Committee shall consider a nomination and table its report in the relevant House for debate and decision within twenty-eight (28) days from the date on which the notification of nomination was given.

Honourable Senators,

This being a matter of immense importance in the provision of public health facilities, I hereby refer the request of the Cabinet Secretary for the Ministry of Health to the Standing Committee on Health for further processing pursuant to Standing Order 77 of the Senate.

The Standing Committee, working jointly with the relevant Departmental Committee of the National Assembly, will be required to consider the request, undertake approval hearing and table a report within twenty-eight (28) days, pursuant to Section 8 (1) of the Public Appointments (Parliamentary Approval Act).

The Committees are expected to forthwith, jointly commence the vetting process of the nominee, ensuring that the Committees notify the candidate and the public, of the time and place for holding the approval hearing in accordance with Standing Order 77 (2) of the Senate and the corresponding Standing Order of the National Assembly.

I thank you.”

(iii) Commencement of amendments to the Senate Standing Orders

“Honourable Senators,

I have a communication to make relating to amendments to the Standing Orders of the Senate, which took effect on 25th June, 2024.

As Honourable Senators may recall, at the sitting of the Senate held on 28th May, 2024, the Senate adopted the Second Report of the Procedure and Rules Committee (PRC) on the review of the Standing Orders of the Senate. The amendments relate to interpretation of terms, quorum of the Senate during division and voting, pre-publication scrutiny on Bills, functions of Standing Committees, and the procedure on consideration of Petitions in the Senate.

The amendments have been inserted as an Addendum to the existing Standing Orders for ease of reference. I appeal to all Honourable Senators to familiarize themselves with these amendments, which pursuant to the Resolution of the Senate made on 28th May, 2024, took effect from Tuesday, 25th June, 2024.

I thank you.”

5. MESSAGE FROM THE NATIONAL ASSEMBLY ON THE APPROVAL OF THE SENATE AMENDMENTS TO THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 10 OF 2024)

The Speaker conveyed the following Message from the National Assembly-

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order No. 46 (3) and (4), I received the following Message from the Speaker of the National Assembly regarding the approval, by the National Assembly, of the Senate amendments

to the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bills No. 10 of 2024).

Pursuant to the said Standing Orders, I now report the Message-

“PURSUANT to the provisions of Standing Order 41(1) of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly—

WHEREAS, on 11th June 2024, the Senate considered and passed the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 10 of 2024, with amendments and referred the Bill to the National Assembly for concurrence;

AND WHEREAS, on 20th June 2024, the National Assembly considered and approved the Senate amendments to the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 10 of 2024) pursuant to with the provisions of Article 112(2) of the Constitution;

NOW THEREFORE, I hereby convey the said decision of the National Assembly to the Senate. Consequently, in accordance with the provisions of Article 112(2)(a) of the Constitution and Standing Orders 41(1) and 148 of the National Assembly Standing Orders, I will present the Bill to the President for assent.”

I thank you.”

6. NOTICE OF MOTION-THE CURRENT STATE OF THE NATION

(The Senate Majority Leader)

RECOGNIZING the State of the nation at this moment; the ongoing protests following the passing of the Finance Bill (National Assembly Bills No. 30 of 2024) on 25th June, 2024 by the National Assembly; the loss of lives, maiming and loss of property that has been occasioned following these protests;

COGNIZANT THAT pursuant to Article 115(1)(b) of the Constitution His Excellency the President of the Republic of Kenya declined to assent to the Bill and referred it back to the National Assembly with recommendations to delete all clauses of the Bill;

ACKNOWLEDGING THAT the conversation on the Finance Bill has triggered the broader important public conversation on the question of the high cost of living juxtaposed against the wasteful expenditure in all public institutions including Parliament;

FURTHER ACKNOWLEDGING the issues raised by the youth and other members of the public to do with corruption, impunity, incompetence within state and public appointments, opulent lifestyles of public officers,

unemployment and high cost of living amongst other issues bedeviling the economy;

NOW THEREFORE, the Senate—

1. calls upon-

- i) the National Assembly to expeditiously consider the presidential memorandum pursuant to Article 115(2)(a);
- ii) all government ministries, departments and agencies, and constitutional commissions, including Parliament, to put in place austerity measures in undertaking their respective functions;
- iii) the Ethics and Anti-Corruption Commission (EACC) and other government multi sector agencies in the governance, justice, law and order sector to upscale and make concerted efforts to fight corruption;
- iv) the National Police Service to cease abductions, unlawful arrests, extra judicial killings and exercise restraint in dealing with peaceful and unarmed demonstrators;
- v) release of all persons arrested for planning and participating in peaceful demonstrations relating to the enactment of the Finance Bill;
- vi) the government to waive hospital bills for persons who have been injured and defray funeral expenses for those who lost their lives, during the demonstrations; and
- vii) the Judiciary to prioritize and expedite all court cases relating to the enactment of the Finance Bill and the resultant demonstrations.

2. considers all the challenges facing the country and makes necessary recommendations to address them.

7. PAPER LAID

The following Paper was laid on the Table of the Senate:

Report of the Select Committee on Delegated Legislation on its consideration of the Social Health Insurance (General) Regulations, 2024 and the Social Health Insurance (Tribunal Procedure) Rules, 2024.

(The Senate Majority Leader on behalf of the Chairperson, Select Committee on Delegated Legislation)

8. **MOTION-THE CURRENT STATE OF THE NATION**

Order read;

Motion made and Question proposed;

RECOGNIZING the State of the nation at this moment; the ongoing protests following the passing of the Finance Bill (National Assembly Bills No. 30 of 2024) on 25th June, 2024 by the National Assembly; the loss of lives, maiming and loss of property that has been occasioned following these protests;

COGNIZANT THAT pursuant to Article 115(1)(b) of the Constitution His Excellency the President of the Republic of Kenya declined to assent to the Bill and referred it back to the National Assembly with recommendations to delete all clauses of the Bill;

ACKNOWLEDGING THAT the conversation on the Finance Bill has triggered the broader important public conversation on the question of the high cost of living juxtaposed against the wasteful expenditure in all public institutions including Parliament;

FURTHER ACKNOWLEDGING the issues raised by the youth and other members of the public to do with corruption, impunity, incompetence within state and public appointments, opulent lifestyles of public officers, unemployment and high cost of living amongst other issues bedeviling the economy;

NOW THEREFORE, the Senate—

1. calls upon-

- i) the National Assembly to expeditiously consider the presidential memorandum pursuant to Article 115(2)(a);
- ii) all government ministries, departments and agencies, and constitutional commissions, including Parliament, to put in place austerity measures in undertaking their respective functions;
- iii) the Ethics and Anti-Corruption Commission (EACC) and other government multi sector agencies in the governance, justice, law and order sector to upscale and make concerted efforts to fight corruption;
- iv) the National Police Service to cease abductions, unlawful arrests, extra judicial killings and exercise restraint in dealing with peaceful and unarmed demonstrators;
- v) release of all persons arrested for planning and participating in peaceful demonstrations relating to the enactment of the Finance Bill;

- vi) the government to waive hospital bills for persons who have been injured and defray funeral expenses for those who lost their lives, during the demonstrations; and
 - vii) the Judiciary to prioritize and expedite all court cases relating to the enactment of the Finance Bill and the resultant demonstrations.
2. considers all the challenges facing the country and makes necessary recommendations to address them.

(The Senate Majority Leader)

Debate arising;

The Temporary Speaker (Sen. Abdul Haji, MP), for the convenience of the House, pursuant to Standing Order 34(2A), adjourned the Senate at eleven minutes past One O'clock without Question put.

9. **SENATE ROSE** - at eleven minutes past One O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Wednesday, July 03, 2024 at 2.30 p.m.*

--x--