



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (THIRD SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**TUESDAY, JULY 23, 2024 AT 2.30 PM**

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 Quorum, invited the Clerk to call out the Orders of the Day.

4. **PAPERS**

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

- i) The Kenya National Commission on Human Rights (KNCHR) Annual Report for 2022/2023.

*(The Senate Majority Leader)*

- ii) Report of the Standing Committee on Land, Environment and Natural Resources on a Petition to the Senate by residents of Siany area, Nyamira County, regarding the destruction of 41 hectares of Siany Wetland – LR No. North Mugirango/Magwagwa II/403.

*(The Vice Chairperson, Standing Committee on Land, Environment and Natural Resources)*

- iii) Report of the Standing Committee on Finance and Budget on the Consideration of Nominee by the Senate on behalf of the County Governments to the Salaries and Remuneration Commission.

*(Sen. (Dr.) Boni Khalwale, MP on behalf of the Chairperson, Standing Committee on Finance and Budget)*

5. **NOTICE OF MOTION – REPORT OF THE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES ON A PETITION TO THE SENATE BY RESIDENTS OF SIANY AREA, NYAMIRA COUNTY, REGARDING DESTRUCTION OF 41 HECTARES OF SIANY WETLAND – LR NO. NORTH MUGIRANGO/MAGWAGWA II/403.**

(The Vice Chairperson, Standing Committee on Land, Environment and Natural Resources)

THAT, the Senate adopts the Report of the Standing Committee on Land, Environment and Natural Resources on a Petition to the Senate by residents of Siany area, Nyamira County, regarding destruction of 41 hectares of Siany Wetland – LR No. North Mugirango/Magwagwa II/403, laid on the Table of the Senate on Tuesday, 23<sup>rd</sup> July, 2024.

6. **QUESTION AND STATEMENT**

**Request for Statements pursuant to Standing Order 53(1)**

- i) Request for a Statement by the Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) from the Standing Committee on Labour and Social Welfare regarding the employment of persons above the mandatory retirement age by Kisumu County Government was **deferred** upon request by the Senator.
- ii) Request for a Statement by the Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) from the Standing Committee on Devolution and Intergovernmental Relations regarding the state of stadia facilities in Kisumu County was **deferred** upon request by the Senator.
- iii) Request for a Statement by the Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, MP) from the Standing Committee on Health regarding the upgrade of Jaramogi Oginga Odinga Teaching and Referral Hospital (JOOTRH) to a level six facility was **deferred** upon request by the Senator.
- iv) Request for a Statement by the Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, MP) from the Standing Committee on National Security, Defence and Foreign Relations regarding flood mitigation and compensation measures to victims in Kisumu County was **deferred** upon request by the Senator.

7. **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 25<sup>th</sup> 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 – 03.07.2024)*

Debate interrupted on Thursday, 18<sup>th</sup> July, 2024 resumed;

Amendment proposed;

THAT, the Motion be amended by deleting Paragraphs 1 and 2 and substituting thereof the following –

1. in order for the Senate to create an amiable environment and tone for a national conversation and dialogue in the country resolves –
  - (a) that the National Police Service acknowledges and apologizes for all the deaths resulting from the peaceful demonstrations;
  - (b) that all victims of police brutality related to peaceful protests, between 2023 and 2024, be compensated by the Government of the Republic of Kenya;
  - (c) that National Police Service extends amnesty to all the peaceful protesters who are unlawfully detained during the peaceful protests;
  - (d) to call upon the Director of Public Prosecutions to withdraw all the cases in court involving peaceful protestors against the Finance Bill;
  - (e) that the Independent Police Oversight Authority moves with speed to investigate and recommend appropriate action against police officers found culpable of using brutality against peaceful protestors;
  - (f) that the National Police Service submits to Parliament the revised standard operating procedures on the management of protests, demonstrations and the use of force to contain demonstrations;
  - (g) Parliament puts in place guidelines on actualization of Article 37 of the Constitution with respect to how citizens can enjoy the right to picket without resulting in the loss of life or property.
  
2. directs the following Select Committees of the Senate to urgently engage relevant stakeholders including members of the public and consider on the following issues –
  - (a) Public Debt and Public Finance Management

The Standing Committee on Finance and Budget –

    - i) in consultation with the Parliamentary Budget Office to independently audit the national debt and present the actual status to Parliament;
    - ii) engages the National Treasury to submit a roadmap on its strategy to reduce the public debt to not more than 55% of the Gross Domestic Product (GDP) in present value terms in compliance with Section 50(2C) of the Public Finance Management Act; and
    - iii) engages the National Treasury to identify and implement sustainable strategies to reduce the high cost of living.

(b) Security Sector Reforms

The Standing Committee on National Security, Defense and Foreign Affairs engages the National Police Service on matters of security and Standard Operating Procedures for handling demonstrations.

(c) Fighting Corruption

The Standing Committee on Justice Legal Affairs and Human Rights engages the Ethics and Anti-Corruption Commission on matters of corruption and action to be taken to scale up efforts to deal with corruption, especially in county governments.

(d) Equal opportunities for all Kenyans

The Standing Committee on National Cohesion, Equal Opportunity and Regional Integration engages the Public Service Commission and the National Cohesion and Integration Commission to audit the state of employment in the public service including county governments and propose strategies to adhere to meritocracy, equality and equity of opportunities across the public service as espoused in Article 232 of the Constitution on the values and principles of public service.

(e) Effective Public Participation and Stakeholder Engagement

The Standing Committee on Justice Legal Affairs and Human Rights-

- i) puts in place mechanisms to ensure that broader concerns for citizens especially the youth are received, considered and taken into consideration in making decisions on public affairs; and
- ii) puts in place mechanisms that integrate “new media” as a medium for public participation in legislative processes.

(f) Health Sector Reforms

The Standing Committee on Health to-

- i) expedite and facilitate public participation in the re-enactment of the Social Health Insurance Act, the Digital Health Act and the Primary Health Care Act in compliance with the judgement of the High Court Petition No. E473 of 2023; and
- ii) engage with the Cabinet Secretary for Health and the Council of Governors with a view to standardize human resource policy for health workers across all counties.

(g) Education Sector Reforms

The Standing Committee on Education to liaise with the Ministry of Education and other stakeholders with a view to resolving the

concerns raised regarding Junior Secondary School (JSS) education, the new funding model for university education and the acceptability of Competence Based Curriculum (CBC)

and report their findings and recommendations to the Senate within 30 days.

*(Sen. John Nderitu Kinyua, MP)*

Debate on the amendment arising;

Raising a Point of Order, pursuant to Standing Order 110 (1), the Senate Majority Leader claimed to move –

“THAT, the debate be now adjourned.”

And the Speaker, acceding to the claim;

Motion made and Question proposed;

THAT, the debate be now adjourned.

*(The Senate Majority Leader)*

And there being no Senator wishing to contribute;

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

Question put and **agreed to.**

8. **THE HOUSES OF PARLIAMENT (BICAMERAL RELATIONS) BILL (NATIONAL ASSEMBLY BILLS NO. 44 OF 2023)**

(The Senate Majority Leader)

(Second Reading)

**(Resumption of debate interrupted on Tuesday, 28<sup>th</sup> May, 2024)**

**(Division)**

Order deferred.

9. **THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 40 OF 2023)**

(Sen. Hamida Ali Kibwana, MP)

(Second Reading)

**(Resumption of debate interrupted on Thursday, 30<sup>th</sup> May, 2024)**

**(Division)**

Order deferred.

10. **THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 41 OF 2023)**

(Sen. Esther Anyieni Okenyuri, MP)

(Second Reading)

**(Resumption of debate interrupted on Thursday, 11<sup>th</sup> July, 2024)**

**(Division)**

Order deferred.

11. **THE LAW OF SUCCESSION (AMENDMENT) BILL (SENATE BILLS NO. 20 OF 2023)**

(Sen. Veronica Maina, MP)

(Second Reading)

**(Resumption of debate interrupted on Tuesday, 16<sup>th</sup> July, 2024)**

**(Division)**

Order deferred.

12. **MOTION – 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 Chairperson, Select Committee on Delegated Legislation)

THAT, the Senate adopts the 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, laid on the Table of the Senate on Tuesday, 2nd July, 2024; and that pursuant to Section 18 of the Statutory Instruments Act, the Senate resolves to annul: -

- i. the Social Health Insurance (General) Regulations, 2024 (Legal Notice No. 49 of 2024);and
- ii. the Social Health Insurance (Tribunal Procedure) Rules, 2024, (Legal Notice No. 48 of 2024).

**(Resumption of debate interrupted on Wednesday, 10<sup>th</sup> July, 2024 –**

**Afternoon Sitting)**

**(Division)**

Order deferred.

13. **MOTION – REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE STATUS OF IMPLEMENTATION OF PROJECTS FUNDED BY THE CONDITIONAL GRANT FOR THE CONSTRUCTION OF COUNTY HEADQUARTERS**

(The Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the status of implementation of projects funded by the Conditional Grant for the construction of County Headquarters laid on the Table of the Senate on Thursday, 28th March, 2024.

**(Resumption of debate interrupted on Thursday, 18<sup>th</sup> July, 2024)  
(Division)**

Order deferred.

14. **THE PUBLIC TRANSPORT (MOTORCYCLE REGULATION) BILL (SENATE BILLS NO. 38 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Public Transport (Motorcycle Regulation) Bill (Senate Bills No. 38 of 2023) be now read a Second Time.

*(Sen. (Dr.) Boni Khalwale, MP – 14.05.2024)*

Debate interrupted on Thursday, 16<sup>th</sup> May, 2024 resumed;

And there being no other Senator wishing to contribute;

Mover replied;

Pursuant to Standing Order 66 (3), the Mover requested the Temporary Speaker (Sen. Hillary Wakili, MP) to defer putting of the Question to a later date;

And the Temporary Speaker (Sen. Hillary Wakili, MP) acceding to the request, deferred the putting of the Question to a later date.

15. **THE CONSTITUTION OF KENYA (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 52 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Constitution of Kenya (Amendment) (No. 2) Bill (Senate Bills No. 52 of 2023) be now read a Second Time.

*(Sen. Raphael Chimera, MP – 30.05.2024)*

Debate interrupted on Thursday, 30<sup>th</sup> May, 2024 resumed with the Mover replying;

Pursuant to Standing Order 66 (3), the Mover requested the Temporary Speaker (Sen. Hillary Wakili, MP) to defer putting of the Question to a later date;

And the Temporary Speaker (Sen. Hillary Wakili, MP) acceding to the request, deferred the putting of the Question to a later date.

16. **MOTION – REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE INQUIRY INTO THE ALLEGED IRREGULARITIES IN THE PROCUREMENT OF LONG-LASTING INSECTICIDE-TREATED NETS AT THE KENYA MEDICAL SUPPLIES AUTHORITY**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the report of the Standing on Health on the inquiry into alleged irregularities in the procurement of long-lasting insecticide treated nets at the Kenya Medical Supplies Authority (KEMSA), laid on the Table of the Senate on Wednesday, 8<sup>th</sup> May, 2024.

*(The Vice Chairperson, Standing Committee on Health)*

Debate arising;

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

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

**MEMORANDUM**

*The Speaker will take the Chair on  
Wednesday, July 24, 2024 at 9:30 a.m.*

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