



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, AUGUST 01, 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 no Quorum, directed that the Bell be rung for ten minutes, pursuant to Standing Order 40;

And there being a Quorum before the expiry of the ten minutes;

The Speaker invited the Clerk to call out the Orders of the day.

4. **COMMUNICATION FROM THE CHAIR - VISITING TEACHERS AND STUDENTS FROM MARANDA HIGH SCHOOL IN SIAYA COUNTY**

The Speaker conveyed the following Communication from the Chair –

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, visiting teachers and students from Maranda High School in Siaya County. The delegation comprises five (5) teachers and sixty-one (61) students, who are in the Senate for a one-day academic exposition.

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. **MESSAGE - PARLIAMENTARY APPROVAL OF THE NOMINEE FOR APPOINTMENT AS THE INSPECTOR-GENERAL OF THE NATIONAL POLICE SERVICE**

The Speaker conveyed the following Message from the President –

“Honourable Senators,

Pursuant to the provisions of Standing Order 47, I wish to convey the following Message from His Excellency the President regarding parliamentary approval of the nominee for appointment as the Inspector-General of the National Police Service

The Message, delivered via a transmittal letter by the Chief of Staff and Head of Public Service referenced *EOP/CAB.26/4A VOL.IV/ (76)* dated 30th July, 2024, was received in my office today, Thursday, 1st August, 2024.

Pursuant to the said Standing Order, I now report the Message –

*“It is most graciously notified that **His Excellency Hon. William Samoei Ruto PhD, CGH**, the President and Commander-in-Chief of the Kenya Defence Forces, has in exercise of the constitutional prerogative vested in the Head of State and Government, and pursuant to the Article 245 (2) (a) of the Constitution, nominated – **MR. DOUGLAS KANJA KIROCHO** for appointment as the Inspector-General of the National Police Service.*

In that regard, this transmittal for parliamentary approval is made in accordance with the procedure set out in Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act (Cap.7 of the Laws of Kenya).

To aid the August House in its consideration and approval processes, kindly be pleased to receive the Certificate of Presidential Nomination No. 5 of 2024, together with the nominee's Curriculum Vitae and Testimonials.

As we set our sights on continuing the transformation of the National Police Service, the House is urged to prioritize the consideration of the nominee.”

Honourable Senators,

Article 245(2)(a) provides that the Inspector-General is appointed by the President with the approval of Parliament. Further, Section 12 (2) and (7) of the National Police Service Act (No. 11A of 2011) provides that -

“12 (2) The President shall, within fourteen days after a vacancy occurs in the office of the Inspector- General, nominate a person for appointment as an Inspector-General and submit the name of the nominee to Parliament”

“12 (7) Parliament shall, within fourteen days when it first meets after receiving the names of the nominees -

- (a) consider the suitability of the nominee;*
- (b) either approve or reject the nominee for appointment; and*
- (c) the Speaker of the National Assembly shall notify the President of the decision of the Parliament.”*

Honourable Senators, as agreed and executed during the previous approvals for the position of the Inspector General of Police, and in order for Parliament to effectively conduct the vetting process, the following procedure shall apply

–

- i) That, the vetting of the nominee for appointment as Inspector-General of Police shall be conducted jointly by the Committees of the two Houses mandated to deal with matters of national security. The vetting process will, therefore, be conducted by the Standing Committee on National Security, Defence and Foreign Relations of the Senate and the Departmental Committee on Administration and Internal Affairs of the National Assembly;
- ii) That, the Chairpersons of the two committees will co-chair the joint sittings and the secretariat will comprise officers of the two Houses;
- iii) That, the quorum of the joint sittings will be the respective quorums of each of the committees as stipulated by the respective Standing Orders;
- iv) That, as contemplated under Rule 9(6) of the Joint Rules, unless a decision is reached by consensus, any vote to be taken in the joint sitting of the committees shall be by separate Houses. This will ensure that the numerical difference of the individual members representing the Houses in the joint sittings has no effect on the decisions of the joint sittings of the Committees; and
- v) That, the Committees shall, having conducted the vetting hearings, submit a Joint Report to the respective Houses in the manner contemplated by paragraph (7) of Joint Rule 9.

Honourable Senators,

Section 8 (1) of the Public Appointments (Parliamentary Approval) Act, 2011 provides that –

“Unless otherwise provided in any law, 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 in accordance with section 5.”

Section 9 of the Act further provides that –

“If, after expiry of the period for consideration specified in section 8, Parliament has neither approved nor rejected a nomination of a candidate, the candidate shall be deemed to have been approved.”

In this regard, the period on the matter that is now before Parliament starts running upon the Speaker of the National Assembly committing the name of the nominee to the Departmental Committee on Administration and Internal Affairs.

Honourable Senators, Standing Order 77 (1) of the Senate Standing Orders provides that-

Upon receipt of a notification of nomination for appointment to a public office required to be approved by the Senate under the Constitution or any other legislation, the nomination shall stand committed to the relevant Standing Committee for consideration.

This Message, therefore, together with the nominee's Curriculum Vitae and testimonials stand committed to the Standing Committee on National Security, Defence and Foreign Relations of the Senate for vetting jointly with the Departmental Committee on Administration and Internal Affairs of the National Assembly, in accordance with the provisions of the National Police Service Act, Public Appointment (Parliamentary Approval) Act and the Standing Orders of the Houses of Parliament.

I thank you.”

6. PAPERS LAID

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

- i) Joint Report of the Standing Committee on Health of the Senate and the Departmental Committee on Health of the National Assembly on the Approval of Dr. Patrick Omwanda Amoth, EBS for appointment as the Director General for Health.

*(Sen. (Dr.) Lelegwe Ltumbesi, MP on behalf of the Chairperson,
Standing Committee on Health)*

- ii) Report of the Standing Committee on Energy on the Local Content Bill (Senate Bills No. 50 of 2023).

(The Chairperson, Standing Committee on Energy)

- iii) Statement on the business of the Senate for the week commencing Tuesday, 6th August, 2024.

(The Deputy Senate Majority Whip)

7. **NOTICE OF MOTION - JOINT REPORT OF THE STANDING COMMITTEE ON HEALTH OF THE SENATE AND THE DEPARTMENTAL COMMITTEE ON HEALTH OF THE NATIONAL ASSEMBLY ON THE APPROVAL OF DR. PATRICK OMWANDA AMOTH, EBS FOR APPOINTMENT AS THE DIRECTOR GENERAL FOR HEALTH**

(The Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Joint Report of the Standing Committee on Health of the Senate and the Departmental Committee on Health of the National Assembly on the approval of a nominee for appointment as Director General for Health, laid on the Table of the Senate, on Thursday, 1st August, 2024, and further that, pursuant to Section 16 (2) of the Health Act (Cap. 241) and Section 8 (2) of the Public Appointments (Parliamentary Approval) Act, approves the nomination of Dr. Patrick Omwanda Amoth, EBS, for appointment as the Director General for Health.

8. **QUESTIONS AND STATEMENTS**

a) Requests for Statements pursuant to Standing Order 53(1)

- i) Nominated Senator (Sen. Beatrice Ogola, MP) on behalf of the Senator for Vihiga County (Sen. Godfrey Osotsi, MP) sought a Statement from the Standing Committee on Education regarding the state of Vocational Training Centres (VTCs) in Vihiga County.
- ii) Nominated Senator (Sen. Beatrice Ogola, MP) on behalf of the Senator for Vihiga County (Sen. Godfrey Osotsi, MP) sought a Statement from the Standing Committee on Health concerning the status of payment of stipend to Community Health Promoters.
- iii) Request for a Statement by the Senator for Bungoma County (Sen. David Wakoli, MP) from the Standing Committee on Finance and Budget concerning pending bills owed to contractors by the County Government of Bungoma from the year 2013 to date was **dropped** in the absence of the Senator.

b) Statement pursuant to Standing Order 57(1)

The Deputy Senate Majority Whip issued a Statement on the business of the Senate for the week commencing Tuesday, 6th August, 2024.

9. **THE PUBLIC FUNDRAISING APPEALS BILL (SENATE BILLS NO. 36 OF 2024)**

(The Senate Majority Leader)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Labour and Social Welfare.

10. **THE CONSTITUTION OF KENYA (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 52 OF 2023)**
(Sen. Raphael Chimera, MP)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 23rd July, 2024)
(Division)

Order for Second reading read;

Order deferred.

11. **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**

Order read;

Motion made and Question proposed;

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, 23rd July, 2024.

(The Vice Chairperson, Standing Committee on Land, Environment and Natural Resources – 31.07.2024 – Morning Sitting)

Debate interrupted on Wednesday, 31st July, 2024 (Morning Sitting) resumed for the Question to be put;

Before the Question was put, and the Speaker having ascertained that there was a Quorum, pursuant to Standing Order No. 84 (1), the Speaker ruled that the Motion does not affect Counties.

Question put and agreed to.

RESOLVED ACCORDINGLY

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, 23rd July, 2024.

12. **THE LOCAL CONTENT BILL (SENATE BILLS NO. 50 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Local content Bill (Senate Bills No. 50 of 2023) be now read a Second Time.

(The Chairperson, Standing Committee on Energy – 24.07.2024)

Debate interrupted on Thursday, 25th July, 2024 resumed;

And there being no other Senator wishing to contribute;

Mover replied;

Pursuant to Standing Order 66 (3), the Mover requested the Speaker to defer putting of the Question to a later date;

And the Speaker acceding to the request, deferred the putting of the Question to a later date.

13. **THE LAND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 40 OF 2022)**

Order for Second Reading read,

Motion made and Question proposed;

THAT, the Land (Amendment) Bill (National Assembly Bills No. 40 of 2022) be now read a Second Time.

(The Senate Majority Leader – 31.07.2024 - Afternoon Sitting)

Debate interrupted on Wednesday, 31st July, 2024 (Afternoon Sitting) resumed;

And the time being thirty minutes past Six O'clock, the Deputy Speaker interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

6. **SENATE ROSE** - at thirty minutes past Six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, August 06, 2024 at 2.30 p.m.*