



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (THIRD SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**TUESDAY, AUGUST 06, 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 to 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. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair –

**i) Visiting Teacher and Students from High Flyers Scouts Open Crew in Kakamega County**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students from High Flyers Scouts Open Crew from Lugari in Kakamega County. The delegation comprises one (1) teacher and twelve (12) 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.”

**ii) Visiting Teachers and Students from Kabutiei Secondary School in Nandi County**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, visiting teachers and students from Kabutiei Secondary in Nandi County. The delegation comprises four (4) teachers and twenty-nine (29) 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. **PETITION**

Pursuant to Standing Order 236(2)(a), Sen. Miraj Abdillahi, MP presented a Petition to the Senate concerning the recognition of land ownership rights and redress of historical injustices in Mombasa County.

Pursuant to Standing Order 238(1), the Speaker committed the Petition to the Standing Committee on Land, Environment and Natural Resources for consideration.

6. **QUESTIONS AND STATEMENTS**

**a) Statements pursuant to Standing Order 52 (1)**

- i) Nominated Senator (Sen. Hezema Lemaletian, MP) made a Statement regarding the Election Observation Mission (EOM) of presidential and parliamentary elections held in the Republic of Rwanda.

Thereupon, the Senator stated that Kenya’s Parliament joined an Election Observation Mission to Rwanda in July 2024, organized by the Forum of Parliaments of the International Conference of the Great Lakes Region (FP-ICGLR). She noted that the observers found the elections, held on July 15, to have been peaceful and well-managed, with notable practices such as installation of sanitary stations for women and establishment of polling stations in hospitals.

The Senator further stated that, while the process was largely positive, the observers noted issues including improperly sealed ballot boxes and unnumbered ballot papers. The observers, therefore, recommended improving ballot box security, numbering ballots and extending the campaign period. The mission also praised Rwanda for its clean campaign environment, disciplined campaigning and inclusive voting practices.

- ii) Nominated Senator (Sen. Miraj Abdillahi, MP) made a Statement concerning the process of replacement of lost academic certificates by the Kenya National Examinations Council (KNEC).

Thereupon, the Senator explained that, following widespread public complaints about the difficult process for replacing lost certificates, KNEC

clarified on X (formally Twitter) that they do not replace lost certificates but issue certificate letters instead. KNEC outlined the required documents for the process, including a copy of the lost certificate or result slip, National Identity Card, passport-sized photograph, police abstract, confirmation from the registrar of persons and a payment of KES 5,220.

The Senator questioned why KNEC does not implement effective systems to replace lost certificates like other documents and why the process is so costly and cumbersome. She termed the requirement for applicants to travel to Nairobi for verification of personal details as excessive and called on KNEC to address the concerns and to conduct an internal audit to improve their service delivery.

- iii) The Statement by the Nominated Senator (Sen. Karen Nyamu, MP) concerning the rise of cyberbullying in Kenya was **dropped** in the absence of the Senator.

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

- i) The Senator for Bungoma County (Sen. David Wakoli, MP) sought a Statement from the Standing Committee on Education regarding the Bungoma County Scholarship Programme for needy students.
- ii) The Senator for Bungoma County (Sen. David Wakoli, MP) sought a Statement from the Standing Committee on Trade, Industrialization and Tourism concerning the construction of Kamukuywa Modern Market in Bungoma County.
- iii) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding blockage of Njoro Sarafu Water Channel at Chumvini area, Challa Njukini Ward of Taita Taveta County.
- iv) Request for a Statement by the Senator for Trans Nzoia County (Sen. Allan Chesang, MP) from the Standing Committee on Finance and Budget concerning anomalies in the payroll for the County Executive of Trans Nzoia County Government was **deferred** on request by the Senator.
- v) Request for a Statement by the Senator for Trans Nzoia County (Sen. Allan Chesang, MP) from the Standing Committee on Finance and Budget regarding payments made by the County Executive of Trans Nzoia for settlement of court judgements and decrees was **deferred** on request by the Senator.

**c) Statement pursuant to Standing Order 56(1)(a)**

Sen. (Dr.) Boni Khalwale, MP, on behalf of the Chairperson of the Standing Committee on Finance and Budget, made a statement regarding the Committee's consideration of the Speaker's communication on the report on the Senate nominee, on behalf of the county governments, to the position of the Member of the Salaries and Remuneration Commission.

By way of background, the Senator stated that the Committee had tabled its report, and a notice of Motion was given on Wednesday, 24<sup>th</sup> July, 2024, following the completion of the exercise. At a sitting of the Senate on the same day, the Senator, on behalf of the Chairperson, was called upon to move the Motion for the Senate's consideration of the report. However, before moving the Motion, the Senator sought the Speaker's intervention and informed the Senate of two contradictory letters from the University of Nairobi regarding Hon. Abdirahman Ali Hassan's degree certificate. The Senator further noted that following interventions by various Senators, the Speaker had directed that the Motion be stood down, and that the Speaker would issue a ruling on the matter on Tuesday, 30<sup>th</sup> July, 2024.

Thereupon, Sen. (Dr.) Khalwale, MP noted that, vide a Communication on Wednesday, 31<sup>st</sup> July, 2024, the Speaker made a ruling referring the matter back to the Committee for the its consideration and recommendation on the appropriate course of action.

The Senator informed the Senate that when the Committee reconvened to consider the matter as directed, the Committee received a letter dated the same day, 1<sup>st</sup> August 2024, from Hon. Abdirahman Ali Hassan, indicating his wish to withdraw his application for the position of Senate nominee on behalf of county governments to the SRC.

The Committee considered this withdrawal, the Speaker's Communication, and the conflicting letters from the University of Nairobi, concluding that there was no need to further pursue the matter as Hon. Hassan was no longer a candidate.

In conclusion, Sen. (Dr.) Khalwale, MP urged the Senate Business Committee to prioritize the Motion for consideration by the Senate, as the Committee had resolved to proceed with the report as previously tabled and the Motion for which notice had already been given.

7. **THE CREATIVE ECONOMY SUPPORT BILL (SENATE BILLS NO. 30 OF 2024)**

(Sen. Eddy Oketch, MP)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Trade, Industrialization and Tourism.

8. **THE LIVESTOCK PROTECTION AND SUSTAINABILITY BILL (SENATE BILLS NO. 32 OF 2024)**

(Sen. (Dr.) Lelegwe Ltumbesi, MP)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Agriculture, Livestock and Fisheries.

9. **THE SPORTS (AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2024)**  
(Sen. Edwin Sifuna, MP)

Order for First Reading read;

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

10. **THE COUNTY GOVERNMENTS (STATE OFFICERS' REMOVAL FROM OFFICE) PROCEDURE BILL (SENATE BILLS NO. 34 OF 2024)**  
(Sen. Karungo Thang'wa, MP)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Justice, Legal Affairs and Human Rights.

11. **THE TOBACCO CONTROL (AMENDMENT) BILL (SENATE BILLS NO. 35 OF 2024)**  
(Sen. Catherine Mumma, MP)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Health.

12. **MOTION – REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE SENATE NOMINEES, ON BEHALF OF THE COUNTY GOVERNMENTS, TO THE POSITION OF MEMBER OF THE SALARIES AND REMUNERATION COMMISSION (SRC)**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the Senate nominees, on behalf of the county governments, to the position of Member of the Salaries and Remuneration Commission, laid on the Table of the Senate on Tuesday, 23<sup>rd</sup> July, 2024, and further pursuant to Article 230 (2) (b) (vii) of the Constitution and section 7 (2) of the Salaries and Remuneration Commission Act, recommends Ms. Lynette Washiali Muganda and Mr. Mohamed Aden Abdi to the Cabinet Secretary for the National Treasury and Planning for transmission to His Excellency the President for consideration for appointment to the position of Member of the Salaries and Remuneration Commission.

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

Debate arising;

Rising on a Point of Order, the Senator for Homabay County (Sen. Moses Kajwang', MP), sought the intervention of the Chair to have Senators furnished

with the complete report of the Committee to facilitate an informed debate on the Motion;

And the Temporary Speaker (Sen. Hillary Wakili, MP), acceding to the request, deferred the order and directed the Clerk to circulate the Report of the Standing Committee, with all the annexures, to all Senators;

Order deferred.

13. **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**

Order read;

Motion made and Question proposed;

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.

*(Sen. Esther Okenyuri, MP on behalf of the Chairperson, Standing Committee on Health)*

Debate arising;

And there being no more Senators wishing to contribute;

The Senate Majority Whip replied on behalf of the Mover;

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.

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.

14. **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  
Wednesday, August 07, 2024 at 9:30 a.m.*

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