



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (THIRD SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**THURSDAY, JULY 18, 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 a Quorum, invited the Clerk to call out the Orders of the Day.

4. **PAPERS LAID**

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

- i) Report of the Fifth Parliamentary Dialogue and General Assembly Meeting of the East African Legislative Assembly held in Nairobi, Kenya from 15<sup>th</sup> to 17<sup>th</sup> October, 2023.
- ii) Report of the Committee on General Purpose of the East African Legislative Assembly on the Assessment of the Implementation of the East African Community (EAC) Budget for the Financial Year 2023/2024.
- iii) The East African Community Appropriation Bill, 2024.
- iv) The East African Community Supplementary Appropriation Bill, 2024.
- v) Report of the Committee on General Purpose of the East African Legislative Assembly on the Supplementary Budget request and the East African Community (EAC) Supplementary Appropriation Bill, 2024.
- vi) Report of the Committee on General Purpose of the East African Legislative Assembly on the East African Community Budget Estimates for Revenue and Expenditure for the Financial Year 2024/2025.

- vii) Report of the Committee on Agriculture, Tourism and Natural Resources of the East African Legislative Assembly on the onspot assessment of the implementation of projects and plans by the Lake Victoria Basin Commission and Lake Victoria Fisheries Organization.
- viii) Report of the Committee on Regional Affairs and Conflict Resolution of the East African Legislative Assembly on the Oversight Activity to assess the processes, regulations and challenges of conducting national general election.
- ix) Resolution of the East African Legislative Assembly paying tribute to the Late Honourable (Dr.) Shogo Richard Mlozi.
- x) Report of the Auditor General on Financial Statement of the County Government of Murang'a Small Traders Empowerment Programme Fund for the year ended 30<sup>th</sup> June, 2021.
- xi) Report of the Auditor General on Financial Statement of the County Government of Murang'a Small Traders Empowerment Programme Fund for the year ended 30<sup>th</sup> June, 2022.
- xii) Report of the Auditor General on Financial Statement of the County Government of Murang'a Small Traders Empowerment Programme Fund for the year ended 30<sup>th</sup> June, 2023.
- xiii) Statement on the business of the Senate for the week commencing Tuesday, 23<sup>rd</sup> July, 2024.

*(The Senate Majority Leader)*

**5. QUESTIONS AND STATEMENTS**

**i) Requests for Statements pursuant to Standing Order 53(1)**

- i) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations concerning the level of disaster preparedness in Kisumu County.
- ii) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the cause of violence to traders at Kibuye Market in Kisumu County.
- iii) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) sought a Statement from the Standing Committee on Trade, Industrialization and Tourism regarding the management of the operations of Kibuye Market in Kisumu County.

- iv) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the regulatory and management framework for Master Operators in Kisumu County.
- v) The Senator for Samburu County (Sen. (Dr.) Lelegwe Ltumbesi, MP) sought a Statement from the Standing Committee on Finance and Budget regarding anomalies in the payroll system and delays in payment of staff salaries by the County Executive of Samburu.
- vi) The Senator for Bungoma County (Sen. David Wakoli, MP) sought a Statement from the Standing Committee on Health concerning the status of payment of monthly stipend to community health promoters in Bungoma County.
- vii) Request for a Statement by the Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) from the Standing Committee on Land, Environment and Natural Resources regarding the status of the World Bank funded project for the upgrade of water supply and sewerage systems in Taita Taveta County was **dropped** in the absence of the Senator.
- viii) Request for a Statement by the Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) from the Standing Committee on Land, Environment and Natural Resources regarding the change of use from agriculture to commercial, of the land held by M/S Voi Point Limited in Taita Taveta County was **dropped** in the absence of the Senator.

**ii) Statement Pursuant to Standing Order 56 (1) (a)**

The Chairperson, Standing Committee on Finance and Budget (Sen. Ali Ibrahim Roba, MP), issued a Statement concerning the consideration, by the Committee, of the reservation by the President on the County Allocation of Revenue Bill (Senate Bills No. 25 of 2024).

In the Statement, the Chairperson highlighted that the Bill was introduced in accordance with Article 218(1)(b) of the Constitution, and sought to distribute nationally raised revenue among the counties. The Bill was considered by both Houses of Parliament and referred to His Excellency the President for assent on 28<sup>th</sup> June, 2024.

The Chairperson stated that via letter dated 10<sup>th</sup> July, 2024, His Excellency the President informed the Speaker of the Senate of his decision to decline to assent to the Bill. The President recommended an amendment to the Bill to reduce the allocation to counties to Ksh.380,000,002,218. The recommendation from the President was based on the withdrawal of the Finance Bill, 2024, and thereby necessitating a reorganization of fiscal policy due to revenue reductions.

The Chairperson pointed out that the budget process involved the enactment of the Division of Revenue Bill and the County Allocation of Revenue Bill, which were interlinked. He emphasized that any amendments to the County Allocation of Revenue Bill must be preceded by changes to the Division of Revenue Act. He stated that the correct procedure would involve Parliament amending the division of nationally raised revenue between the National and County Governments for the financial year 2024/25, before accommodating the President's reservations on the County Allocation of Revenue Bill.

To this end, the Chairperson informed the Senate that the National Treasury had submitted the draft Division of Revenue (Amendment) Bill on 17<sup>th</sup> July, 2024. The draft Bill initiated the process of reconsidering the equitable share for both levels of government, following which the County Allocation of Revenue Bill would be amended in line with the President's Memorandum.

**iii) Statement pursuant to Standing Order 57(1)**

The Senate Majority Leader issued a Statement on the business of the Senate for the week commencing Tuesday, 23<sup>rd</sup> July, 2024.

**6. 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 and the Senate Minority Leader – 03.07.2024)*

Debate interrupted on Thursday, 11<sup>th</sup> July, 2024 resumed;

Thereupon, the Speaker interrupted debate to allow for amendments to the Motion to be filed.

7. **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)

Order read;

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, 2<sup>nd</sup> 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.

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

Order read;

*(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)

Order read;

*(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)

Order read;

*(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)

Order read;

*(Second Reading)*

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

Order deferred.

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

Order for Second Reading read;

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;

And there being no Senator wishing to contribute;

In the absence of the Mover, the Speaker deferred the reply to another day.

13. **THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (CONTROL) (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2024)**

(Sen. Kathuri Murungi, MP)

Order for Second Reading read;

Order deferred.

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

(The Senate Majority Leader)

Order for Second Reading read;

Order deferred.

15. **THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILLS NO. 3 OF 2024)**  
(Sen. Ledama Olekina, MP and Sen. William Kisang, MP)  
  
Order for Second Reading read;  
  
Order deferred.
16. **THE COUNTY CIVIC EDUCATION BILL (SENATE BILLS NO. 4 OF 2024)**  
(Sen. Esther Okenyuri, MP)  
  
Order for Second Reading read;  
  
Order deferred.
17. **THE COUNTY STATISTICS BILL (SENATE BILLS NO. 5 OF 2024)**  
(Sen. Ali Ibrahim Roba, MP)  
  
Order for Second Reading read;  
  
Order deferred.
18. **THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILLS NO. 10 OF 2024)**  
(The Senate Majority Leader)  
  
Order for Second Reading read;  
  
Order deferred.
19. **THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL (SENATE BILLS NO. 12 OF 2024)**  
(The Senate Majority Leader)  
  
Order for Second Reading read;  
  
Order deferred.
20. **THE COUNTY ASSEMBLIES PENSIONS SCHEME BILL (SENATE BILLS NO. 14 OF 2024)**  
(The Senate Majority Leader)  
  
Order for Second Reading read;  
  
Order deferred.



21. **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**

Order read;

Motion made and Question proposed;

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, 28<sup>th</sup> March, 2024.

*(The Vice Chairperson, Standing Committee on Finance and Budget–22.05.2024  
- Afternoon Sitting)*

Debate interrupted on Wednesday, 22<sup>nd</sup> May, 2024 (Afternoon Sitting) 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. Veronica Maina, MP) to defer putting of the Question to a later date;

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

22. **MOTION - REPORT OF THE SELECT COMMITTEE ON COUNTY PUBLIC ACCOUNTS ON ITS CONSIDERATION OF THE REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF WEST POKOT COUNTY ASSEMBLY FOR THE FINANCIAL YEAR 2018/2019 AND REPORTS OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF ISIOLO, KIAMBU, KITUI, MARSABIT, NAROK, NYAMIRA, TRANS NZOIA, WEST POKOT AND MURANG'A COUNTY ASSEMBLIES FOR THE FINANCIAL YEAR 2019/2020**

(The Chairperson, County Public Accounts Committee)

Order read;

THAT, the Senate adopts the Report of the Select Committee on County Public Accounts on its consideration of the Report of the Auditor General on the financial statements of West Pokot County Assembly for the financial year 2018/2019 and Reports of the Auditor General on the financial statements of Isiolo, Kiambu, Kitui, Marsabit, Narok, Nyamira, Trans Nzoia, West Pokot and Murangá County Assemblies for the financial year 2019/2020 laid on the table of the Senate on Thursday, 7<sup>th</sup> March, 2024.

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

Order deferred.

23. **MOTION – ESTABLISHMENT OF NATIONAL TEACHING AND REFERRAL HOSPITALS IN KENYA**

(Sen. Johnes Mwaruma, MP)

Order read;

AWARE THAT Article 43 (1) (a) of the Constitution of Kenya provides that every person has the right to the highest attainable standard of health, including reproductive health care;

NOTING THAT in Kenya, we have five National Teaching and Referral hospitals with Kenyatta University Research and Teaching Hospital in Kiambu County and Moi Teaching and Referral Hospital in Eldoret, Uasin Gishu County being the only ones outside Nairobi County;

CONCERNED THAT the bed capacity, medical equipment and human capital in these National Teaching and Referral hospitals are not sufficient to absorb all the patients seeking specialized treatment;

FURTHER CONCERNED THAT many Kenyans with critical health conditions travel long distances in order to access specialized services in Moi Teaching and Referral Hospital in Eldoret or Nairobi where the other four National Teaching and Referral hospitals are located, leading to high cost of travel, augmented disease and in some cases deaths along the way;

NOW THEREFORE the Senate urges-

1. The Ministry of Health to:

- i. Establish National Teaching and Referral hospitals in the Coast, Eastern, North Eastern, Nyanza and Western regions; and
- ii. Fully equip the National Teaching and Referral Hospitals with modern medical equipment, medical supplies and personnel; and

2. The County Governments to allocate more funds to their respective health dockets to adequately facilitate their County Level 5 and Level 6 hospitals in order to enhance provision of critical health services to reduce the demand for such services from the National Teaching and Referral Hospitals.

Order deferred.

24. **MOTION - COUNTY GOVERNMENTS TO SET ASIDE LAND FOR THE PLANTING OF INDIGENOUS TREES**

(Sen. Richard Onyonka, MP)

Order read;

THAT, AWARE of the crucial role played by indigenous trees in purification of air and combating of climate change, protection against floods and water pollution, in the field of medicine, nutrition and timber production, among other roles;

APPRECIATING that the National Government, through the National Landscape and Ecosystem Restoration Programme, plans to increase the national forest cover to 30% by planting fifteen (15) billion trees and, in furtherance of the Programme, gazetted 13<sup>th</sup> November, 2023 as a Public Holiday to allow Kenyans to plant trees;

CONCERNED that the Government is yet to establish elaborate measures for the growing and protecting of indigenous trees and to involve such crucial players as the County Governments, hence impeding the sustainability of the programme;

NOW, THEREFORE, the Senate urges the 47 county Governments to set aside land and resources to be used in the planting and protection of indigenous trees, in support of the initiatives by the National Government.

Order deferred.

And there being no other business in the Order Paper, the Temporary Speaker (Sen. Veronica Maina, MP) adjourned the Senate at Six O'clock, without Question put, pursuant to the Standing Orders.

25. **SENATE ROSE**

- at Six O'clock.

**M E M O R A N D U M**

*The Speaker will take the Chair on  
Tuesday, July 23, 2024 at 2.30 p.m.*

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