



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (THIRD SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, JULY 10, 2024 (AFTERNOON SITTING)**

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 the Orders of the Day.

4. **PETITION**

Pursuant to Standing Order 236 (2) (a), Sen. Tabitha Mutinda, MP reported to the Senate a Petition by Ms. Mercy Jepchirchir regarding medical negligence and staff incompetence that led to the death of Ms. Annita Jepkorir at Moi Teaching and Referral Hospital (MTRH).

Pursuant to Standing Order 238 (1), the Speaker committed the Petition to the Standing Committee on Health for consideration.

5. **QUESTIONS AND STATEMENTS**

- i. **Statement pursuant to Standing Order 52(1)**

Seneta wa Kaunti ya Mombasa (Sen. Mohamed Faki, Mp) alitoa Kauli kuhusu kuadhimisha siku ya Kiswahili duniani iliyoteuliwa na Shirika la Elimu, Sayansi na Utamaduni la Umoja wa Mataifa (UNESCO).

Seneta alifahamisha Seneti kuwa siku hii husherehekewa tarehe saba, mwezi wa saba kila mwaka kwanzia mwaka wa 2022. Siku ya kuadhimisha siku ya Kiswahili duniani, katika Afrika Mashariki ilisherehekewa Mombasa mwaka huu. Aliongezea kuwa chimbuko la lugha ya Kiswahili ni Afrika

Masharika na inazungumzwa katika mataifa kumi na tatu; Kenya, Uganda, Tanzania, Rwanda, Burundi, Jamhuri ya Kidemokrasia ya Kongo, Sudan Kusini, Msumbuji, Malawi, Zambia, Comoro, Omani, Yemen katika Afrika ya kati. Kiswahili pia kimeanza kufunzwa Afrika Kusini na katika viuo vikuu nchini Japani na China.

Seneta pia alifahamisha Seneti ya kwamba Kauli mbiu ya maadhimisho ya mwaka huu ilikuwa ni Kiswahili, elimu na uingilugha katika ufanikishaji wa amani ulimwenguni. Washikadau walisema kuwa ipo haja ya kukuza na kutumia Kiswahili ili kukuza amani katika Afrika Mashariki.

Seneta alieleza kuwa hapa nyumbani, Seneti imeweza kupiga hatua katika utumizi wa Kiswahili na hili limeonekana katika utafsiri wa kanuni za kudumu katika lugha ya Kiswahili. Aliendelea kwa kuhamasisha Seneti kuwa, ni muhimu sana kuendeleza hatua hii kwa kutafsiri miswada ya sheria kwa lugha ya Kiswahili kuwezesha wakenya wote kusoma na kuelewa sheria na majadiliano bungeni.

Alimalizia kwa kusema kuwa Kiswahili ni kipengee maalum kwa kufanikisha ugatuzi ambayo ndio jukumu kuu la Seneti.

**ii. Statement pursuant to Standing Order 53(1)**

- a) The Senator for Wajir County (Sen. Abass Sheikh Mohamed, MP) on behalf of the Senator for Marsabit County (Sen. Mohamed Chute, MP) sought a Statement from the Standing Committee on Labour and Social Welfare regarding the delayed disbursement of stipends to interns by the County Government of Marsabit.
- b) The Senator for Isiolo County (Sen. Fatuma Dullo, MP) sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the abduction of three young persons, namely Muktar Tache Ali, Nura Abdi Diba, and Issa Osman Guyo, in Isiolo County on Saturday, 6<sup>th</sup> July 2024.
- c) The Senator for Vihiga County (Sen. Godfrey Osotsi, MP) sought a statement from the Standing Committee on Health regarding the status of pending bills owed to the Kenya Medical Supplies Authority (KEMSA) by counties from the financial year 2021/2022 to date.
- d) Request for statement by the Senator for Bungoma County (Sen. David Wafula Wakoli, MP) from the Standing Committee on Agriculture, Livestock and Fisheries regarding the raw fertilizer donated to Kenya by Russia in 2023 was dropped in the absence of the Senator.

**6. MOTION – THE CURRENT STATE OF THE NATION**

Order read;

THAT, 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 Tuesday, 9<sup>th</sup> July, 2024 resumed;

Raising a Point of Order, pursuant to Standing Order 110 (1), the Senator for West Pokot County (Sen. (Rev.) Julius Recha Murgor, MP) claimed to move-

“THAT, the debate be now adjourned to allow for amendments to the Motion to be filed.”

And the Deputy Speaker, acceding to the claim;

Motion made and Question proposed;

THAT, the debate be now adjourned to allow for amendments to the Motion to be filed.”

*(Sen. (Rev.) Julius Recha Murgor, MP)*

And there being no Senator wishing to contribute;

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

Question put and **agreed to.**

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**

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).

*(The Chairperson, Select Committee on Delegated Legislation)*

Debate arising;

And there being no Senator wishing to contribute;

Mover replied;

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

And the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) acceding to the request, nominated Thursday, 11<sup>th</sup> July, 2024 for putting of the Question.

8. **MOTION - APPROVAL OF SITTINGS OF THE SENATE TO BE HELD IN BUSIA COUNTY**

Order read;

THAT, AWARE that the Senate of Kenya is established under Article 93 of the Constitution and its main role, as set out at Article 96 is to represent, serve and protect the interests of the counties and their governments;

FURTHER AWARE of the critical role that the Senate plays in the interlinkage between the National and County levels of government, and the need to enhance the interaction between the Senate and county governments, as a means of bringing the Senate closer to the counties and the general public;

ACKNOWLEDGING the successes made during the sittings of the Senate outside Nairobi held in Uasin Gishu, Kitui and Turkana Counties in September, 2018, 2019 and 2023, respectively;

FURTHER ACKNOWLEDGING the recommendation of the Senate Business Committee that a sitting of the Senate be held away from the traditional premises in Parliament Buildings, Nairobi, during the term of the 13<sup>th</sup>

Parliament; and the subsequent resolution of the Senate made on 8<sup>th</sup> March, 2023, to hold plenary and committee sittings in the counties for a one-week period within the month of September in every Session of the 4<sup>th</sup> Senate, except during an election year with the objective to: -

- 1) promote the role and work of the Senate and enhance public awareness regarding the Business of the Senate and Parliament in general;
- 2) highlight existing and new opportunities for engagement in the legislative process;
- 3) develop and strengthen partnerships at the county level of government; and
- 4) provide an opportunity to members and staff of county assemblies to learn and share best practices with Senators and parliamentary officers;

NOW THEREFORE, pursuant to Article 126 (1) of the Constitution, the Senate resolves to hold its Plenary and Committee sittings in Busia County, from 23<sup>rd</sup> to 27<sup>th</sup> September 2024.

*(The Senate Majority Leader)*

Debate arising;

And there being no other Senator Wishing to contribute;

Sen. Eddy Oketch, MP replied on behalf of the Mover;

And in the absence of Quorum, the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) deferred the putting of the Question to Thursday, 11 July 2024, pursuant to Standing Order 42(2)(b).

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

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

**MEMORANDUM**

*The Speaker will take the Chair on  
Thursday, July 11, 2024 at 2:30 p.m.*