



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (THIRD SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, JULY 24, 2024 (MORNING SITTING)**

1. The Senate assembled at thirty Minutes past Nine 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 no Quorum at the expiry of the ten minutes, the Speaker directed that the Bell be rung for a further ten minutes;

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

The Speaker invited the Clerk to call the Orders of the Day.

4. **NOTICE OF 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)**

(The Chairperson, Standing Committee on Finance and Budget)

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.

5. **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)*

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 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 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 – 23.07.2024)*

Debate on amendment interrupted on Tuesday, 23<sup>rd</sup> July, 2024 resumed;

Further Amendments 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. 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.
- The Standing Committee on Justice, Legal Affairs and Human Rights –
- iv) repeals Sections 2 and 12A of the National Government Administration Laws (Amendment) Act that establishes Chief Administrative Secretaries;
  - v) introduces a legislation to cap the number of Principal Secretaries appointed pursuant to Article 155 of the Constitution of Kenya;
  - vi) establishes a legal mechanism for the merger of parastatals and state agencies that perform duplicate functions with a view to achieve a lean government.

**(b) Security Sector Reforms**

The Standing Committee on National Security Defense and Foreign Affairs-

- i) engages with the National Police Service on matters of security and standard operating procedures for handling demonstrations;
- ii) engages the government to compensate all persons whose property, both movable and immovable, were damaged or lost due to the demonstrations;
- iii) engages the National Police Service to fast-track insurance compensation to police officers who either lost their lives or suffered injuries, as a result of the demonstrations;
- iv) engages with the Directorate of Criminal Investigations to have investigations undertaken to ascertain the identity of persons or organizations funding and coordinating the violence during protests and demonstrations in the country.

**(c) Fighting Corruption**

The Standing Committee on Justice Legal Affairs and Human Rights engages the Ethics and Anti-Corruption Commission on matters 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 –

- i) 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; and
- ii) engages the Public Procurement Regulatory Authority to audit compliance with Section 53(6) of the Public Procurement and Assets Disposal Act by all public procurement entities with a view to establish a roadmap to ensure compliance of the said provisions of the Act.

**(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. Kathuri Murungi, MP)*

Debate on the amendment as further amended arising;

And there being no other 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 on amendment to amendment put and agreed to.

Debate on the Motion as amended resumed;

And there being no other 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.

**RESOLVED ACCORDINGLY**

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;

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

6. **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 Committee 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.

*(Chairperson, Standing Committee on Health – 23.07.2024)*

Debate interrupted on Tuesday, 23<sup>rd</sup> July, 2024 resumed;

And there being no other Senator wishing to contribute;

Mover replied;

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

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

7. **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 Chairperson, Standing Committee on Land, Environment and Natural Resources)

Order read;

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.

Order deferred.

8. **MOTION – REPORT OF THE SELECT COMMITTEE ON COUNTY PUBLIC INVESTMENTS AND SPECIAL FUNDS ON ITS CONSIDERATION OF THE AUDIT REPORTS OF THE WATER SERVICE PROVIDERS FOR THE YEAR ENDED 30<sup>TH</sup> JUNE, 2019, 30<sup>TH</sup> JUNE, 2020 AND 30<sup>TH</sup> JUNE, 2021**  
(The Chairperson, Committee on County Public Investments and Special Funds)

Order read;

THAT, the Senate adopts the Reports of the Select Committee on County Public Investments and Special Funds on its consideration of the Audit Reports for the year ended, 30<sup>th</sup> June, 2019, 30<sup>th</sup> June, 2020 and 30<sup>th</sup> June, 2021 of the following Water Service Providers-

- i.) Amatsi Water Services Company Limited - Vihiga County;
- ii.) Bomet Water Company Limited – Bomet County;
- iii.) Gusii Water and Sanitation Company Limited – Kisii/Nyamira Counties;
- iv.) Kisumu Water and Sanitation Company Limited –Kisumu County;
- v.) Kwale Water and Sewerage Company Limited – Kwale County; and
- vi.) Nyeri Water and Sanitation Company Limited – Nyeri County.

and the Audit Report of the Wajir Water and Sewerage Company Limited for the year ended 30<sup>th</sup> June, 2021, laid on the Table of the Senate on Thursday, 23<sup>rd</sup> November, 2023.

Order deferred.

9. **MOTION – REPORT OF THE SELECT COMMITTEE ON COUNTY PUBLIC ACCOUNTS ON ITS CONSIDERATION OF THE REPORTS OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF THARAKA NITHI, HOMA BAY, KAKAMEGA, KIRINYAGA, MAKUENI, MERU, BOMET, MURANG’A, NANDI, NYAMIRA, NYERI, SIAYA, VIHIGA, WAJIR AND SAMBURU COUNTY EXECUTIVES 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 Reports of the Auditor General on the Financial Statements of Tharaka Nithi, Homa Bay, Kakamega, Kirinyaga, Makueni, Meru, Bomet, Murang’a, Nandi, Nyamira, Nyeri, Siaya, Vihiga, Wajir and Samburu County Executives for the Financial Year 2019/2020 laid on the table of the Senate on Tuesday, 5<sup>th</sup> March, 2024.

Order deferred.

10. **MOTION – REPORTS OF THE SELECT COMMITTEE ON COUNTY PUBLIC INVESTMENTS AND SPECIAL FUNDS ON ITS CONSIDERATION OF THE AUDIT REPORTS OF VARIOUS WATER SERVICE COMPANIES FOR THE FINANCIAL YEARS 2018/2019, 2019/2020 AND 2020/2021**

(The Chairperson, Committee on County Public Investments and Special Funds)

Order read;

THAT, the Senate adopts the Reports of the Select Committee on County Public Investments and Special Funds on its consideration of the Audit Reports for the Financial Years 2018/2019 (Volume IV), 2019/2020 (Volume V) and 2020/2021 (Volume VI), for the following Water Service Companies laid on the table of the Senate on Wednesday, 29<sup>th</sup> May, 2024;

- i) Busia Water and Sewerage Services Company Limited;
- ii) Iten- Tambach Water and Sewerage Company Limited;
- iii) Kirinyaga Water and Sanitation Company Limited;
- iv) Malindi Water and Sewerage Company Limited;
- v) Mandera Water and Sewerage Company Limited;
- vi) Migori Water and Sanitation Company Limited;
- vii) Mombasa Water and Sanitation Company Limited;
- viii) Nanyuki Water and Sanitation Company Limited; and
- ix) Nithi Water and Sanitation Company Limited.

Order deferred.

11. **MOTION – REPORT OF THE 66<sup>TH</sup> COMMONWEALTH PARLIAMENTARY CONFERENCE HELD IN ACCRA, GHANA FROM 30<sup>TH</sup> SEPTEMBER – 6<sup>TH</sup> OCTOBER, 2023**

Order read;

Motion made and Question proposed;

THAT, the Senate notes the Report of the 66<sup>th</sup> Commonwealth Parliamentary Conference held in Accra, Ghana from 30<sup>th</sup> September – 6<sup>th</sup> October, 2023 laid on the Table of the Senate on 15<sup>th</sup> February, 2024.

*(Sen. (Prof.) Margaret Kamar, MP)*

Debate arising;

And the time being One O'clock, the Temporary Speaker (Sen. Veronica Maina, MP) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

12. **SENATE ROSE** – at One O'clock.

**MEMORANDUM**

*The Speaker will take the Chair on  
Wednesday, July 24, 2024 at 2.30 p.m.*