

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 20th April, 2023

*The House met at the Senate Chamber,
Parliament Buildings, at 2.30 p.m.*

[The Speaker (Hon. Kingi) in the Chair]

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Clerk, do we have the requisite quorum?

(The Clerk-at-the-Table consulted with the Speaker)

Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

I am informed that we now have the requisite quorum. So, Clerk, you may proceed to call the first Order.

NOTICE OF MOTION

The Speaker (Hon. Kingi): Chairperson of the Standing Committee on Devolution and Intergovernmental Relations, you have a Notice of Motion to give. Kindly proceed.

Sen. Abass: Mr. Speaker, Sir, I wish to comment on the Statement made by Sen. Gataya Motion Fire on relocation of national Government administrative services from Chuka to---

The Speaker (Hon. Kingi): Sen. Abass, you are supposed to give Notice of Motion and not to make a Statement.

ADOPTION OF REPORT ON RELOCATION OF NATIONAL GOVERNMENT
ADMINISTRATIVE SERVICES FROM CHUKA TOWN

Sen. Abass: Mr. Speaker, Sir, I beg to give Notice of the following Motion-
THAT, the Senate adopts the Report of the Standing Committee on
Devolution and Intergovernmental Relations on a Statement sought on the
relocation of national Government administrative services from Chuka
Town to Kathwana County Headquarters, Tharaka-Nithi County, laid on
the Table of the Senate on Wednesday 19th April, 2023.

The Speaker (Hon. Kingi): Let us go to the next Order.

STATEMENTS

The Speaker (Hon. Kingi): We will begin with Statements pursuant to Standing
Order No.52(1). Sen. Kibwana is not present. Therefore, those Statements are dropped.

STATE OF HEALTH AND SAFETY IN SCHOOLS

ELECTIONS OF OFFICIALS TO KEWOSA

(Statements dropped)

The Speaker (Hon. Kingi): Next are Statements pursuant to Standing Order
No.53(1). Since Sen. Kibwana is not here, that Statement is dropped from today's Order
Paper.

DENTAL AND OPTICAL HEALTHCARE TREATMENT
FOR KENYANS THROUGH NHIF

(Statement dropped)

The Speaker (Hon. Kingi): Sen. Sifuna's Statement is also dropped from today's
Order Paper.

STATUS OF EMPLOYMENT OF INSPECTORATE
OFFICERS RECRUITED DURING NMS TENURE

(Statement dropped)

The Speaker (Hon. Kingi): The Statement pursuant to Standing Order No.57(1)
is by the Senate Majority Leader. Please proceed to make your Statement.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 25TH APRIL, 2023

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, pursuant to Standing Order No.57(1), I hereby present the business of the Senate for the week commencing Tuesday, 25th April, 2023.

In so far as legislative business is concerned, there are 26 Bills that have been published in the Senate. Out of these Bills, 17 are due for Second Reading Stage and four are at the Committee of the Whole Stage. A further four Bills are undergoing concurrence, pursuant to Article 110 of the Constitution, and one Bill was enacted into law.

Mr. Speaker, Sir, I have explained time without number that anytime we hit the magical 24, you have seen Sen. (Dr.) Khalwale, though the Whip on the minority side is not here, neither is his deputy--- We expect that when we reach that particular number because of many challenges of how this House operates, we request that the House---

I want to appreciate because Members have always indulged us whenever we request that we go to a Division for any of these Bills listed here. I wish to plead with Members that when we get to that particular time, we transact any of these Bills, either at Second Reading or Third Reading, so that we conclude on the business that is before the House and move on with other things. Otherwise, we will find ourselves in a situation where we have Bills stuck at either Second Reading or Third Reading.

As indicated in today's Order Paper, at Order No.8, the Division of Revenue Bill, (National Assembly Bills No.9 of 2023) is pending division at the Second Reading Stage. At Order No.9, the Bill has been scheduled for the Committee of the Whole. This is a critical financial instrument whose passage will give way to the publication of the County Allocation of Revenue Bill.

Another critical financial instrument before the House is the Equalization Fund Appropriation Bill (Senate Bills No.3 of 2023), which seeks to unlock funds under the Equalization Fund for utilization by counties in the Financial Year 2022/2023 by 30th June, 2023. Members will recall that it took us close to 10 years to strike a deal on this matter of Equalization Fund. For the Senate to be at this point where we are considering this particular Bill, it is great.

I hope that today after we are done with the Division of Revenue Bill, we shall quickly move on to consider the Equalization Fund Appropriation Bill. Members can debate on it and eventually, if possible for Members to hang around a little bit, we shall conclude the particular Bill which I have indicated that it is a critical financial instrument.

For that reason, I cannot overemphasize the importance of the passage of these crucial Bills. I, therefore, urge the Party Whips of both the majority and minority sides to mobilize the requisite number of Senators for the voting process at both stages.

With regard to Petitions, the Senate has so far received 13 Petitions that have been committed to respective Standing Committees, pursuant to Standing Order 238(1). Five Petitions are due for reporting by the Standing Committees on Roads, Transportation and

Housing; Agriculture, Livestock and Fisheries; Labour and Social Welfare; and, Justice, Legal Affairs and Human Rights respectively.

I urge the foresaid Standing Committees to expedite consideration of the five Petitions and table reports thereon. I also urge the other Standing Committees to process the Petitions referred to them within the 60-day period as per the provisions of Standing Order No.238(2).

We have said times without number that while 60 days is the ceiling, you do not have to wait until the 60th day. If as a committee you are diligent enough and have concluded on a Petition, the earlier the better. Kenyans feel better served by this House.

Statements are increasingly being sought pursuant to Standing Order No.53 and others issued pursuant to Standing Order No.52. I urge Standing Committees to promptly consider the Statements and report back to the House with the mechanisms provided for under the Standing Orders.

Mr. Speaker, Sir, several Questions have been filed, approved by the Speaker and subsequently conveyed to the respective Cabinet Secretaries (CSs). At its meeting held on Tuesday, 18th April, 2023, the Senate Business Committee (SBC) approved the first set of Questions to appear in the Order Paper for Wednesday, 26th April, 2023 (morning sitting). The summary of the Questions and the Cabinet Secretaries to appear on that day are as follows-

(1) Question by Sen. (Dr.) Lelegwe Ltumbesi, MP, to the Cabinet Secretary for Interior and National Administration, to respond on the state of security and resettlement of displaced persons in Samburu County.

(2) Question by Sen. Fatuma Dullo, MP, to the Cabinet Secretary for Lands, Housing and Urban Development, to respond on disparity in compensation to residents of Nuno, Modogashe and Isiolo who were affected by the Africa Gateway Project.

(3) Question by Sen. Fatuma Dullo, MP, to the Cabinet Secretary for Mining, Blue Economy and Maritime Affairs, to respond on the lifting of moratorium on the issuance of mineral mining rights. That is an important question.

I know there are Members in this House who have interest in mining. I have seen them occasionally asking me what can be done to unlock the blanket ban. We will be listening to the CS on that day. There are many counties. Kisii is one such example. Another one is my own county of Kericho among other counties such as Makueni that have interest in mining. This is an important question by Sen. Dullo.

(4) Question by Sen. Veronica Maina, MP, to the Cabinet Secretary for Mining, Blue Economy and Maritime Affairs, to respond on exploration of offshore gas and oil.

(5) Question by Sen. Veronica Maina, MP, to the Cabinet Secretary for Mining, Blue Economy and Maritime Affairs, to respond on exploration of maritime produce and participation of local fishermen in the Maritime Exclusive Economic Zone (EEZ).

Mr. Speaker, Sir, those are questions that have been filed by Members. There are others which we shall subsequently file before the SBC.

I urge hon. Senators whose Questions will be scheduled to be available in the Chamber to prosecute the same. Appreciating that this will be the first time that the Senate will implement the provisions of Standing Order Nos.51(a) to (d), I urge all

Senators to familiarize themselves with the said Standing Orders and guidelines issued by the Speaker on processing of Questions.

Mr. Speaker, Sir, perhaps what we could do - and this also goes to the Secretariat - is that on Tuesday 25th, we can avail either hardcopies or softcopies of the Speaker's Rules on appearance of CSs, so that we guide our colleagues on how to conduct that particular business, given that it will be the first time CSs will be appearing before the House.

On Tuesday, 25th April, 2023, the SBC will consider and approve the business of the day. This will contain business that will not have been concluded from today's Order Paper, and any other business scheduled by the SBC.

The Order Papers for Wednesday, 26th April, 2023, and Thursday, 27th April, 2023, will contain business that will not be concluded on Tuesday, 25th April, 2023, and Wednesday, 26th April, 2023, respectively. The SBC will also schedule any other business pursuant to the Standing Orders.

Mr. Speaker, Sir, I thank you and hereby lay the Statement on the Table of the Senate.

(Sen. Cheruiyot laid the document on the Table)

The Speaker (Hon. Kingi): Before we move to the next Order, three Statements by Sen. Kibwana had been dropped because when they were called out, the Senator was not in the Chamber. However, the Senator has approached me and explained why she was not in the Chamber when those Statements were called out.

Indeed, she was held up in a parliamentary business. For that reason, I will direct that the three Statements by Sen. Kibwana be reinstated in today's Order Paper and allow her to proceed to prosecute her Statements.

Sen. Kibwana, proceed.

Sen. Kibwana: Thank you, Mr. Speaker, Sir, for the consideration and sorry for the inconvenience.

(Sen. Onyonka crossed the Floor without bowing to the Chair)

Sen. Methu: On a point of order, Mr. Speaker, Sir. I would not have wished to disrupt Sen. Kibwana. However, I am looking at the Standing Orders. Sen. Onyonka is a seasoned Member, yet he has stood between me and you and crossed the Floor twice. I thought the first time was a mistake but he crossed from there and then went back. I think he is out of order.

The Speaker (Hon. Kingi): Senator, indeed, that act made you to be out of order. I am going to proceed to caution you for the day. Any other opportunity you will have, when you will be out of order, you know the consequences.

Kindly proceed, Sen. Kibwana.

Sen. Methu: On a point of order!

The Speaker (Hon. Kingi): Under what Standing Order?

Sen. Methu: Mr. Speaker, Sir, I am referring to No.5 of the Speaker's Rules. The last time I was here, you referred to a Kaunda Suit as a suit that has a button up to the neck. I am looking at the person that you have cautioned again and I think he is not properly dressed. He is dressing now.

The Speaker (Hon. Kingi): Sen. Methu, the Senator of Kisii County is properly dressed.

(Laughter)

Sen. Kibwana, kindly proceed.

STATE OF HEALTH AND SAFETY IN SCHOOLS

Sen. Kibwana: Thank you, Mr. Speaker, Sir. I will proceed with the Statements. The first Statement is on urgent action in ensuring health and safety in all our schools following the tragedy of Mukumu Girls High School.

Mr. Speaker, Sir, I rise, pursuant to Standing Order 52(1), to make a Statement on a matter of national concern, namely a call for urgent action in ensuring health and safety in all our schools, following the tragedy at Mukumu Girls High School.

I stand before you today with a heavy heart, deeply saddened and concerned by the tragic events that have transpired at Mukumu Girls High School. This devastating incident has led to the loss of four innocent lives following the infection of scores of students from alleged contaminated food and water. We send our heartfelt sympathies to the families and loved ones of the students affected by this tragedy, during this difficult time.

Mr. Speaker, Sir, following discussions between the school, the Ministry of Education, and the county Government, the closure of Mukumu Girls High School and dissolution of the Board was deemed essential in the wake of this situation.

This is simply a short-term solution, nevertheless. We must take immediate action as community leaders and representatives to guarantee that long-lasting improvements are done to offer a secure learning environment for all pupils.

Mr. Speaker, Sir, over the past few weeks, many students have been admitted to hospitals due to symptoms such as nausea, dizziness, and diarrhoea. Health officials initially suspected a cholera outbreak when 124 children from the Kakamega County school were hospitalized at the Kakamega County General Teaching and Referral Hospital in late March. Fortunately, tests revealed that cholera was not present, although food poisoning was still a risk.

This incident at Mukumu Girls High School is not the first of its kind. According to reports, a similar tragedy claimed the lives of two children at the same school in 2022. The fact that these outbreaks continue occurring shows that immediate action is required to address the underlying issues.

In order to ensure that our children can pursue their education without jeopardizing their health or safety, we must work together. I urge a comprehensive and open inquiry of these instances, both recent and historical, as well as the prompt

implementation of the suggestions provided by Quality Assurance Officers following the tragedy of 2022.

Mr. Speaker, Sir, I implore the Ministry of Education, the County Government and the school administration to work together in addressing this issue and implementing the necessary improvements to safeguard the health of our students.

This includes regular inspections of food and water sources, stricter hygiene standards, and the establishment of a system to monitor and report potential health hazards.

Further, it is essential that we provide adequate resources and support to schools, especially in rural areas, to ensure that they have the necessary infrastructure and facilities to maintain high standards of cleanliness and safety. These include access to clean water, proper sanitation facilities, and well-maintained kitchens and dining areas.

Mr. Speaker, Sir, education is a fundamental right for every child, and it is our duty, as leaders and representatives, to create a safe and conducive environment for learning. We must also work to raise awareness among students, staff and parents about the importance of maintaining proper hygiene and reporting any signs of illness or potential health hazards.

In conclusion, the tragic events at Mukumu Girls High School serve as a sobering reminder of the critical need to address our children's health and safety in schools across the nation. It is our obligation to make sure that every child has the opportunity to grow and learn in a safe setting, free from the fear of illness or harm.

Mr. Speaker, Sir, let us rally together, committed to ensuring the safety of our children, and fight tirelessly to bring about long-lasting improvements that will benefit generations to come.

I thank you.

I will proceed with the second Statement.

ELECTIONS OF OFFICIALS TO KEWOSA

Mr. Speaker, Sir, I bring to your attention the election of officials of the Kenya Women Senators Association (KEWOSA). The following Senators were duly elected;

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|--------------------------|---|---------------------------|
| (1) Chairperson | - | Sen. Hamida Kibwana, MP. |
| (2) Deputy Chairperson | - | Sen. Tabitha Mutinda, MP. |
| (3) Secretary | - | Sen. Beth Syengo, MP. |
| (4) Treasurer | - | Sen. Mariam Omar, MP. and |
| (5) Organizing Secretary | - | Sen. Esther Okenyuri, MP. |

Mr. Speaker, Sir, it is my utmost pleasure to address this esteemed House and congratulate each one of these incredible women leaders. As we embark on this journey together, I emphasize our priority areas that will guide our work as a caucus.

Women's rights and empowerment are essential to achieving social justice, economic prosperity and political stability. This Association has the unique opportunity to make a difference in the lives of women and vulnerable groups across our great country.

We will work to promote women's participation in political and public life; increase women's and vulnerable groups representation in decision-making positions and to support women's as well as vulnerable groups' economic and social empowerment. We will work tirelessly to ensure that these issues remain at the forefront of our national agenda.

Mr. Speaker, Sir, water security is a critical issue in Kenya with many communities facing challenges such as water scarcity, pollution and inadequate infrastructure to support water supply and sanitation services. To address this issue, KEWOSA seeks to promote water security in several ways, including-

Advocating for policies and legislation that promote water security. Support women, vulnerable groups and other stakeholders in helping them improve their knowledge and skills in areas such as water management and conservation. Leverage resources and expertise to improve water security, educating communities on the impact of pollution on water resources and promoting the use of sustainable water management practices.

The Kenya Women Senators Association (KEWOSA), as a key stakeholder in the health sector, has a critical role to play in initiating and advocating for health policies that prioritize the needs and well-being of women and vulnerable groups. To effectively initiate health policies, we will engage in various activities, such as conducting research on women's health issues, analysing health data and identifying gaps and opportunities for policy interventions.

Mr. Speaker, Sir, food security is a fundamental issue in Kenya with many families struggling to access sufficient and nutritious food. To address this issue, the Association will work to promote food security in several ways.

We will introduce policies and legislation that promote food security. For example, on increased funding for agriculture, improved infrastructure to support food production and distribution as well as to initiate measures to address climate change and its impact on food production.

Mr. Speaker, Sir, we will introduce policies and legislation that promote food security. For example, on increased funding for agriculture; improved infrastructure to support food production and distribution as well as to initiate measures to address climate change and its impact on food production.

We shall also support youth, women, farmers and other stakeholders in the agriculture sector, by providing training and capacity building programmes to help them improve their agricultural practices; increase their yields and enhance their incomes; build partnerships with local and international organizations to support initiatives such as the establishment of community gardens in informal settlements; and the distribution of food aid to vulnerable families.

Mr. Speaker, Sir, KEWOSA recognizes the importance of gender-inclusive policies that address the specific needs and challenges faced by women and vulnerable groups in different regions and communities. To this end, we will strive to ensure that the two-thirds gender principle is fully realised. We admit that there is need to create a more

enabling environment for women's political participation, including addressing the cultural and structural barriers that limit women access to political power.

We will advocate for the development and implementation of gender-sensitive policies across all sectors. We acknowledge the critical importance of a gender-sensitive budget-making process in advancing women's and vulnerable groups' rights and empowerment. We will work to ensure that the national and county budgets reflect the needs and priorities of women and vulnerable groups across the country.

As the Chairperson, I pledge to work closely with all legislators to promote the interests and well-being of women and vulnerable groups in Kenya. We will strive to build a strong and effective Association that advocates for gender equality, women and vulnerable groups empowerment and the realization of women's and vulnerable groups' rights.

Mr. Speaker, Sir, we will engage with Government agencies, the Kenya Women Parliamentarians Association (KEWOPA), civil society organizations and international partners to build partnerships and leverage resources. We will also seek to promote public awareness and education on women and vulnerable groups issues and foster a culture of respect, tolerance and inclusiveness.

Finally, I believe that our strength as a Caucus lies in our diversity as well as your guidance and support. I am committed to ensuring that each of our voices is heard and valued. Together, we can make a significant impact in advancing women's and vulnerable groups' rights. I am excited to lead us forward on this journey.

As I conclude, I am delighted about the opportunities and challenges ahead. I look forward to working with each and every one of you, hon. Senators, to advance the cause of women in Kenya.

DENTAL AND OPTICAL HEALTHCARE TREATMENT FOR KENYANS THROUGH NHIF

Mr. Speaker, Sir, last but not least, I rise pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Health. This is with regard to dental and optical health care treatment for Kenyans through the National Hospital Insurance Fund (NHIF) cover.

In the statement, the Committee should -

(1) Explain why NHIF excludes a section of its registered members from accessing dental and optical healthcare through the NHIF cover.

(2) State plans, if any, put in place by the Ministry of Health to ensure all Kenyans registered with the NHIF get access to dental and optical health care treatment through the NHIF cover.

Thank you.

The Speaker (Hon. Kingi): Senator, proceed to make your Statement pursuant to Standing Order No.53(1). You have a Statement---

Sen. Kibwana: Mr. Speaker, Sir, I have done all the Statements.

The Speaker (Hon. Kingi): Okay. Hon. Senators, I will allow comments on her Statements pursuant to Standing Order No.53(1).

The first two Statements made under Standing Order No.52 are Statements of general topical concern and they do not, under our Standing Orders, attract comments. Senators on the dashboard, please restrict your comments on the third Statement by the hon. Senator.

Sen. Maanzo, proceed.

Sen. Maanzo: Thank you Mr. Speaker, Sir. I appreciate your direction and the good understanding of the Standing Orders and the matter presented by Sen. Kibwana who has been very thorough on the dental issue.

That tends to be left out when it comes to insurance, children and implementation. Many times, young people especially children, suffer on dental issues. This is after the first set of teeth is gone and the second one comes. That determines how that person looks in terms of the dental development for the rest of their lives. If they do not get good care in proper hospitals with proper insurance, they may end up looking different or missing teeth. Without money to replace, it will be difficult.

The world is encouraging people to repair teeth instead of removing them, which has been a practise. Through the medical profession, they have managed to get it right. A lot of populace have not yet learnt that particular practice. On the other hand, many practitioners would discourage the removal of teeth as they were previously but insist on repair so as to be maintained using modern technology.

It is a matter which has to be relooked at. Health, being devolved, not many hospitals have the full capacity. Finally, as a country, we do not seem to train enough dentists in this particular field. We ought to encourage scholars, those going to university now, to study dentistry so that we can have enough dentists for our country.

Thank you.

Sen. Kathuri: Mr. Speaker, Sir, you have ruled but I really wanted to congratulate the gracious ladies after the elections. The KEWOSA is a good thing.

The Speaker (Hon. Kingi): Hon. Senator, you may congratulate them outside the Chamber. For now, just proceed to restrict your comments on the third Statement.

Sen. Kathuri: Mr. Speaker, Sir, I wanted to see whether we can start KEWOMA(?).

(Applause)

I wanted to propose that we come up with Kenya Male Senators Association because the groups she is targeting as the chair, does not include men. It is a women affair and other vulnerable groups. I thought we could start our association with Sen. Oburu as our Chairman.

(Applause)

This young Senator, Sen. Methu, can be his secretary so that we can also start planning our things.

The Speaker (Hon. Kingi): Sen. Olekina, you may have the Floor.

Sen. Olekina: Thank you, Mr. Speaker, Sir. I rise to support the Statement by Sen. Kibwana, on the mysterious disease in Kakamega County. It has forced two schools-

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The Speaker (Hon. Kingi): Hon. Senator, I have directed how we should---

Sen. Olekina: Mr. Speaker, Sir, but I requested.

The Speaker (Hon. Kingi): Yes, but look at your Standing Orders. The only Statements that attract comments from Senators are those made pursuant to Standing Order No.53. The Statement---

Sen. Olekina: Mr. Speaker, Sir, that is Standing Order No.53(1).

The Speaker (Hon. Kingi): No, it is not. The Statement touching on Mukumu Girls High School was made under Standing Order No.52(1). So, restrict yourself to dental matters. As you talk, you can couch your Statement to navigate---

Sen. Olekina: I will find a way to navigate---

The Speaker (Hon. Kingi): Proceed. I do not need to teach you how to do it.

Sen. Olekina: Mr. Speaker, Sir, I rise to support this very important Statement, that has been raised in terms of discrimination of services offered by NHIF to its members.

In Kakamega County, the levels of fluoride in water is of great concern. In fact, if you look at most people in not only Kakamega County but also part of Narok County, their teeth are yellow because of the excess fluoride content in water.

The exploration of minerals in Kakamega County is quite high. The level of toxicity and minerals in water is something that should worry this country. It is above international standards. I am a member of the Standing Committee on Health, and I hope that when we shall look at this, we shall dig deeper. I hope that the Committee can investigate further on whether the Ministry of Health (MoH) and, to a great extent, the National Intelligence Service (NIS) has a topographic details on the metals that exist underneath which should concern this country.

We see many mysterious diseases. Your teeth can be discoloured to a point where when you try to bite some meat, they just disappear because of the issue of discoloration of your teeth resulting from the water that you drink. Water is something most of us do not really look into. However, it is something that should be of concern to us. We have turned this country into one that depends on pesticides. We have moved away from organic matters. All these agricultural activities on a daily basis, especially when you spread fertilizers and pesticides on the agricultural land end up seeping and the toxicity infects and destroy our water sources.

I hope that the Committee will tell us why National Hospital Insurance Fund (NHIF) decided not to cover dental. Is it because there is a high concentration of arsenic metals in our water, or the pH level of the water concentration cannot be controlled or is it because it is going to be very expensive? I would expect that in any public institution

such as a school like the one in the Kakamega County; before students are allowed to drink that water, invest a little bit on a reverse system---

The Speaker (Hon. Kingi): What is your point of order, Sen. Ososti?

Sen. Ososti: On a point of order, Mr. Speaker, Sir. I am just concerned that my good friend and Senate Minority Whip is making references to Kakamega County which is my neighboring county as the only county having dental and optical issues. I am concerned because it is a national problem, which is not limited to Kakamega County only.

The Speaker (Hon. Kingi): Sen. Olekina, the Chair is aware of what you are trying to do. Kindly restrict yourself to the third Statement by Sen. Kibwana. Let your comments be strictly on that Statement.

Sen. Olekina: Mr. Speaker, Sir, I am guided. I would like to inform the Chairperson of the County Public Investments Committee (CPIC) that it is a fact that the high levels of minerals in Kakamega County is something that should concern this country especially when it comes to the issue of water. This water ends up discoloring our teeth such that NHIF is seeing it as a huge burden to cover.

Although I really wanted to comment on the issue of Mukumu Girls High School, you told me I cannot because it was a general statement. I hope that we can interrogate this issue to a great extent. I invite the NIS to guide us. The problem is this – and let me speak for myself and maybe to my brother's county of Kakamega – because of her level of poverty and the lack of resources in this country. We end up drinking water---

(Sen. Wambua spoke off record)

Sen. Wambua: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Wambua, what is your point of order.

Sen. Wambua: Mr. Speaker, Sir, I rise pursuant to Standing Order No. 120 on the issue of relevance. The Senate Minority Whip is clearly struggling to drive home a point. Allow me to refresh his mind. The Statement sought by Sen. Kibwana, which he is supposed to be commenting on under Standing Order No. 53(1), is about NHIF and the fact that they are not covering dental health. I do not know where the issues of National Intelligence Service (NIS) and mineral exploration are coming from.

Mr. Speaker, Sir, can you beat the Senator back to order.

The Speaker (Hon. Kingi): Sen. Olekina, you are out of order. Kindly confine yourself and conclude your comments on the third Statement.

Sen. Olekina: Mr. Speaker, Sir, as I conclude on the third Statement, my dear brother should take judicial notice that the NIS is not just for rumor mongering. Their work is to advise this country on what is available whether good or bad.

The Speaker (Hon. Kingi): Sen. Olekina, what is the relevance of the Directorate of Criminal Investigations (DCI) on NHIF and dental?

Sen. Olekina: Mr. Speaker, Sir, I will be more than happy to qualify my statement on the relevance.

The Speaker (Hon. Kingi): Kindly conclude.

Sen. Olekina: Mr. Speaker, Sir, the relevance on the issue of water - The quality of water we are consuming in this country is what discolours our teeth. Hypothetically, when you give us time to comment on statements, it is usually an opportunity to either seek clarification from the sponsoring Senator or seek more interrogation of other areas by the Committee. As I prosecute the last point-because you have denied me an opportunity---

The Speaker (Hon. Kingi): Kindly conclude because you are clearly struggling.

Sen. Olekina: As I conclude, I would like the Committee to investigate the reasons why NHIF has decided to limit the services that their members get yet we pay a lot of money. Is it because of bad water or? I thank you.

(Laughter)

The Speaker (Hon. Kingi): Proceed, Sen. Tabitha Keroche.

Sen. Tabitha Keroche: Thank you, Mr. Speaker, Sir, for giving me this opportunity. I am surprised to see a Senator who is a seasoned Member of this House, whom I have admired for long and one who made me come to this House talking on an issue that he does not know its seriousness.

When I think about the water situation in Nakuru County, I feel like crying. Thank you, Sen. Kibwana, for bringing this Statement because Nakuru is one of the counties that has been affected by excess fluoride levels in water. I am only lucky that I came to Naivasha after I had finished schooling. Otherwise, I am sure I could not have the kind of teeth that I do now.

All the people who come from Naivasha have brown teeth. When Sen. Olekina speaks about the issue of fluoride levels in the water that is consumed in Kakamega, yet he is seated next to the Senator for Kakamega County whose teeth can be sold to Naivasha---

(Loud Consultations)

Sen. Tabitha Keroche: Sorry, I meant the Senator for Vihiga County. The Senator for Kakamega is here.

In short, I thank Sen. Kibwana for this statement. The people of Naivasha in Nakuru County use three quarters of their salaries to maintain their children's teeth. I know that prevention is better than cure. We thank Sen. Kibwana who has brought this Statement to the Floor of the House but we should incorporate in the Statement some prevention measures for this country. The water that is consumed by our people is well known to damage children's teeth.

I am very lucky that I run a brewery. I now understand how this water needs to be treated. We built a plant that has produced the best water in this country. This means that the Government of Kenya needs to ensure that the water that our people drink meets the international standards. They need to put up reverse osmosis equipment to ensure that fluoride is taken care of so that the water that our people take is guaranteed.

You are lucky that you will never settle in Naivasha. If a young Senator like Sen. Oketch Gicheru married and settled in Naivasha, he would spend some of his salary to maintain teeth. Who will come and save the people of Naivasha and Nakuru?

Our Government needs to ensure that it does not only offer the National Health Insurance Fund (NHIF) that Sen. Kibwana talked about but put up plants. I did not choose to be born and brought up in Naivasha; I just found myself there.

The Government of Kenya needs to put the reverse osmosis equipment. I am talking about a very serious issue. When the people of Naivasha see you laughing---

The Speaker (Hon. Kingi): Senator, kindly conclude your comments.

Sen. Tabitha Keroche: Mr. Speaker, Sir, I am concluding now. I support, Sen. Kibwana's proposal to ensure that dental health is taken care of by the NHIF. We also need to push the Government to install reverse osmosis machines for people that are born in fluoride-prone areas so that they drink safe water.

However, I will not forgive the Senator for Narok for making a joke about something that he does not understand. The Masaai have clean teeth. If he travels to Naivasha he will pity us. When he comes here, he will find ways of how to save our people.

The Speaker (Hon. Kingi): Thank you, Senator. The 15 minutes meant for comments on that Statement is long spent. Before we move to the next business, hon. Senators, allow me to make the following communications.

(Interruption of debate on Statements)

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION FROM THE NATIONAL ASSEMBLY OF ZAMBIA

The Speaker (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of a visiting delegation from the National Assembly of Zambia.

The delegation is in the Senate for a benchmarking visit.

I request each Member of the delegation to stand when called out so that you may be acknowledged in the Senate tradition.

- (1) Ms. Mambwe Kaoma, Senior Legal Officer.
- (2) Mr. Stanley Banda, Legal Officer.

(Applause)

Hon. Senators, on behalf of the Senate and my behalf, I extend a warm welcome and wish you a fruitful visit.

VISITING DELEGATION FROM VARIOUS
COUNTY ASSEMBLIES

Hon. Senators, I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of a visiting delegation of Members of staff from various county assemblies currently undertaking training at the Centre for Parliamentary Studies and Training (CPST).

I request each Member of the delegation to stand when called out so that you may be acknowledged in the Senate tradition.

- (1) Mr. George Kibisu Odemo, Principal Serjeant-at-Arms- Vihiga County
- (2) Mr. Fredrick Onyango Okuta, Security Warden - Parliament
- (3) Ms. Abigail Mwikali Mulei, Serjeant-at-Arms- Machakos
- (4) Mr. Joseph Mwangi, Security Warden- Parliament
- (5) Mr. Masheti Godfrey Alulu, Serjeant-at-Arms -Vihiga
- (6) Mr. Samson Katana Kahindi, Serjeant-at-Arms -Kilifi
- (7) Mr. Wardere Shaaban Haidar, Serjeant-at-Arms- Mandera
- (8) Mr. Elija Koi Mwambire, Serjeant-at-Arms- Kilifi
- (9) Ms. Clara Dama Kombe, Serjeant-at-Arms- Kilifi
- (10) Mr. Francis Lemaos Mokorino, Senior Security Officer -Laikipia
- (11) Ms. Monicah Nyambura Mbote, Security Warden- Laikipia
- (12) Mr. Harrison Prandi Parsoroi, Security Warden- Laikipia
- (13) Mr. Daniel M. Ndambuki, Serjeant-at-Arms -Machakos
- (14) Mr. George Makokha, Serjeant-at-Arms -Vihiga
- (15) Mr. Erastus Mutua, Serjeant-at-Arms -Machakos
- (16) Ms. Martha Zawadi Nyundo, Serjeant-at-Arms- Kilifi
- (17) Mr. John Vidolo Madegwa, Deputy Serjeant-at-Arms- Vihiga
- (18) Mr. Siyad Hussein Hassan, Serjeant-at-Arms, Mandera
- (19) Mr. Kathuku Mukonza, Security-Parliament
- (20) Ms. Jannet Monicah Manasseh, Serjeant-at-Arms -Vihiga
- (21) Ms. Mildred Nanjala Walumbe, Security Warden- Parliament
- (22) Ms. Dorothy Mwenesi Mbayi, Security Warden- Parliament
- (23) Ms. Sarah Chepkorir, Serjeant-at-Arms -Kericho
- (24) Mr. Chepkemoi Mutai, Serjeant-at-Arms- Kericho
- (25) Mr. Reuben Kipngetch Kirui, Serjeant-at-Arms -Kericho
- (26) Ms. Alice Ndombi, HR Officer- Bungoma

On behalf of the Senate and my behalf, I extend a warm welcome and wish you a fruitful visit.

The last Communication.

VISITING DELEGATION FROM ST. MARY'S
NYAMAGWA GIRLS' HIGH SCHOOL, KISII COUNTY

Hon. Senators, in the Public Gallery, we have 83 students, accompanied by five teachers from St. Mary's Nyamagwa Girls' High School in Kisii County who are in the Senate on an education tour.

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 my behalf, wish them a fruitful visit.

Hon. Senators, I will allow the Senate Majority Leader and the Deputy Minority Leader and the Senator for Kisii to make very brief welcoming remarks in that order.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. This is part of a very beautiful tradition of this House where on each afternoon, we receive visiting delegations from different parts of the world and country.

I will begin with the distinguished delegation from the Parliament of Zambia. Zambia has been a prominent part of the discussion in this House this week.

I wish they were here to listen to the contributions of many of us who stood here to celebrate their success in agriculture and the need for us, as a country, to emulate many of their practices.

I know Zambia, as a country, continues to engage at an equal level with the Parliament of Kenya on so many fronts.

During my time at Parliamentary Service Commission (PSC), we received two or three visiting delegations of staff or Members of Parliament (MPs) from the Parliament of Zambia each year on different fronts.

I wish them well during the duration of their stay here. I love Zambia most for a football icon that I grew up watching, Kalusha Bwalya. Right now, he serves as the President of their Football Federation. If you know him in person, tell him that Africans who follow African football celebrate him up to date.

I do not know whether you have this but he achieved the feat of being the only African, up to date, who has been ranked as a competitor for the global *Fédération Internationale de Football Association* (FIFA) Men's player of the year while playing for a non-European club. That tells you how good that gentleman was.

I also appreciate the visiting delegation from our county assemblies who are on a study at the CPST. I served on the Board of CPST for five good years. Therefore, I know the impact that this institution continues to have both in our Parliament and in our county assemblies.

Various county assemblies send their Members or staffers to come to interact and learn. We developed many courses over the course of the last five years that continue to enrich and empower our staffers and our county assemblies.

As the Senate Majority Leader, I wish, as the Senate, we would take time to listen to the good trainings at CPST instead of planning trips out of the country to go and be trained by East African Parliamentary Institute (EAPI) and other agencies.

I have gone through some of their training and also those that we seek outside the country. The CPST training is superior to what we seek outside the country.

I assure the team from various county assemblies that are here with us that they made the right choice coming to CPST. I continue to be an ambassador of that institution. This is because I know the transformational work that they do in our various Parliaments.

Mr. Speaker, Sir, lastly, it is the students who are visiting with us this afternoon. I celebrate them too. I know what it means as a student, to sit down and watch the deliberations in this Parliament. Each time when we have students and as a Senator, you walk out to greet them, they appreciate the kind of debate they see in this House and it challenges them. The only thing that I ask of the students is to dream big and not to be limited in their dreams.

I thank you.

Sen. Wambua: Mr. Speaker, Sir, I thank you for this opportunity. Nonetheless, you may need to remind the Senator of Meru that he is not on the Chair. He is trying to give me instructions.

I take this opportunity to also join you and the Senate Majority Leader in welcoming the delegations that have visited the Senate this afternoon.

To the delegation from Zambia, it is true what the Senate Majority Leader has said that the relations between Kenya and Zambia has a long history. It is also true that lately, there has been a conversation around that relationship on the issue of agriculture, when it comes to maize. I am very sure that issue will be resolved very soon.

For the delegation from different counties that have paid a visit to the Senate, on behalf of the Minority side, I welcome you to the Senate. The choice to come to the Senate is a good choice. It is an opportunity for them to benchmark and do what we call transfer of best practices back to their counties.

Mr. Speaker, Sir, for the students, I take this opportunity to join you and the Majority side, to welcome them to this House. I once visited the National Assembly when I was a small boy in primary school. I was very inspired to see leaders debating on the Floor of the House. Today, I am here debating on the Floor of the Senate. For the students visiting here today, tomorrow is your day.

I thank you.

Sen. Onyonka: Thank you, Mr. Speaker, Sir. In the normal tradition of parliamentary behaviour, I would like to support what my colleagues have said.

For our brothers from Zambia, if you look carefully and see the way I am dressed, you can see that I look like Hon. Kenneth Kaunda. Most Kenyans may not know that the “Kaunda suit” is actually an outfit that President Kaunda picked from the Chinese and we did an African thing to it.

I am also proud that in my political and historical background, I happen to have been involved with a Zambian family called Dr. Chipeta, who was working at Nairobi Hospital for many years. He went to school in the United States of America (USA) with my father. I share that history and it is a wonderful history.

For the team that is from the county governments that have come here for training, I support the Senate Majority Leader that the Center for Parliamentary Studies

Training (CPST) is one of the best that we have. I am happy to hear my leader, Sen. Cheruiyot, say that we really do not need to have many of these training that some people go to in Brazil or Latin America, just to be trained on what to do here.

I believe that the training that this team is getting is substantive. I wish you all well. I hope that from where you are, you will be able to make our county governments functional and successful.

Finally, I would like to tell you that I come from a county that is very interesting and that is Kisii County. The students you see are from St. Mary's Nyamagwa. It is a catholic school that has a huge and big history in Kisii. I am very proud to see all the students and teachers who are here. I hope that I will see you before you leave when we have left the Chamber.

I hope that my friend and brother, Sen. Cherarkey, will be buying you a cup of tea as I buy you *maandazis*. You know a gentleman called Sen. Sifuna, who is the Secretary-General of the most wonderful party in Africa; he will come and also buy you lollipops and cakes before you leave.

Mr. Speaker, Sir, it is a great honour. I thank the teaching fraternity for being the guardians and the team that brought these children here safely and head back safely. As you leave, I wish you a safe journey. Make sure that you come back here soon, so that you keep on advancing and teaching yourselves to be great leaders of tomorrow.

Thank you.

The Speaker (Hon. Kingi): Hon. Senators, the Senate Majority Leader and Sen. Maanzo, can you kindly take your seats. I need to make a further Communication.

VISITING DELEGATION FROM BARICHO SECONDARY
SCHOOL IN KIRINYAGA COUNTY

The Speaker (Hon. Kingi): Hon. Senators, in the Public Gallery this afternoon, we have 180 students, accompanied by two teachers from Baricho Secondary School in Kirinyaga County who are in the Senate on an education tour.

Hon. 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 will allow the Senator for Kirinyaga ---

(An. hon. Senator spoke off record)

In that case, I will allow the Senate Majority Leader to make very brief welcoming remarks. This is not a moment to make long speeches like I have just witnessed.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I was a bit distracted. However, I want to join you in welcoming the visiting team from Kirinyaga, who are in the Senate for a study tour.

I appreciate that we went through a time, at the advent of Covid-19, where we did not allow visitors to come to this House. That is the time we appreciated how lonely an afternoon can be, to stay without visitors. Therefore, we do not take it for granted. We never tire in celebrating when visitors come, join in and visit with us.

Therefore, to the team from Kirinyaga, I welcome you on behalf of your Senator, Sen. (Dr.) Murango. Unfortunately, he has a child who has been taken ill and therefore, he could not be with us this afternoon. Nonetheless, he continues to distinguish himself as an able representative of the people of Kirinyaga. So, on behalf of Sen. (Dr.) Murango and all the Senators that are here, welcome to the Senate.

Thank you very much.

The Speaker (Hon. Kingi): Thank you.

Sen. Munyi Mundigi: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Hon. Senators, can we have some order. Sen. Munyi Mundigi, please put your hands down. Sen. Munyi Mundigi, as I make this directive, get hold of your Standing Orders and read Standing Order No. 98.

There is a Statement by the Senator of Nairobi City County, Sen. Sifuna that had been dropped because when it was called out, the hon. Senator was not in the Chamber. However, the hon. Senator has since approached the Chair and explained the reason why he was not in the Chamber when this Statement was called out. The Chair found the reason valid. He was engaged together with other Senators in the process of midwifing the formative and embryonic stages of the bi-partisan talks. For that reason, I will allow the reinstatement of that Statement and allow the hon. Senator to proceed.

Hon. Senator, the Floor is yours.

STATEMENT

STATUS OF EMPLOYMENT OF INSPECTORATE OFFICERS RECRUITED DURING NMS TENURE

Sen. Sifuna: Mr. Speaker, Sir, thank you very much for that indulgence. This matter has caused me sleepless nights and, therefore, I thank you for allowing me to proceed.

I rise pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on Labour and Social Welfare, regarding the status of employment of the 700 inspectorate officers recruited during the tenure of the Nairobi Metropolitan Services (NMS) in Nairobi City County.

In this Statement, the Committee should -

(1) Appraise the Senate on the current employment status of former staff of the Nairobi Metropolitan Services inherited by the Nairobi City County Government.

(2) State measures if any, put in place by the Nairobi City County Government to regularize the employment of the staffers in the case that they were irregularly hired as has been alleged in some quarters.

(3) Explain why the 700 inspectorate officers have not been paid their wages since November, 2022 to date and state when they will receive their dues.

(4) State whether there are plans by the Nairobi City County Government to hire replacements for those 700 inspectorate officers that have been released unceremoniously from service.

I thank you.

The Speaker (Hon. Kingi): Thank you. Hon. Senators, if you look at the clock, the Statements Hour has been overshot by 10 minutes. Therefore, I am afraid I will not allow comments on those Statements. We await the report from the Committee.

I call upon the Clerk to call the next Order.

BILL

Second Reading

THE DIVISION OF REVENUE BILL
(NATIONAL ASSEMBLY BILLS NO. 9 OF 2023)

(Division)

The Speaker (Hon. Kingi): Serjeant-at-Arms, kindly proceed to ring the Division Bell for three minutes.

(Division Bell was rung)

Serjeant-at-Arms proceed to close the Door and draw the Bars.

(The Door was closed and the Bars drawn)

Hon. Senators, let us have our seats so that we proceed to prosecute this Business in the least time possible.

Hon. Senators, the voting is going to be done electronically and therefore, I am asking all of you to log out. I am also directing the Serjeant-at-Arms to pull out all cards remaining in the delegate units.

Just log out first so that the Serjeant-at-Arms can pull out all cards that cannot be accounted for. After that is done, you can now proceed to log back into the delegate units.

You can now proceed to log back into the delegate units and proceed to vote by pressing yes, no or the abstain button.

(Voting in progress)

(The Division Bell was rung)

BILL*Second Reading*

THE DIVISION OF REVENUE BILL
(NATIONAL ASSEMBLY BILLS NO.9 OF 2023)

– (Sen. Cheruiyot on 13.4.2023)

(Resumption of debate interrupted on 19.04.2023)

(Division)

DIVISION

ELECTRONIC VOTING

(Question that, the Division of Revenue Bill (National Assembly Bills No.9 of 2023) be Read a Second Time Put and the Senate proceeded to Vote by delegations)

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang’a County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. M. Kajwang’, Homa Bay County; Sen. Maanzo, Makueni County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Sifuna, Nairobi City County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang’wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

NOES: Nil.

The Speaker (Hon. Kingi): Hon. Senators, the results of the Division are as follows:

AYES: 33

NOES: Nil

ABSTENTION: Nil

The “Ayes” have it.

(Question carried by 33 votes to nil)

*(The Bill was read a Second Time and
committed to a Committee of the Whole)*

The Speaker (Hon. Kingi): Serjeant-At-Arms, undraw the Bar and open the Doors.

(The Bar was undrawn and the Doors opened)

Next Order, Clerk.

COMMITTEE OF THE WHOLE

(Order for Committee read)

[The Speaker (Hon. Kingi) left the Chair]

IN THE COMMITTEE

[The Chairperson (Sen. Kathuri) in the Chair]

THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILLS NO. 9 OF 2023)

The Chairperson (Sen. Kathuri): Order Senators. Have your seats.

We are in the Committee of the Whole on the Division of Revenue Bill (National Assembly Bills No.9 of 2023). The sequence will be observed according to Standing Order No.151 of the Senate Standing Orders.

Clauses 3, 4 and 5

(Question, that Clauses 3, 4 and 5 be part of the Bill, proposed)

Division will be at the end.

The Schedule

Sen. Tabitha Mutinda: Mr. Chairperson, Sir, I beg to move:

THAT, the Bill be amended by deleting the Schedule and substituting therefor the following new Schedule:

SCHEDULE

(s.4)

ALLOCATION OF REVENUE RAISED NATIONALLY AMONG THE NATIONAL AND COUNTY GOVERNMENTS FOR THE FINANCIAL YEAR 2023/24		
Type/level of allocation	Amount in Kshs.	Percentage (%) of 2019/20 audited and approved revenue*
A. Total Sharable Revenue	2,571,159,000,000	
B. National Government	2,155,504,036,531	
C. Equalization Fund	8,654,963,469	0.5%
D. County equitable share	407,000,000,000	24.3%

* The Equalisation Fund Allocation is based on all Revenue Received in FY2019/20 of Kshs1,730,992,693,864 while the County Equitable share is based on Ordinary revenue as defined under Section 2 of the Commission on Revenue Allocation Act, 2011 which amounts to Kshs1,673,714,909,446 in FY 2019/20.

(Question of the amendment proposed)

The Chairperson (Sen. Kathuri): Division will be at the end.

Clause 2, The Title and Clause 1

(Question, that Clauses 2, The Title and Clause 1 be part of the Bill, proposed)

Division will be at the end.

The Chairperson (Sen. Kathuri): Hon. Senators, we can now go to the Divisions. Order, Senators.

I request that the Division Bell be rung for two minutes

(The Division Bell was rung)

Serjeant-at-Arms, kindly draw the Bars and close the Doors.

(The Bars were drawn and Doors closed)

How is the system?

(Loud Consultations)

Hon. Senators, the system is fine. It is working.

(Question of the amendment proposed)

Let us proceed to vote.

(Electronic voting in progress)

Hon. Senators, kindly resume your seats.

(Sen. Oketch Gicheru spoke off record)

Director Ruge does not vote. Sen. Oketch Gicheru, can you have your seat kindly.
Sen. Oketch Gicheru: This is dictatorial; the world must know that you denied your people money.

(Sen. Oketch Gicheru moved to the Dispatch Box)

The Chairperson (Sen. Kathuri): Sen. Oketch Gicheru, move out of here. Kindly, take your seat.

(Tallying of votes in progress)

DIVISION

ELECTRONIC VOTING

(Question, That, the Schedule be amended as proposed, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. M. Kajwang', Homa Bay County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Sifuna, Nairobi City County; and, Sen. Wambua, Kitui County.

NOES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Miriam Omar, Mandera County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Tabitha

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Keroche, Nakuru County; Sen. Thang’wa, Kiambu County; Sen. Tobiko, Kajiado County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County and, Sen. Wamatinga, Nyeri County.

The Chairperson (Sen. Kathuri): Hon. Senators, I want to give the results of the Division.

AYES:9

NOES: 25

ABSTENTIONS: Nil

The “Noes” have it.

(Question negatived by 25 votes to 9)

The Chairperson (Sen. Kathuri): Let us move on to the next vote. The system is ready; proceed and vote.

(Voting in progress)

(Several Senators approached the Clerk-at-the Table)

Have your seats, Senators. How can you come and demand for letters from the desk? We are on Division but we still need order.

(Loud consultations)

You know this is a bi-partisan issue, which both sides should----

(Loud consultations)

Proceed and vote.

(Loud consultations)

There is a formula for all the things you are asking.
Have your seats.

(Sen. Sifuna spoke off record)

I am wondering, what you are doing here.

(Loud consultations)

Have your seats.

(Voting in progress)

DIVISION

ELECTRONIC VOTING

(Question that Clauses 3, 4, 5, the Schedule, Clause 2, the Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Cheptumo, Baringo County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Mariam Omar, Mandera County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Tobiko, Kajiado County; Sen. Wakili Sigei, Bomet County; Sen. Wakoli, Bungoma County; and, Sen. Wamatinga, Nyeri County.

NOES: Sen. Olekina, Narok County; Sen. Sifuna, Nairobi City County; and, Sen. Wambua, Kitui County.

ABSTENTIONS: Sen. M. Kajwang', Homa Bay County; Sen. (Dr.) Oburu, Siaya County; Sen. Oketch Gicheru, Migori County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; and, Sen. Mwaruma, Taita-Taveta County.

The Chairperson (Sen. Kathuri): Hon. Senators, I shall now give results of the division. The results are as follows-

AYES: 25

NOES: 3

ABSENTIONS: 6

(Question carried by 25 votes to 3)

The Chairperson (Sen. Kathuri): I am calling them over. Proceed now.

Sen. Tabitha Mutinda: Mr. Chairperson, Sir, I beg to move that the Committee do report to the Senate its considerations of the Division of Revenue Bill (National Assembly Bill No.9 of 2023) and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Deputy Speaker (Sen. Kathuri) in the Chair]

The Deputy Speaker (Sen. Kathuri): Kindly resume your seats, hon. Senators. Chairperson, Sen. Wakili Sigei kindly approach the Table. Kindly do the reporting.

REPORT

THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO.9 OF 2023)

Sen. Wakili Sigei: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered the Division of Revenue Bill (National Assembly Bill No.9 of 2023) and its approval thereof without amendments.

The Deputy Speaker (Sen. Kathuri): Mover, kindly proceed.

Sen. Tabitha Mutinda: Mr. Deputy Speaker, Sir, I beg to move that the House do agree with the Committee in the said Report.

I ask the Senate Majority Leader to second.

The Senate Majority Leader (Sen. Cheruiyot): I second.

(Question proposed)

(Question put and agreed to)

The Deputy Speaker (Sen. Kathuri): Mover kindly proceed.

Sen. Tabitha Mutinda: Mr. Deputy Speaker, Sir, I beg to move that the Division of Revenue Bill (National Assembly Bill No.9 of 2023) be now read a Third Time. I request the Senate Majority Leader to second.

The Senate Majority Leader (Sen. Cheruiyot): I second.

(Question proposed)

The Deputy Speaker (Sen. Kathuri): I now direct the Bell be rung for two minutes.

(The Division Bell was rung)

Serjeant-at-Arms, kindly draw the Bar. Hon. Senators, be prepared to vote.

(The Bar was drawn and the doors closed)

(Voting in progress)

THIRD READING

THE DIVISION OF REVENUE BILL (NATIONAL
ASSEMBLY BILL NO.9 OF 2023)

DIVISION

ELECTRONIC VOTING

*(Question, that the Division of Revenue Bill (National Assembly
Bills No.9 of 2023) be now read a Third Time, put and the
Senate proceeded to vote by County Delegations)*

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Cherarkey, Nandi County; Sen. Cheptumo, Baringo County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Mandago, Uasin Gishu County; Sen. Mariam Omar, Mandera County; Sen. Murgor, West Pokot County; Sen. Methu, Nyandarua County; Sen. Munyi, Embu County; Sen. Tabitha Keroche, Nakuru County; Sen. Thangw'a, Kiambu County; Sen. Tobiko, Kajiado County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; and, Sen. Wamatinga, Nyeri County.

NOES: Nil

The Deputy Speaker (Sen. Kathuri): Hon. Senators the results of the Division are as follows-

AYES: 25

NOES: Nil

ABSENCES: Nil

The "Ayes" have it.

(Question carried by 25 votes to Nil)

(The Bill was accordingly read a Third Time and passed)

The Deputy Speaker (Sen. Kathuri): Serjeant-at-Arms, withdraw the Bar.

(The Bar was withdrawn)

Let us move on to the next Order.

BILLS*Second Reading*THE EQUALIZATION FUND APPROPRIATION BILL
(SENATE BILLS NO.3 OF 2023)*(Sen. Tabitha Mutinda on 19.4.2023)**(Resumption of debate interrupted on 19.4.2023)*

The Deputy Speaker (Sen. Kathuri): Hon. Senators, this is resumption of debate, which was interrupted on Wednesday, 19th April, 2023. Sen. (Dr.) Khalwale was on the Floor and he has a balance of 15 minutes. If you have nothing to add, then we can go to the next person.

Sen. (Dr) Khalwale: Mr. Deputy Speaker, Sir, Equalization Fund speaks to the bottom of my heart. As I said yesterday, the spirit of Article 204 of the Constitution was to address the sad pictures and footages that we witness every year from Turkana, Garissa, Wajir, Mandera and sections of Kitui. In general, the Arid and Semi-Arid Lands (ASALs).

With billions of the Equalization Fund, after school, little children in areas like Turkana have to walk kilometers upon kilometers looking for water. That is a condemnation of this Senate. We must make sure that the Equalization Funds reach those regions, so that children can have water, there is electricity and children and mothers can have access to healthcare and proper roads.

[The Deputy Speaker (Sen. Kathuri) left the Chair]

[The Temporary Speaker (Sen. Wakili Sigei) in the Chair]

Mr. Temporary Speaker, Sir, as I make this condemnation; I remember the attitude of the National Treasury. The National Treasury appears to lean towards the national Government. The future of this country is to make the National Treasury an independent institution that will be sitting in the middle to address our concerns. When we say money should go to the counties, let us see it go there.

The fact that counties have not received disbursements for the last three years invites us to be even more robust and aggressive in demanding that the National Treasury releases money to our counties. Maybe, if the National Treasury was independent, the money that is released in whatever portion to the national Government would be released to the county governments.

I want to speak to the contribution of inequality, insecurity and poor health services that we see in the ASAL areas. I can assure you that the fights for resources, specifically water, amongst pastoralist up north was intended to be addressed by the

Equalization Fund. We should vehemently refuse any attempt to delay the one-half of the audited accounts that is called Equalization Fund that is supposed to go to these people.

Mr. Temporary Speaker, Sir, what is more, medical personnel, nurses, paramedics, clinical officers and doctors do not want to go to work in those places. Therefore, we still have a situation in Kenya where an 18-year-old girl carrying a normal pregnancy loses life because there were no medical personnel to midwife her delivery. Equalization Funds must be released.

In the meantime, as we wait for the perfect situation, we still have an opportunity. I call upon my medical colleagues who work in the military - nurses, clinical officers and all manner of paramedical staff, to happily go and serve in those institutions because of the kind of security training they enjoy.

Finally, in support of this Equalization Fund, I call out the following counties: Kakamega, Nakuru, Mombasa, Nairobi City and Machakos. The governors in these six big counties must stop sleeping and waiting for sharable revenue. They should collect their own money from own source.

It is a fact that Nairobi City has the capacity to collect Kshs68 billion from own source. It means, they should not be coming here to scramble for the Kshs19 billion or Kshs20 billion that they get from sharable revenue. They should just collect the Kshs68 billion.

If they did, the statement that was raised this afternoon by the Senator of Nairobi City County would not be a necessity. They would not be sacking those 700 employees of the Inspectorate. They are sacking Kenyans who have been given jobs by Nairobi Metropolitan Services (NMS) who have families, children in school and bills to meet.

They are being sacked simply because there is not enough money to pay them and yet the County Government of Nairobi City can collect Kshs68 billion. Kakamega, Machakos, Mombasa, Nakuru and Kiambu counties can collect more. They should go and collect that money instead of scrambling here for the sharable revenue.

Mr. Temporary Speaker, Sir, I strongly support the Equalization Fund Bill. I rest my case.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, hon. Sen. (Dr.) Khalwale.

I have a Communication from the Chair.

(Interruption of debate on Bill)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM UNIVERSITY STUDENTS
ASSOCIATION OF HOMA BAY COUNTY

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon, of visiting students from

the University Students Association of Homa Bay County. The delegation comprises 21 students who are in the Senate for a one-day academic exposition.

Hon. 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.

I note hon. Members that the Senator for Homa Bay is not in the House. I will therefore allow Sen. Tobiko to welcome them as you also contribute to the Bill that is before us.

Sen. Tobiko: Thank you, Mr. Temporary Speaker, Sir. Let me take this opportunity to welcome to the Senate the university students from Homa Bay County. I encourage them that the National Assembly and the Senate are some of the highest institutions in the country that their education can bring them to. This also includes other professions and other spheres of leadership in the country. Therefore, let them feel most welcome to the Senate.

(Resumption of debate on Bill)

I thank you for this opportunity. I waited yesterday until close of business to contribute to this debate on the Equalization Fund Appropriation Bill. Nonetheless, I am glad and appreciate the opportunity to speak to it today.

The Equalization Fund Appropriation Bill, 2023 is long overdue. Therefore, I rise to support the passage of this Bill and an immediate implementation of the same, once it goes through the rigors of a normal Bill.

Mr. Temporary Speaker, Sir, for a long time, after the promulgation of the Kenya Constitution, 2010, Kenyans from those marginalized areas were excited. Finally, there seemed to be a fund that was going to be an affirmative action to address the historical injustices and low levels of development in such areas. However, it is surprising that the National Treasury has always found reason and excuses not to implement this fund. It has been a game of musical chairs in the National Treasury. It is one reason after the other. Sometimes, it is constituencies and the next time it is either wards or sub-locations.

The Commission on Revenue Allocation (CRA) finds and applies different parameters every day. That way it gets reasons for extension of time and, therefore, not implementing this Fund until the expiry of its time since this Fund has a closure time as allowed by the Constitution.

Therefore, today, we either make sure that the National Treasury releases the money, which was meant for marginalised areas for the last 10 years in bulk or extends the time for the operationalization of the Equalization fund.

I take this opportunity to congratulate the now sitting Governor of Samburu, His Excellency Jonathan Lati Lelelit. I think it was in the 11th Parliament, where he tried to operationalise the Equalization Bill. He brought the issue of areas that have now finally been accepted by the Commission on Revenue Allocation (CRA) as parameters for

allocation of this Fund. This has enabled many more areas to be covered but they would not have been covered when it was originally in terms of counties.

Mr. Temporary Speaker, Sir, I am happy that today in the list I see that several wards in Kajiado County have found their way into benefitting from this Fund. In total, Kajiado County will receive more than Kshs550 million from the Equalization Fund. This money will go into projects in areas that are mostly needed. These include projects in water, roads, electricity and health services.

Kajiado Central will get above Kshs193 million. Kajiado South will receive more than Kshs184 million. Kajiado West will receive Kshs279 million. These are very needy areas in Kajiado County and they include Dalalekutuk, Matapato North, Matapato South, Purko, Mbirikani/*Eselenkei*, Keikuku and Rombo wards. In Kajiado West, we have Ewaso Kedong, Keekonyokie, Magadi, Mosiro and Iloodikilani wards.

Mr. Temporary Speaker, Sir, I criss-crossed these areas during the campaign period because I was initially in Kajiado East. In the last election, I got an opportunity to criss-cross the entire County and I saw the dire need in places like Magadi where there is shortage of water. You will find children looking after livestock running to the road to wave down any vehicle that is coming, to ask for just drinking water.

There are areas in this country that are extremely needy and in need of services. Places like Mosiro and Ewaso are in need of not just water, but health facilities, roads and electricity.

This notwithstanding, I am also sad in equal measure that Kajiado East has been left out of benefitting from the Equalization Fund yet there are needy wards in Kajiado East. For example, Kenyawa-Poka Ward is in dire need of roads infrastructure, accessibility to water, health services and electricity.

This is where I do not understand the kind of parameters that have been adopted by the CRA. They find some rural areas, which are diverse and sparse, needy. However, they do not find others as needy, yet in the same areas, you do not find roads or health facilities. People are going through many challenges. Kajiado East Constituency was left out in totality.

Kajiado North Constituency has also been left out. Kajiado North and Kajiado East constituencies have always been looked at using the lenses of Nairobi City County. That they are just close by Nairobi City County, but they do not have infrastructure. The urban areas in this Constituency do not have sewer systems. During campaigns, I heard them giving candidate names to mountains of garbage. In Rongai, garbage is literally taking almost half of the Town, as well as in Kitengela, a place called Noonkopir.

If urban areas are secluded and not included as beneficiaries of the Equalization Fund, then we will be missing the point. It is in the urban areas that we find even greater poverty. Majengo is not just called Majengo for nothing. It has adopted certain characteristics and a life of its own. There are no services there. There is no electricity or water, garbage is all over and the towns are not planned.

Our urban centres should not be left out from benefitting from the Equalization Fund. Kitengela is in dire need of a sewer system because there is an overflow from Nairobi City. This is one of the fastest growing towns in this country. It still needs roads

and bypasses. They depend on one single road going to Namanga. That is why every day, you will find a two or three-hour jam because there is no infrastructure.

Mr. Temporary Speaker, Sir, I urge the CRA to develop other parameters that will be more inclusive. Those parameters need to take care of the needs of Kenyans, without necessarily thinking that urban areas are rich and have people who are working. There are many people in urban areas who do not work. They cannot pay their rent or take care of their children. Those children do not go to school. I urge that such areas be included.

I believe Kajiado North and Kajiado East constituencies were left out because some portions of their land look urban. There is a place called Gichagi in Kajiado North Constituency. It is not called Gichagi for nothing, but because it is in dire need of services which it does not get.

I support the passage of this Bill and the areas that have found their way into benefitting. However, some areas, which should not have been left out have been left out.

Mr. Temporary Speaker, Sir, I have a friend who calls Kitengela and other towns, *shamba la mawe*. It is because people are trying to make ends meet there. They do not cultivate anything, but at the end of the day, they must eat. Whether it means *kupiga watu ngeta* or whatever it is for one to survive, then that is how they survive in some of these areas. These are Kenyans who need to be taken care of and be given services. They need to be included wholistically.

The CRA needs to get other parameters that are more inclusive and wholistic in nature and that will address the various needs of Kenyans. Korogocho, Mathare and other areas in Nairobi City County are places which have needy Kenyans. They need services, but those services do not reach them. They are part of the bigger Nairobi City County where there is the Expressway, the Jomo Kenyatta International Airport (JKIA) and leafy suburbs such as Westlands and others. I do not want the CRA to be narrow-minded in their view of the country. They must try to reach the poorest. They must try to reach those in Korogocho and urban areas, as they reach those who are in the rural areas.

Mr. Temporary Speaker, Sir, I thank you, and I support the Bill.

The Temporary Speaker (Sen. Wakili Sigei): Thank you.

Kindly, proceed, Sen. (Prof.) Kamar.

Sen. (Prof.) Kamar: Thank you, Mr. Temporary Speaker, Sir, for giving me an opportunity to add my voice on this Bill. I rise to support the Equalization Fund Bill.

The Equalization Fund was established under the new Constitution in 2010, under Article 204 (1). The reason for establishing this Fund was to equalize the country as the name says. It was meant to address the very basic needs in the society; the issues of water, accessibility through roads, health facilities and electricity.

It was a very nice breakthrough in the BOMAS discussions that the basic needs of Kenyans were articulated as areas of equality; that there is no equality in this country unless we are equal in these social rights; accessing clean water, our own home areas through good road networks and health facilities. However, it is very sad that we still have that inequality despite the fact that during the BOMAS discussions, everybody was anxious to get this behind us. In fact, there was a time limit for the Equalization Fund.

The time limit was given because it was something that was seen as doable and a must for a nation to develop.

Mr. Temporary Speaker, Sir, this is because anybody who cannot access clean water and the children who are not able to access clean water would have health issues. If they cannot access both clean water and health facilities, then it is even worse. It is very embarrassing that over 60 years after Independence, we are still discussing the lack of access to these basic needs. Nonetheless, today, I think we should stand proud as Senators to emphasize the need for this money to be disbursed.

I was in the 10th Parliament when the Constitution was passed. Although it was passed in the 10th Parliament, the year 2011/2012, out of the formula we knew there was going to be Kshs2.3 billion being sent to these counties, but nothing was actually disbursed. During the FYs 2012/2013 and 2013/2014 nothing was sent. It was only in the FY2014/2015 that Kshs400 million was disbursed and even then, getting the formula to divide that money was a major issue.

Mr. Temporary Speaker, Sir, the formula is right inside the Constitution; we do not need to belabour. Once a percentage has been given, that is what we should be sticking to in the disbursement. The issue that is of major importance to this Senate is the disbursement of this money.

The money has not been disbursed in three consecutive years. In fact, in the FYs 2017/2018, 2018/2019 and 2019/2020 when I was in this Senate, there were still issues. I doubt that any funds were disbursed. Every time it was the formula or that the Commission on Revenue Allocation CRA is still looking for a formula. We cannot stick to formulas when we know that there are issues that must be passed.

When the discussions to establish the Equalization Fund were ongoing, it was very clear that there was inequality in this country in terms of development. From Independence, there was inequality and it was accepted by everybody. The 600 delegates that were in BOMAS accepted it and it was very clear. I say this because I am proud to have participated in the BOMAS process. It was very clear that we must equalize our development first. Everybody must get their basic needs.

It is sad because as politicians, we have been using water for campaigns. Senator, Governors and Members of Parliament (MPS) campaign by saying that they will bring you water. Every five years we are promising water and nothing seems to be moving. Even Senators, who do not have money to give that water, fight for the portion that comes through the office of the governor. We are right to do that because through our oversight, we should ensure that our governors are distributing money properly and basic needs are met.

However, when it comes to Equalization Fund, we have specific counties and constituencies that have suffered a lot because of the fact that there was inequality at the beginning. In fact, the term 'historical injustices' was referred to extensively at the BOMAS talks. These sectors were lumped into land as historical injustices.

Mr. Temporary Speaker, Sir, it is very important that this Senate rises to the occasion. This time round, let us see to it that the Kshs14.89 billion goes to the counties. We need to discuss that from the day we pass this Bill. Once the Bill has been passed, let

us follow to the ground and ensure that this money goes to counties. This Fund should be categorised as a priority because it is meant to address basic human needs and rights of the people on the ground.

The priority areas that the Equalization Fund is meant to address are listed in the Bill of Rights Chapter in the Constitution; they are also human rights. They were rights because Kenyans have a right to proper healthcare and sufficient clean water. These are rights in the Constitution. We should not compromise these things at any time. I was very happy to listen to the contributions of my colleagues, that this is an area that we really need to push.

My plea to our colleagues is that this is the area that we must do oversight on. When the Senate Oversight Funds will be actualized, we should really work around these areas to make sure that our people, after these five years, have a changed living environment and have some of these basic needs. Honestly, we cannot be discussing year in, year out about money that is allocated and nothing goes to the ground. It is also my prayer that this time round, the money will reach the ground and that there will be changes.

Mr. Temporary Speaker, Sir, with that, I support.

The Temporary Speaker (Sen. Wakili Sigei): Proceed, Sen. Okenyuri.

Sen. Okenyuri: Thank you, Mr. Temporary Speaker, Sir, for this opportunity. I rise to support the Equalization Fund Appropriation Bill (Senate Bills No. 3 of 2023). However, I am very sad that we have to come up with a Bill to support provision of basic services such as water, roads, health facilities and electricity. In as much as I appreciate that we are a developing country confronted with challenges that we have fought since Independence, it is sad that at this point we have to come with a Bill that is compelling money to go down to assist in basic services. Some of these issues that are mentioned affect many marginalized groups.

I am happy that these counties that are listed here will receive money. However, I would also want to know the marginalized areas in those specific counties that will be prioritized. When you look at health services, most of the people who are affected by lack of it are women and the young people who comprise a large population in this country. Yes, we are pushing for these monies to go to the counties. However, we also want the highlights on how these marginalized groups are benefitting.

Once we have these monies going to the counties, then we will deal with the issue of rural-to-urban migration. A county such as Narok is rich enough to cater for its young people. They do not have to come to Nairobi. That is one challenge that we are dealing with.

The priorities of the Kenya *Kwanza* Government during our campaign was to ensure that we create an enabling environment for people to thrive on whatever little issues they were doing.

The moment we build the capacity of marginalized groups in the different counties, we will deal with the issue of rural-to-urban migration, so that we equally develop remote areas. The spirit of the Constitution is to embrace devolved units and get

services closer to the people. We will not hear of pregnant women delivering on the road before they even get to the hospital.

The challenge we are facing currently is that pregnant women are getting to hospital, but as a result of congestion in the hospital beds, most of the newborn babies are epileptic. We are dealing with other emerging issues when in the real sense, we wanted to sort out issues we thought were very basic.

My county is not a beneficiary. However, I would challenge the CRA to consider some of these other counties. This is because a county might be termed rich, but when you narrow to the specifics, there are areas that need support of the Equalization Fund, so that they can also compete fairly with the rest of the Kenyans.

Mr. Temporary Speaker, Sir, I support this, but with special highlights that I have requested. For example, we need to look at other marginalized groups apart from the counties. Are women in those counties given priority considering whatever projects they want? Are the youths being put at the front when considering what projects to fund? We support this affirmative action, but also consider the marginalized groups which have long been disadvantaged.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Chute, you may have the Floor.

Sen. Chute: Thank you, Mr. Temporary Speaker, Sir, for this opportunity. In support of this Bill, I will highlight something that is bothering the Northern part of Kenya.

Speaking about Marsabit, during the colonial era, Marsabit and the Northern part of Kenya were called the Northern Frontier District (NFD), who were denied all developments. Then, when we got Independence, we were called the “marginalized area” during *Mzee* Kenyatta’s time. During President Moi, President Kibaki and President Uhuru’s time, we were still called “marginalized”. The current Government is still using that name, but we are yet to see. We have four more years remaining. Two weeks ago, the President talked about one man, one vote. That is still called “marginalization”.

Mr. Temporary Speaker, Sir, Marsabit County is one of the largest counties in Kenya, in fact, not one of the largest. It is the largest county in Kenya area wise, including part of Lake Turkana, Chalbi Desert, North Horr and Dukana. You can compare us with people in the former Central Province, who have numbers, but for us, we have massive land where our people cannot cross easily.

In support of this Bill, which is supposed to aim at 2030, we have only seven years left to 2030. The National Treasury has deliberately tried to stop payment to marginalized areas. This is very unfortunate.

This is a good Bill. We do not need frustration from the National Treasury. We now have the Kenya *Kwanza* Government. I urge it to support money sent to the county governments. We have capable officers who can manage this money in the counties. We want this money to go to the counties.

As we speak, in this document, we have four constituencies. North Horr is the largest in area wise. We are getting Kshs198 million. Laisamis is getting Kshs250

million. I am very happy for that. This is because of the situation in those areas. Similarly, we have Moyale, which is getting Kshs145 million. Saku, where I came from, is getting only Kshs37 million.

I am happy, North Horr, Laisamis and Moyale are getting substantial amounts. However, Marsabit covers a big area compared to Mandera County, which is getting Kshs1 billion, while we are getting around Kshs631 million.

In fact, if you look at the area that we cover, if, for example, you leave Isiolo to go to Eldoret, it will take you four days, unlike Mandera. I suggest that, next time, if they cannot give us a little bit more than Mandera County, at least they equal it so that we also get Kshs1 billion.

Whatever we are getting is not a small amount of money. The county government should also put this money to good use.

(Applause)

Mr. Temporary Speaker, Sir, county governors are people who are born, brought up and went to school in those counties. They belong to this community. They should take responsibility to manage these funds.

We have dispensaries in Marsabit County. Sadly, I have gone around those dispensaries and there is no medicine. There is nothing; no health workers, electricity and water.

If you want to go to a dispensary, you get a private dispensary which is about 200 kilometers away. All the way from Kargi and Loiyangalani, you have to go to Marsabit to look for treatment from a private clinic, yet we have monies going to the counties in terms of billions of Kenya shillings.

These monies should be taken care of because they are meant for each constituency. Monies meant for a particular constituency should go to that constituency. The elders, contractors and suppliers should also come from the same constituency, so that the communities can benefit from resources coming to their constituency.

We have problems with Early Childhood Development Education (ECDE). We have many ECDEs, yet some of them do not even have desks. Most of them do not have teachers. As I speak, am paying almost 15 ECDE teachers every month from my own pocket. This money is stuck here and people are living here in Nairobi enjoying life. They refuse to send money to Marsabit because where they come from, they have water, good roads, good schools and everything is good.

Where I come from, we do not have those things. It is not because we are weak, lazy or bad. It is because, unfortunately, we were born in those areas and neglected for the last 50 years or even more. We are left with only seven years to the year 2030, and if we do not get this money today through this new Government, which we supported, then I do not think we are ever going to get this money.

Mr. Temporary Speaker, let me talk about clean water. A lady called me from a place called Sololo. She requested me to send her money to buy four cartons of mineral water from Moyale, which is about 100 kilometres from Sololo. I asked her: What is

wrong with your water? She told me that her children are taking water that is not fit for human consumption. They have kidney problems. They are young children aged five, seven and 10 years old.

I sent her the money and it took her two days to get the water. The children are having kidney problems and are in pain. If we get this money in good time, and if our governors put this money into good use, I am sure that those young children will not have these kind of issues.

Lastly, Marsabit County received rains recently after four years without rain. Our livelihood is dependent on camels, goats and cows. Today, 70 percent or 80 per cent are gone. If this money goes to the Marsabit County and the other 46 counties, I am sure it will do marvellous things by helping our people, subject to this money being audited and put into proper use.

I stand to support. Thank you very much.

The Temporary Speaker (Sen. Wakili Sigei): Thank you very much Sen. Chute. Sen. Okenyuri, what is your intervention?

QUORUM

Sen. Okenyuri: Mr. Temporary Speaker, looking at the composition of the House, I think we are lacking the necessary quorum to proceed.

I rise as per Standing Order No.41 on quorum during the proceedings of the Senate. I urge that we adjourn because we do not have quorum.

The Temporary Speaker (Sen. Wakili Sigei): Clerk, let us confirm the number. Indeed, the number is below.

Sergeant-at-Arms, ring the quorum Bell for 10 minutes.

(The quorum Bell was rung)

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, pursuant to Standing Order No.41 (2), there being no quorum, the Senate stands adjourned until Tuesday, 25th April, 2023, at 2.30 p.m.

The Senate rose at 5.34 p.m.