

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 6th June, 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 quorum?

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

The Speaker (Hon. Kingi): Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

(Several Senators walked into the Chamber)

The Speaker (Hon. Kingi): Serjeant-at-Arms, I am informed that we do have quorum now. So, you may stop the Bell. Clerk, may call the first Order.

(Sen. Boy walked into the Chamber)

The Speaker (Hon. Kingi): Sen. Boy, kindly take your seat.

COMMUNICATIONS FROM THE CHAIR

THE ANNUAL NATIONAL PRAYER BREAKFAST

The Speaker (Hon. Kingi): Hon. Senators as you are all aware, the National Breakfast is an annual event in the calendar of Parliament. It is an interdenominational prayer meeting sponsored by Members of Parliament, both Senate and National Assembly.

This year's National Prayer Breakfast is scheduled to be held on Wednesday, 7th June, 2023, from 7 a.m. at the Safari Park Hotel in Nairobi. The theme is: 'Reconciliation with God and with Man'.

The event is co-ordinated by National Organising Committee, which has been working closely with the Kenya National Prayer Breakfast Coordination Team. The Organizing Committee is co-chaired by Senator Daniel Maanzo, MP, of the Senate and hon. Samuel Chepkonga, MP, of the National Assembly.

Hon. Senators, as you may recall, on Wednesday, 31st May, 2023, the Senate passed a resolution to suspend the morning sitting on Wednesday, 7th June, 2023. This was done with a view to allow Senators an opportunity to attend the National Prayer Breakfast.

I, therefore, I urge all Senators to prioritize and attend the events. Further details relating to the event will be issued through the Office of the Clerk.

I thank you.

(Several Senators walked into the Chamber)

Hon. Senators, you may walk in and take your seats. Senators, stop the greetings and take your seats. We have business to transact.

SENATE PUBLICATIONS

The Speaker (Hon. Kingi): Hon. Senators, part of our duty as legislators is to continually seek to better the legislative process and contribute to its development. In this respect, the Senate, through the Office of the Clerk, has developed two publications - the compendium of considered rulings, directives and guidelines issued by the Speaker of the Senate of Kenya during the 12th Parliament and a Handbook for Legislators on Plenary and Committee of the Whole, proceedings.

These two publications contribute to the repertoire of publications that document the Senate's practice precedence and procedure over the last decade or so. They also make an input in the continuous capacity development of legislators and parliamentary staff.

Hon. Senators, the Compendium of Considered Rulings, as it is commonly referred, forms part of the practices and traditions of the Senate as it highlights the full text of the rulings as given by the Speaker, the Deputy Speaker and other presiding officers. The rulings serve as a point of reference for future speakers when faced with matters of similar nature.

The Compendium is also a reference point for rulings that may require review of further development. On the other hand, the Handbook for Legislators on Plenary and Committee of the Whole proceedings, offers practical insights on how to prosecute legislative business in the Senate within the framework of the Standing Orders. It highlights the proper order of business and gives tips on what, when and how legislators may make their contribution in the Senate.

Hon. Senators, the two publications are available in the Senate Journals Office, which is located on the ground floor of Parliament buildings. It the first room on the left in the hallway as you make your way to the chamber. It is my hope that you will find the two publications useful in the discharge of your constitutional roles and responsibilities.

I thank you.

(Several Senators walked into the Chamber)

Hon. Senators, you may walk in and take your seats.

VISITING DELEGATION FROM THE COUNTY
ASSEMBLY OF BUNGOMA

The Speaker (Hon. Kingi): Hon. Senators, Lastly, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of visiting officers from the County Assembly of Bungoma. The officers who work in records management are in the Senate for a five-day benchmarking visit with their counterparts in the Parliament of Kenya.

Hon. Senators, in our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and on my own behalf, wish them a fruitful engagement.

I thank you.

I do not see the Senator of Bungoma County. I will, therefore, allow the Senate Majority Whip to briefly say words of welcome.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. First, I want to thank you for allowing me to welcome the young people from my part of the world, Bungoma County. As you all know, Bungoma is a very unique county to visit us in the Senate.

Bungoma has had the opportunity to produce a Speaker who was sitting exactly where the hon. King is sitting. In addition, Bungoma County has now produced the current Speaker in the National Assembly.

Mr. Speaker, Sir, we are people of distinction and we want to urge all the counties of Kenya to learn from us. I hope you are all joining me in congratulating them and welcoming them.

With your permission, allow me to tell them *murio muno, muchende vulai mukalukha ingo, Were avalinde*.

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, you understand the rules of this House. We do not allow people to speak in tongues. Therefore, kindly proceed to withdraw the last part and speak in English, so that not just the visitors, but also your colleagues can be able to understand.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, to remain strictly within the Standing Orders, allow me to say without withdrawing, if you allow me, that for the words that I spoke in Kiluhya, I quote, and unquote.

Thank you.

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, kindly proceed with the Luhya version and translate it to English.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, the Luhya version was that, you are most welcome. Travel well when you go back and may the God Almighty give you journey mercies.

The Speaker (Hon. Kingi): Clerk, proceed with the next Order.

PETITIONS

UNLAWFUL SALARY DEDUCTIONS BY KEWOTA

Sen. Mwaruma: Thank you, Mr. Speaker, for allowing me to read this Petition to the Senate on unlawful deduction of female teachers' salaries by Kenya Women Teachers Association (KEWOTA):

“We, the undersigned citizens of the Republic of Kenya, being representatives of female teachers from Taita-Taveta County employed by the Teachers Service Commission (TSC), wish to present this Petition to the Senate, on behalf of ourselves and also on behalf of 171 female teachers.

We humbly draw the attention of the Senate to the following-

THAT, Teachers Service Commission has been colluding with Kenya Women Teachers Association (KEWOTA), to unlawfully deduct Kshs200 monthly subscription fees from over 171 female teachers' salaries without their consent since 2019.

THAT, the female teachers have never signed any agreements with KEWOTA to join the association or authorize it to make any monthly deductions from their salaries.

THAT, by forcefully recruiting members to the association KEWOTA contravened the Constitution, which contemplates that joining a union or any association must be voluntary.

THAT, TSC committed an economic crime by colluding with KEWOTA to deduct Kshs200 from female teachers every month, who are not members of KEWOTA.

THAT the affected teachers have been writing to the Teachers Service Commission (TSC) by themselves and through the Kenya National Union of Teachers (KNUT) to stop the deductions without success.

THAT in some instances, TSC stopped the deductions for a while that were later affected again.

THAT teachers have a right not to be economically exploited by their employer in collaboration with the Kenya Women Teachers Association (KEWOTA).

THAT the members have made every effort to resolve the matters raised in this Petition that has proved futile.

THAT there is no case pending in a court of law, constitutional or any other legal body on the matters raised in this Petition.

HEREFORE, your humble petitioners, pray that the Senate, through the relevant committee, finds that the TSC has unlawfully been deducting monthly membership subscription fees from the female teachers on behalf of the KEWOTA and recommends that:

- (a) The deductions be stopped forthwith.
- (b) All the money deducted be refunded forthwith with accruing interest.
- (c) Find that TSC and KEWOTA committed an economic crime and recommends that they be investigated by the Ethics and Anti-Corruption Commission (EACC) and the Directorate of Criminal Investigations (DCI) for possible prosecution.
- (d) Finds that the membership of KEWOTA is null and void for lack of free consent of the members to belong to it.

(e) Advice KEWOTA to do a fresh membership recruitment drive which is within the law.

(f) Take any other appropriate action it deems fit and your petitioners will ever pray.

Dated 20th April, 2023.

I thank you.

The Speaker (Hon. Kingi): Hon. Senators, due to the packed business of the day, I am afraid I will not allow comments on this Petition, pursuant to Standing Order No.237. Instead, I will straightaway proceed to commit the Petition to the relevant committee for its consideration.

In this case, I direct that the Petition be committed to the Standing Committee on Labour and Social Welfare. In terms of Standing Order No.238(2), the committee is required, in not more than 60 calendar days from the time of reading this prayer, to respond to the petitioner by way of a report addressed to the petitioner and laid on the Table of the Senate.

The Chairperson Standing Committee on Labour and Social Welfare to present a report on the Petition.

Sen. Wambua: Mr. Speaker, Sir, I am guided by your direction on the matter of KEWOTA and TSC. I just want to plead with you to find it okay to just open a window even if it is just one Member each from that and this side. Matters of education, teachers and the TSC are touchy. They are affecting a section of an entire county where members have been drafted into a union without their consent.

Mr. Speaker, Sir, kindly reconsider and open a window for a comment or two from Members.

The Speaker (Hon. Kingi): Sen. Wambua, I am afraid I may not be in a position to allow comments on this. If you look at the Order Paper, you will agree with me that one of your Bills has been with us since the day I was sworn in. The reason is that we have been expending a lot of time on Petitions and Statements.

Today we want to reach your Bill. The only way to do that is to make sure we do not allow comments. Instead, we should commit this Petition to the relevant committee.

In all fairness, I am at pain looking at your Bill appearing like a fixture in the Order Paper. We need to make deliberate efforts to reach this business today. That is the reason we have restricted comments.

*(The Petition was committed to the Committee
on Labour and Social Welfare)*

The Chairperson of the Committee on Labour and Social Welfare, kindly proceed.

REPORT ON PETITION: LINDA SOKA TAPPING INTO
KSHS302 BILLION FOOTBALL ECONOMY

Sen. Murgor: Mr. Speaker, Sir, thank you for allowing me to table this report on the Petition by Mr. James Muriu Gakonga and other residents of Lamu, Baringo and Nairobi counties concerning Linda Soccer tapping into Kshs302 billion football economy.

I beg to table.

(Sen. Murgor laid the document on the Table)

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

PAPERS LAID

REPORTS ON FINANCIAL STATEMENTS OF VARIOUS ENTITIES

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I beg to lay the following Papers on the Table of this Senate, today, 6th June, 2023-

Report of the Auditor-General on the financial statements of the Kericho Municipality for the year ended 30th June, 2020.

Report of the Auditor-General on the financial statements of the Kericho Municipality for the year ended 30th June, 2021.

Report of the Auditor-General on the financial statements of the Kericho Municipality for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Kericho County Assembly Members Car and Mortgage Scheme Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Tana River County Inuka Fund for the year ended 30th June, 2020.

Report of the Auditor-General on the financial statements of the Tana River County Inuka Fund for the year ended 30th June, 2021.

Report of the Auditor-General on the financial statements of the Tana River County Inuka Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Tana River County Staff Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Siaya County Emergency Fund for the year ended 30th June, 2021.

Report of the Auditor-General on the financial statements of the Siaya County Emergency Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Kakamega County Emergency Fund for the year ended 30th June, 2021.

Report of the Auditor-General on the financial statements of the Kakamega County Agricultural Inputs Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Receiver of Revenue – Revenue Statements of the County Government of Busia for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Samburu County Assembly Car Loan and Mortgage Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Bungoma County Assembly Members' Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Mandera Municipality for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Receiver of Revenue – Revenue Statements of the County Government of Kisumu for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Receiver of Revenue – Revenue Statements of the County Government of Turkana for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Kibwezi-Makindu Water and Sanitation Company Limited for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements on Receiver of Revenue for the County Government of Kisii for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements of Gusii Water and Sanitation Company Limited for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements of County Revenue Fund for the County Government of Kwale for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements on Receiver of Revenue for the County Government of Kwale for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements of County Executive of Migori for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements of Migori County Executive Car Loan and Mortgage Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements of Migori County Assembly for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements on Receiver of Revenue for the County Government of Migori for the year ended 30th June, 2022.

Report of the Auditor General on the Financial Statements of Migori County Ward Development Fund for the year ended 30th June, 2022.

Report of the Auditor General on the Financial Statements of Migori County Alcoholic Drinks Control Fund for the year ended 30th June, 2022.

Report of the Auditor General on the Financial Statements of Awendo Municipality for the year ended 30th June, 2022.

Report of the Auditor General on the Financial Statements of Taita Taveta County Executive Staff Car Loan and Mortgage Revolving Fund for the year ended 30th June, 2022.

Report of the Auditor General on the Financial Statements of Taita Taveta County Assembly Mortgage (Members) Scheme Fund for the year ended 30th June, 2022.

Report of the Auditor General on the Financial Statements on Receiver of Revenue for the County Government of Taita Taveta for the year ended 30th June, 2022.

Report of the Auditor General on the Financial Statements of Taita Taveta County Emergency Fund for the year ended 30th June, 2022.

Report of the Auditor General on the Financial Statements of Taveno Water and Sewerage Company Limited for the year ended 30th June, 2022.

Report of the Auditor General on the Financial Statements of Taita Taveta Education Fund Board for the year ended 30th June, 2022.

Report of the Auditor General on the Financial Statements of Taita Taveta County Datu Sawazisha Fund for the year ended 30th June, 2022.

(Sen. (Dr.) Khalwale laid the documents on the Table)

The Speaker (Hon. Kingi): Let us have the Chairperson of the Committee on Finance and Budget.

REPORT ON THE PROMPT PAYMENT BILL 2022

Sen. Tabitha Mutinda: Mr. Speaker, Sir, I beg to lay the following report on the Table of the Senate today, 6th June, 2023:

Report of the Standing Committee on Finance and Budget on the Prompt Payment Bill (Senate Bills No. 8 of 2022).

(Sen. Tabitha Mutinda laid the document on the Table)

The Speaker (Hon. Kingi): Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

The Speaker (Hon. Kingi): These are Statements pursuant to Standing Order No.53. When the Petition was read, I gave directions. Again, once you have read out your Statement, it will be committed to the relevant Committee. Therefore, we are not going to have any comments.

However, I will allow only six interventions on Statement No.2; three from the majority and three from the minority side. The Statement is by the Senator for Nandi County and it touches on Members of County Assembly (MCAs).

Sen. Kathuri, you can seek your Statement now.

HIGH TRANSFER RATE OF TEACHERS IN MERU COUNTY

Sen. Kathuri: Thank you, Mr. Speaker, Sir. I rise, pursuant to Standing Order No.3(1), to seek a Statement from the Standing Committee on Education, on the alarmingly high rate of transfer of teachers at KK Mukalamatu Primary School, Karama Ward in Tigania East Constituency in Meru County.

In the Statement, the Committee should -

(1) State the reasons for the high number of transfers sought by teachers in schools in Meru County, particularly at KK Mukalamatu Primary School.

(2) State plans, if any, by the Government to deploy teachers to address the shortage in the affected schools.

(3) Explain the rationale for denying teachers in Meru County hardship allowance, noting that their counterparts in the neighbouring Isiolo County receive the allowance, further clarifying whether the Government intends to introduce the allowance for teachers in the County.

Thank you.

The Speaker (Hon. Kingi): Sen. Cherarkey, proceed to request your Statement.

REDUCTION OF SALARIES AND ALLOWANCES
PAYABLE TO MCAs IN FY 2022/2023

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I rise, pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Finance and Budget, on the slashing of salaries and allowances for the Members of County Assemblies (MCAs) in the Financial Year 2022/2023.

In the Statement, the Committee should -

(1) State reasons for the reduction of MCA's salaries, removal of their sitting allowances, car grants and mileage allowances since 2022 to date.

Mr. Speaker, Sir, for the benefit of the House, the President earns Kshs1.4 million and the Deputy President Kshs1.2 million. The Speakers of the Senate and National Assembly earn Kshs1.16 million while Deputy Speakers earn Kshs928,000. Governors earn Kshs924,000 and Deputy Governors, Kshs621,250. Senators and Members of the National Assembly earn Kshs710,000. County Executive Committee Members (CECMs) earn Kshs404,250 and the lowest paid are MCAs, who earn Kshs86,625.

(2) State whether there is any engagement between the County Assemblies Forum (CAF) and the Salaries and Remuneration Commission (SRC) with the view to reinstate salary terms and allowances for all MCAs in the Financial Year 2023/2024.

(3) State the amount of public funds allocated to the office of the MCA for the remuneration of their staff in 2022/2023.

(4) Finally, disclose the budget allocation for capacity building initiatives undertaken by county governments or county assemblies for staff in the office of the MCA in the last three years; stating any measures to ensure continuous capacity building of staff in the office of MCAs across the country from the Financial Year 2023/2024.

Thank you for your indulgence.

The Speaker (Hon. Kingi): Proceed, Sen. Wambua.

Sen. Wambua: Mr. Speaker, Sir, thank you for this opportunity to comment on the Statement by the Senator for Nandi County, on the welfare of MCAs of this Republic. I have just two things to say: We all agree that MCAs are at the bottom of the pyramid when it comes to carrying out oversight responsibilities.

In fact, the courts have pronounced themselves on the important role played by MCAs; that they undertake primary oversight. This includes vetting of officers recruited by their respective county governments.

To expect that an MCA will earn Kshs86,000 and then recruit CECMs who earn Kshs400,000 is laughable. To expect that MCAs will oversight governors who are controlling billions of shillings is to expect too much from our MCAs. In fact, what we should have done is increase the salaries and allowances of our MCAs, to equip them properly for purposes of undertaking primary oversight.

Devolution will either succeed or fail in county assemblies. The success or failure of devolution will be directly related to the amount of money that we give to the MCAs, not just as salaries but as allowances to carry out their responsibilities.

Mr. Speaker, Sir, lastly, I hope that after we are done with this Statement, he will follow it up from where it goes. I know the Senator for Nandi County is capable of doing this. I hope that he will take a step forward and move this Statement from just being a conversation around salaries and allowances of MCAs, to a situation where we begin to apply our minds and debate on the Ward Development Fund.

(Applause)

We need to agree on the proportion of money which goes to governors, that should be allocated to specific wards, to enable our MCAs carry out proper oversight.

I thank the Senator for Nandi County for coming up with this Statement. He is doing a good job these days and trying to endear himself to his people, which is good thing.

The Speaker (Hon. Kingi): Proceed, Sen. Cheruiyot.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I join my colleague, Sen. Wambua, in congratulating Sen. Cherarkey for bringing to the Senate a very topical issue. It is a conversation that is going on, unfortunately, in the wrong places.

I have seen our brothers and sisters from the county assemblies trying to prosecute this point in funerals, weddings and churches. Unfortunately, Kenyans are Kenyans. There is no day a Kenyan will ever expect an extra coin to go to the pocket of any politician. At the end of the day, immediately after that function where they have told you that we cannot add you a coin, the same Kenyans will follow you and say: "Please, pay us, we want to go home."

They are just like Members of Parliament (MPs) who are opposed to the Finance Bill. On one mouth, they oppose it and on the other, they are saying they want to see better roads and development in their counties.

Mr. Speaker, Sir, this conversation is better heard in the Standing Committee on Devolution and Intergovernmental Relations where we can reason as adults. Let the Salaries and Remuneration Commission (SRC) come and explain before this House the justification for these findings. This is because it is grossly out of order.

It is unfair to expect that our Members of county Assembly (MCAs) will perform their constitutional mandate and be the bodies and organs that Kenyans envisioned when they passed the Constitution of Kenya, 2010 while being paid a paltry Kshs80,000. At the same time, they have been denied car grants and sitting allowance just like they did for Members of this House.

Mr. Speaker, Sir, at least, MPs are slightly paid better and they can survive. Imagine an MCA who wakes up in the village to find a que of 10 to 20 citizens expecting him or her to sort a few of their problems, as is the tradition in this country, with a paltry Kshs86,000. What will MCAs do? They will have to find creative ways of surviving. Unfortunately, some of them involve undermining the very duty for which they were elected.

That is why you find MCAs have turned into choir masters for governors. It is not their wish. They should be properly compensated. As a Senate, we should give them the necessary support and increased their ceiling.

Comparatively, we need to undertake a study. Our allocation for the coming financial year as Parliament is Kshs40 billion in a budget of close to Kshs3 trillion. What

are the ceilings that we are putting in our various county assemblies? You know the politics that goes with it.

You know the fight that came about until we did an amendment to the Public Finance Management Act to separate the accounts of county assemblies with those of the county executive members. Unfortunately, it has gone through very difficult times. It is until petitions are brought to this House that they benefit from some of these things.

Mr. Speaker Sir, I recall in our first term of this House, MCAs appeared before the Standing Committee on Devolution and Intergovernmental Relations. I was then serving as a Member. They informed us how difficult it was back then when they served under a unified account together with the county executive. There are governors who would even delay salaries of individual MCAs because they either supported or did not support their activities. We do not want to take the county assemblies down that route.

Lyn Mengich, the Chairperson of SRC, must come before the Standing Committee on Devolution and Intergovernmental Relations. Let them give us their justification. This is not about the earning or the wellbeing of MCAs; this is about devolution. Therefore, I expect that the Standing Committee on Devolution and Intergovernmental Relations will lead us into having a structured conversation so that eventually we can right what is grossly wrong to our MCAs.

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

The Senate Minority Leader (Sen. Madzayo): Asante Bw. Spika. Kwanza, ninamshukuru ndugu yetu, Sen. Cherarkey, Seneta wa Kaunti ya Nandi.

Kama kuna askari ama *first-hand solders wa devolution* ni MCAs wetu. Bila hao, hakuna *devolution* kwa sababu hao ndio wanahusika na watu *directly*. Sisi tukienda kule, inakuwa ni baada ya kuunda *policy* hapa. Lakini, kama kuna watu ambao wanatakiwa kuangaliwa vilivyvo na serikali za ugatuzi, ni MCAs.

Bw. Spika, ni jambo la kusikitisha na aibu kuona kwamba jopo la Ms. Mengich ambalo linahusika na mishahara linazembea. Hatujui ni kwa sababu gani. Lakini, ni jambo la kusikitisha leo kuona wale wanaopanga mambo ya mishahara kuweza kumpatia MCA Kshs80,000 kila mwezi ama ikifika mwisho ni Kshs120,000.

Wale ambao wameandikwa ndani ya kaunti kama Mawaziri ambao hawakuchaguliwa na wananchi, hawajui hata kutafuta kura moja, wanapendelewa na kupewa maofisi, na magavana. Wamepewa magari, walinzi, makatibu na wanapikiwa chai saa nne, ilhali, MCAs ambao walitafuta kura kutoka kwa wananchi hawapewi. Ukiangalia tofauti zao ni kwamba yule aliyepewa kazi, chai na gari anaambiwa kazi yake itakuwa kuzunguka ama kuangalia maswala kulingana na wizara yake. *County Executive Committee Member* (CECM) anapata Kshs400,000. Hii ni mara nne ama tano zaidi ya MCA. Hii ni makosa na dhambi.

Ni muhimu Ms. Mengich aje hapa tuwe na *date* na yeye. Ninataka kumwambia kwa kinaga ubaga ya kwamba aliyofanya ni dhambi kwa MCAs. Ikizidi sana, inatakikana CECM wapate Kshs80,000 na MCAs wapate Kshs400,000.

(Applause)

Bw. Spika, dhambi kama hizi hatuwezi kuruhusu hapa ndani. Ninaunga mkono Sen. Cherarkey, ndugu yangu wa Nandi Kaunti, kwa kuleta swala hili hapa.

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

Sen. Kathuri: Thank you, Mr. Speaker, Sir, for giving me this opportunity to also weigh into this matter.

This body called SRC should be disbanded with immediate effect.

(Applause)

This Commission sits almost thrice a month. You fail to understand what they meet every week and every month to review? This is because once you review the salary for officers, then that is it. Unless Senators have mercy with this body, it can just be temporary or just meet twice or thrice a year.

The allowances that they draw are in excess of Kshs40,000 per meeting. Then, when MCAs who are elected by members of the public sit in a county assembly to execute their mandate, they hardly get Kshs3,000. This is hypocrisy which started when Sarah Serem was the Chairperson of SRC. We battled with her when I was in the other House until the new Chairperson came in. We thought she will be better but she is worse.

That is why I support the sentiments by colleagues that the SRC chairperson and her Board should appear before this House so that we ask them hard questions. That should just be an open forum so that every Senator can be able to express themselves.

Mr. Speaker, Sir, Kshs80,000 as the salary of MCAs is a slap on their face. These are elected members just like us. They are legislators who oversight and also---

The Speaker (Hon. Kingi): Sen. Kathuri, there is a point of information. Do you wish to be informed?

Sen. Kathuri: Yes, the Senator for Kitui County, my uncle, can inform me. He has good intentions.

Sen. Wambua: Thank you, Mr. Speaker, Sir. I just want to inform my brother the Senator for Meru County. He is actually my uncle. Do not dispute that.

Maybe we need to ask the Standing Committee on Devolution and Intergovernmental Relations not to hear that matter at Committee level. The matter should be heard at the Committee of the Whole so that every Senator comes here and deals with it.

The Speaker (Hon. Kingi): Sen. Wambua, are you contributing or informing Sen. Kathuri? I do not see any information there.

Proceed, Sen. Kathuri.

Sen. Kathuri: Mr. Speaker, Sir, I had recommended that this matter be handled by a Committee of the Whole House.

(Sen. Cheruiyot spoke off record)

This matter should be handled by a Committee of the Whole, which I will chair that day so that we can hammer these people properly.

The Members of the County Assemblies (MCAs) are legislators like us. They oversight and represent the people in their respective wards. According to me, their minimum salary should be not less than Kshs500,000. They should also be given car grants and mileage allowance to enable them move. If devolution will succeed in Kenya, then it will be through empowering MCAs and the Senate. Those are the only two institutions, which take care of the billions of shillings disbursed to the counties. It is

important for the Senators to have oversight fund to work in the many constituencies that we serve.

(Applause)

We have no apologies to make. This is a matter of national importance that should be handled properly. I do not want to overemphasize on this matter. The MCAs are suffering. The Nakuru County Assembly was closed indefinitely today. The others have also closed because of salaries. County assemblies are currently closing shop. They cannot be able to move even to the assemblies and they have suspended their activities.

Sen. Olekina, you can pursue other things but this is a bipartisan matter, on MCAs.

(Laughter)

Mr. Speaker, Sir, I thank you.

Sen, (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. We are not strangers to why we amended the Constitution to create county governments.

It appears like the two ladies who have sat in this office had a brief from wherever to ensure that it fails. The moment they came in, they pretended to understand devolution to the extent that the Senator of Nairobi, who has 17 constituencies under him, and the Senator of Kakamega and Kiambu, who have 12 constituencies each, are rated at the same level with a Member of Parliament in one of the constituencies.

This arrogance is what they have taken to the county assemblies. The way they belittle Senators is the same way they are belittling MCAs. A chef in a five-star hotel in Nairobi earns Kshs87,000 while an MCA earns Kshs86,000. How many hotels do you have in a ward where an MCA presides over? An MCA earns Kshs86,000 and a principal of a high school in this country earns Kshs190,000. How many high schools do we have in a ward represented by an MCA?

The issue of travelling allowance; to move from Munabi in Matungu Constituency to the other end of Kakamega in Moi's Bridge, is 200 kilometres. The MCA has to drive from his home in Moi's Bridge to Kakamega Town which is 130 kilometres and he cannot make a claim. MCAs have been forced to run away from their homes. They do not sleep at home because when people come in the morning, they have no money to spend on them.

The MCA of Shieyewe Ward in Kakamega County has a ward which has a bigger voting population than 20 per cent of all the constituencies of Kenya. That kind of person cannot represent people. We have to come out. We are lucky we are in the Senate. We are not unlucky like them. We have the highest platform in the country. Let us do all that it will take up to and including---. I want to speak as the Chief Whip, we can choose to take a position that we will not pass a critical Bill like the Division of Revenue Bill until the welfare of MCAs is addressed.

(Applause)

If the Government thinks that MCAs are important, pay them. if you do not think they are important, remove that category so that we know how to deal with the problem.

Mr. Speaker, Sir, I am not speaking from theory. I hosted the 90 MCAs of Kakamega County in my Malinya home. They told me there is something they are crying

for called financial autonomy. We want our county assemblies to have financial autonomy so that they are not captured by governors. We sit here, divide money among counties in the County Allocation of Revenue Bill (CARB) , after we make the law, the governors start treating that money as theirs. They do not want to make MCAs comfortable in terms of discharging their duties.

Members, let us not fall prey TO being set up against Members of the National Assembly. Let us move together with them to ensure that the welfare of all of us is well taken care of. I can assure you that if you send me or Hon. Cheruiyot to the President, with a properly argued case, I can assure you President William Ruto, a ‘hustler’ like all of us, will support it and we will make sure our MCAs are well off.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Onyonka, you---

(Sen. Onyonka stood up in his place)

I have not called you. You are out of order.

(Applause)

You are totally out of order. I will give you the first caution of the day.

Sen. (Prof.) Ojienda, proceed.

Sen. (Prof.) Tom Odhiambo Ojienda, SC: Thank you Mr. Speaker, Sir. I take this opportunity to contribute to the Statement by my learned friend, Sen. Cherarkey.

We have 1,450 MCAs in this country, out of which 772 are nominated. As we contribute to this Motion, we must be alive to the implications of any increase of wages or salaries to the economy of this country. I am sure that the Leader of Majority and the Minority and even Sen. Cherarkey know that one of the reasons why this House has been struggling and fighting with the National Assembly over the funding of this House is because of the question of resources.

Some of the contributions that I hear in this House by the Majority Whip are fairly populist. They seem to appeal to the MCAs ignoring the crux of the question as to whether these assemblies undertake oversight. The reason advanced this afternoon is that these assemblies are unable to undertake oversight because they earn a paltry Kshs86,000. Of importance is that most of these MCAs have gone to bed with the Executive and are unable to undertake oversight as contemplated by Article 176 of the Constitution that creates county governments.

Mr. Speaker, Sir, I am aware, in my county, for instance, some of the MCAs sit in over 13 committees and are therefore unable to undertake oversight. We are alive to the fact that MCAs are required to do primary oversight. The Senate should do secondary oversight. We are at a point where we are undertaking primary oversight because our county assemblies are unable to undertake it.

A salary alone or money alone is not the only factor that will equip Members of County Assembly with the capacity to undertake oversight. I am alive to the fact that Section 22 (1)(c) of the Elections Act No.24 of 2011 has proposed that MCAs be equipped with the sufficient academic qualifications to undertake oversight. That is why

the proposal was that at the third election, MCAs would have at least a minimum degree qualification to be elected.

Mr. Speaker, Sir, I believe this is a point that this Senate should push. In as much as we are pushing for better salaries, let us also push for quality MCAs who understand issues, can defend devolution but who are also able to stand up to the Executive. Let us not just talk about giving money to MCAs, some of whom do not understand the role of oversight or the Constitution of this country.

Sen. Cherarkey, it is important that we call a spade a spade and we ensure that we have quality MCAs elected with the Houses. I support in part the need to have better salaries but let us also have capacity---

(Loud consultations)

The Speaker (Hon. Kingi): Can the Senator be heard in silence, please?

Sen. (Prof.) Tom Ojienda Odhiambo, SC: I am teaching the law. Please listen to me.

The Elections Act ought to be put in effect. I am the advocate who went to court to stop degree qualifications. I will also remind you that I did that then and I got orders to allow MCAs who do not have degrees to be elected in the last election. However, today I am saying that perhaps it is time at the next election that we get MCAs who have degrees to be elected so that they can do oversight.

Let me support Sen. (Dr.) Khalwale on the question of independence and the Division of Revenue Bill so that when monies are taken to the counties, let the Executive not ride roughshod over the county assemblies because county assembly leadership - that is Leader of Majority and Minority - go to bed with the Executive so as to get favours and therefore that undermines devolution and the entire intent of county governments.

So, I support in part, but let the good salaries come with an obligation and a duty on the part of MCAs. Otherwise, we will add money to a marauding crowd that will not undertake oversight.

I thank you.

Sen. Mungatana, MGH: Thank you, Mr. Speaker, Sir, for giving me the opportunity to also say something. On Saturday, we had a thanksgiving ceremony for the Deputy Speaker of the County Assembly of Tana River, who is the only elected lady; hon. Rhoda Katisha. That function was attended by very many MCAs lead by the Deputy Majority Leader, hon. Darwesh. One of the things that kept on coming in every speech of every MCA is that they are facing extremely difficult circumstances.

There is no escaping it. Even if you run away from your area, nowadays, fundraisings have gone online. They are saying that in every fundraiser for funerals - and funerals are many - you are put in there and you are supposed to contribute. As an MCA, when you make a small contribution, people come to ask you: "Mheshimiwa, is this the only amount that you can manage to contribute?" This is the reality they are living with every single day.

I really want to support this Statement by Sen. Cherarkey. Let us relook into it. I want to remind the House that for those of us who have been around for many years, you remember that Hon. Oloo Aringo is the one who championed the independence of

Members of Parliament to be where we are today. It was because of his efforts that we ended up with an independent commission that is able to fight for our rights.

Mr. Speaker, Sir, I wanted us not to forget this fact, not to forget paying tribute to those who went before us. The way to go for these MCAs is not for us to leave it to the whims and the decisions of the Salaries and Remuneration Commission (SRC) alone. We must have a strong body that is going to establish the standards and payments for these people. It must be a constitutional body so that these people can serve our people at their level without financial embarrassment.

We should support this Petition by Sen. Cherarkey.

I submit.

Sen. Faki: Asante, Bw. Spika, kwa kunipa fursa hii kuongezea kauli yangu juu ya taarifa iliyoletwa Bungeni na Sen. Cherarkey, Seneta wa Kaunti ya Nandi. Masaibu yanayokumba Wabunge wa Kaunti zetu ni ya kusikitisha. Ikikumbukwa kwamba ugatuzi ulikuja kuleta tofauti baina ya mabaraza ya miji yalikuwa yanahudumu wakati wa nyuma na mfumo mpya wa Serikali ambao unatumika katika nchi yetu ya Kenya.

Marupurupu wanayopata ni machache sana kulingana na hali ya maisha ilivyo hususan kwa wale ambao wako katika miji mikubwa na miji midogo pia. Tukiangalia, kwa mfano, katika Kaunti ya Mombasa, Wabunge hawa wa Bunge la Kaunti ya Mombasa wanahitajika kupata ofisi na nyumba ambazo zinastahili hadhi yao. Nyumba hizi haziwezi kukodishwa bila pesa. Kwa hivyo, yale marupurupu wanayopata hayawawezeshi kukabiliana na maisha kisawasawa. Ndio mara nyingi, wanapatikana wakihujumu kazi zao kupitia kwa ile ruzuku ndogo ndogo wanazopata kutoka kwa wakuu wa kaunti.

Bw. Spika, ijapokuwa sheria ilibadilishwa na ikawa fedha za county assembly na fedha za county executive ziko mbalimbali, lakini bado utapata kwamba Waziri ama Mwanakamati ambaye anahusika na mambo ya fedha za kaunti husika anahujumu utendakazi wa Bunge la Kaunti kwa sababu pesa zinazokuja kutoka kwa mfuko wa Serikali kuu sio hizo ambazo zinakwenda katika kulipa mishahara au marupurupu ya MCAs.

Kwa hivyo, kuna haja ya kubadilisha ama kurekebisha sheria ya fedha, yaani, Public Finance Management (PFM) Act kuhakikisha kwamba bunge la kaunti lina fedha zake mbali na zile fedha ambazo ziko katika serikali ya kaunti. Hii ni kwa sababu serikali ya kaunti mara nyingi wakiitisha pesa, wanapunguziwa ama wanatolewa pesa kidogo kidogo ili kuhakikisha kwamba kazi zao zinahujumiwa.

Nakubaliana na wenzangu ambao wametoa kauli kwamba swala hili lizungumzwe na Bunge nzima; kauli nzima ya Bunge hili iweze kuzamia swala hili ili wabunge wetu wa county assembly waweze kupata marupurupu ya kisawa sawa. Vile vile, SRC wapewe onyo kwamba kupunguza marupurupu haya kunahujumu ugatuzi katika nchi yetu.

Asante, Bw. Spika, kwa kunipa fursa hii.

The Speaker (Hon. Kingi): Sen. Ali Roba, please, proceed. While Sen. Ali Roba is making his comments, kindly, may the two Chief Whips approach the Chair?

(Sen. (Dr.) Khalwale and Sen. Olekina approached the Chair)

Sen. (Ali Roba: Mr. Speaker, Sir, I rise to support this Statement by Sen. Cherarkey. All of us in this House come from different backgrounds and experiences. I was privileged to have participated in three elections alongside the Members of the County Assembly (MCAs). They go through hell for them to get elected into office especially in the area I come from.

Mr. Speaker, Sir, the issue is that the Salaries and Remuneration Commission (SRC) may act and make decisions behind desks without having the reality of what the MCAs undergo.

(Applause)

For the SRC to remain relevant and be seen to be doing something in their functional responsibility, they decide to reduce. However, the reality is that these grassroots leaders are suffering yet they are the first contact who live and stay with the public. They are the first people the public faces every time there is a problem.

Mr. Speaker, Sir, for the SRC to have made an unfortunate decision just before the last general election to drastically reduce the remuneration meant for the MCAs, is extremely unfortunate and arrogant.

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale and Sen. Cherarkey, kindly take your seats.

(Sen.(Dr.) Khalwale and Sen. Cherarkey resumed their seats)

Sen. Madzayo, take your seat too. Senator of Kilifi, take your seat.

Sen. Ali Roba: Thank you, Mr. Speaker, Sir. For the SRC to make that decision, just before the last general election, arbitrarily, behind their desks without knowing the reality that MCAs undergo, slashing and reducing their allowances drastically is very unfortunate.

It was out of sheer arrogance and lack of reality on what the MCAs undergo even when vying for that political seat being the first grassroots leaders that meet with problems of our constituents.

I thank Sen. Cherarkey for rising to the occasion to bring this issue to light. The Senate's mandate is protection of devolution. In that devolution, there are two structures, the Executive and the Assembly. The assembly is under siege. We are aware that over 12 county assemblies have already closed shop.

Mr. Speaker, Sir, that should create an air of emergency around the speed with which the Senate needs to deal with this issue. The Salaries and Remuneration Commission (SRC) must be forced to come back to reality of looking at the role of the MCA; what they undergo for them to be elected and what responsibilities they have on the ground in order for them to say this is justified or not justified.

As Sen. Wambua has proposed, the level of seriousness should be scaled so that the Committee of the Whole discusses the issue. It stands at the time the county assemblies are required to pass budgets for the County Executives for the coming financial year, before 30th June and the assemblies are closing shop. This means that devolution is going to be brought to a grinding halt and the Senate of the Republic of Kenya should not allow that.

My appeal to my colleagues is that we need to take up this issue of county assemblies. As the Committee of Finance and Budget, we have received over 16 requests on that issue. Speakers and Clerks are saying they are unable to run those county assemblies with what is going on.

Mr. Speaker, Sir, I beg my colleagues Senators to agree that we scale this issue up for the Committee of the Whole to take drastic action. It is not only about the MCAs but it has also affected devolution by closure of executive activities because budgets are not going to be processed. Finance Bills and other things will stall because assemblies have closed shop.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Sifuna.

Sen. Sifuna: Thank you, Mr. Speaker, Sir. Allow me this afternoon to be the devil's advocate. They say that the only vice that cannot be forgiven is hypocrisy. Even the repentance of a hypocrite is itself hypocrisy.

It is very easy for you to point fingers at other people but whenever you point a finger at someone, you should always remember that there are four pointing backwards to you.

All of us in this discussion have a role to play in the situation in our counties, people's homes and kitchens. The way I understand the work of the Division of Revenue Act (DORA) is that even the money that is supposed to go to the salaries and emoluments of the MCAs comes from the amount of money that we send to the counties. There is no separate allocation for that.

Therefore, when we, as the House, get an opportunity to increase the devolution basket, I hold the position that the Senate must always do everything that we can to enlarge that basket. We should do that before we come here and pontificate and try to please MCAs, when we are the people who are part of the problem of those MCAs.

Mr. Speaker, Sir, it embarrasses me greatly, as a Senator, every time I see a Senator speak about how they do not have drugs in our hospitals or that MCAs need better salaries, where is that money going to come from?

It is we, as the Senate, to fight to enlarge the basket of devolution. The embarrassment I get is that the opportunity that we get to enlarge that basket is through the Division of Revenue Allocation Bill.

That Bill was here. We had an opportunity to enlarge that basket but we chose not to enlarge it. It cannot come from us that now we are suddenly realizing that MCAs need more money. Whenever we meet County Assemblies in our Public Accounts Committee (PAC), we have had this conversation with the MCAs.

We do not have to appear like we are tone-deaf. We are having this conversation at a time every Kenyan is struggling. I have argued that if we are talking about earnings and salaries, we then need to have a conversation about all Kenyans' earnings and salaries. Everybody is suffering. We would appear to be tone-deaf as a House if we only picked to discuss our own emoluments or those of other elected leaders.

Mr. Speaker, Sir, in fact, we have tried to convince our colleagues on the other side of the political divide that we must have a general conversation about how Kenyans are doing. People's incomes have not grown for a long time.

All these responsibilities people are talking about, it is not as if only elected Members of Parliament (MPs) and MCAs are invited to harambees only. No, people who

work in public service, *wanaitwa wakubwa*, and are called senior people on the ground there, yet their salaries have not grown.

Let us not have this conversation in the context in which the country is in right now. What I want us to do---

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

Sen. Methu: Thank you, Mr. Speaker, Sir. I would not have wanted to disrupt my big brother, Sen. Sifuna, but it is fair I quote Standing Order No. 105- Responsibility for Statement of Fact -

“A Senator shall be responsible for the accuracy of any facts that the Senator alleges to be true and may be required to substantiate any such facts instantly.”

Mr. Speaker, Sir, I find the argument of Sen. Sifuna misleading that the more amount of money we sent to counties, the more MCAs will get because capping of what the MCAs or any public servant earns is by the SRC.

(Applause)

Even if we were to send Kshs1 trillion to the counties and money has been capped at Kshs86,000, the county assembly or county Government cannot raise their salaries. Sen. Sifuna is contributing to a Statement that has not been sought. What Sen. Cherarkey sought this afternoon is a review by the SRC and not a review by DORA, the Senate or by anybody. The only body that has that mandate is the SRC.

Thank you, Mr. Speaker, Sir.

(Applause)

The Speaker (Hon. Kingi): Sen. Sifuna, in your statement, you alluded to the fact that the more money goes to the counties, the more MCAs will--- Is that correct?

Sen. Sifuna: Mr. Speaker, Sir, that is not what I said. When Sen. Cherarkey was speaking, he talked of salaries, allowances and the welfare of MCAs. Let me give an example.

There is a time when the County Assembly of Nairobi could not purchase water. You are also aware that there is a capping on the percentage that can be utilized in terms of emoluments and salaries in the counties. This is what I am saying and it has been submitted on the Floor. Salaries are not the only way to make a Member effective as a legislator and a person who does oversight. Whenever we get an opportunity to grow that basket---

We have had this conversation with MCAs who have appeared before us. They want to have autonomy of their own budgets. I do not think Sen. Methu understood what I was saying because these are matters that had been canvassed here.

Sen. M. Kajwang': On a point of information!

The Speaker (Hon. Kingi): Sen. M. Kajwang', what is your point of order?

Sen. M. Kajwang': Mr. Speaker, Sir, I am rising on a point of information to Sen. Sifuna, if he accepts.

The Speaker (Hon. Kingi): Then you need permission from the Senator. Sen. Sifuna, would you wish to be informed?

Sen. Sifuna: Mr. Speaker, Sir, unfortunately, he is the Chair of the County Public Accounts Committee (CPAC). Since he is my Chair, I have to say yes. I do not have any option.

Sen. M. Kajwang’: Mr. Speaker, Sir, I do not know why he said unfortunately but---

(Laughter)

Mr. Speaker, Sir, the matter raised by Sen. Methu is not true. Sen. Sifuna is right. If you look at the Public Finance Management (County Governments) Regulations of 2015, specifically Regulation 25(1)(f), you will see that whatever county assemblies get is supposed to be based on the equitable share of a county. The Regulations that we passed currently puts it at 7 per cent of a county’s equitable share, or twice the personnel emoluments, whichever is greater.

So, it is not farfetched for Sen. Sifuna to say that the money we send to counties, the more money is available to county assemblies and not necessarily for salaries. It could be for operations or to facilitate public participation and public outreach and to enable them to carry out their oversight and representation mandate.

Mr. Speaker, Sir, I wanted to remind Sen. Sifuna of this because we discussed it in the morning. He does not have to apologize to Sen. Methu for making an impression that if we would have voted for Kshs407 billion, then county assemblies would have been given more access to money to carry out operations.

I know the matter before us is about salaries, payments and benefits, but county assemblies would have gotten more money if the Senate gave more money to the counties.

The Speaker (Hon. Kingi): Sen. Sifuna, proceed to conclude your remarks.

(An hon. Senator spoke off record)

Let us rest this matter there. Proceed, Sen. Sifuna.

Sen. Sifuna: Mr. Speaker, Sir, we understand the jitteriness of our colleagues when we discuss this matter because even their own MCAs ask them these questions when they go home.

As I conclude, in fact, this question of the autonomy of budgets of the assemblies is something that we, as a Senate, must expedite. I am aware that our legal team is working on this and reviewing of the ceilings.

I am happy with the Chair of the Committee on Finance and Budget, the Senator for Mandera. He is always willing to listen to the county assemblies when they come to him together with Members of the Committee on Finance and Budget including Sen. Tabitha Mutinda.

There are actual and real impediments to the carrying out of these functions. We have had this conversation about our own affairs in here and we have agreed it does not have to be about salaries. It could be about facilitating the role of a Senator. If it is possible for me to conduct oversight without touching any money, let me find the places where people can go to hold public participation already paid for and there is water. I do not need to touch the money.

Kindly, let us not run away from our primary responsibility and vilify other organizations such as the Commission on Revenue Allocation (CRA). Let us have a conversation with the CRA about allocation of more resources to those who provide oversight once we grow our devolution basket.

I thank you.

The Speaker (Hon. Kingi): To be fair, I am going to allow our lady Senators to speak. We will start with Sen. Tabitha Mutinda and thereafter Sen. Kavindu Muthama, then we rest this matter.

Sen. Tabitha Mutinda: Thank you, Mr. Speaker, Sir, for giving me this opportunity to support the Statement by Sen. Cherarkey concerning our colleagues on the ground none other than MCAs.

The Salaries and Remuneration Commission (SRC) Chair allocated themselves a car grant worth Kshs10 million whereas MCAs allocation is Kshs2 million but it is still taxed. That is quite unfair because we know the role MCAs play on the ground level. They are an easy connection between them and the people.

One thing that comes out clearly is lack of autonomy for the county assemblies to budget for their resources. They have to wait for governors to transfer funds after they have been allocated to counties. This has brought friction.

As we address the issue of the welfare of MCAs, we must also address the issue of autonomy by the county assemblies. MCAs should budget for their own funds without depending on the governors. This has made the governors hardheaded. They have to coerce MCAs because they hold the money. It is high time the National Treasury started remitting funds directly to the assemblies, so that MCAs can plan and budget for it.

Mr. Speaker, Sir, MCAs are the ones who elect the Speakers, just like we elected you to sit on that particular seat. The Speaker at the county level earns more than Kshs500,000, among other allowances, yet an MCA earn Kshs86,000. That is quite unfair.

MCAs vet and approve appointment of County Executive Committee Members (CECMs) but the CECMs end up calling the shots eventually. That is wrong and it should stop.

The Senator had requested my Committee on Finance and Budget. I also want to support what my senior colleagues mentioned in terms of this matter being debated in plenary, so that we get to the bottom of this issue.

Mr. Speaker, Sir, I also request that the issue be given the urgency it deserves.

I thank you.

Sen. Kavindu Muthama: Thank you, Mr. Speaker, Sir, for giving me this opportunity to support this Statement by Sen. Cherarkey about the MCAs salaries and allowances being slashed.

MCAs should earn even more because they do a lot of work. Without them, governors cannot work in the counties because they are the ones who know what is happening on the ground. Every morning people wake up from their homes and go to tell them the problems. If there are roads or bridges which are impassable, they are the first ones to know before Governors.

In the Building Bridges Initiative (BBI) report, we had suggested that they be given a Ward Fund of Kshs20 million directly. When we discussed about our Oversight

Fund, I remember telling this House that we should not only push for ours but also for the county assemblies so that they can oversight.

They are at the mercies of the governors because of lack of funds. This means that they will sing the song of the governors and cannot oversight properly. The SRC should review their salaries.

Mr. Speaker, Sir, this matter should not be taken to the Committee on Finance and Budget but to a Committee of the Whole House so that all of us can discuss it as a House. This should be treated as an urgent matter, since I have heard some MCAs say that they will lay down their tools. Governors will have a hard time passing their budgets for the coming financial year.

I support this Statement fully.

The Speaker (Hon. Kingi): Thank you, Hon. Senators. We shall rest that matter there.

Pursuant to Standing Order No.45(2) I will proceed to rearrange the sequence of today's Order Paper. I know we have 10 more Statements to request. However, I will rearrange the Order Paper as follows. We will proceed to Order Nos.8, 9, 10 and 11. Thereafter, we will come back to Statements.

Clerk, proceed to call those orders.

BILLS

Second Reading

THE PROMPT PAYMENT BILL (SENATE BILLS NO.8 OF 2022)

(Sen. Mariam Omar on 12.4.2023)

(Resumption of debate interrupted on 25.5.2023)

(Division)

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

(The Division Bell was rung)

Serjeant-at-arms, proceed to ring the Bell for a further five minutes.

(The Division Bell was rung)

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

(The Door was closed and the Bar drawn)

(Sen. Wambua and Sen. (Dr.) Khalwale stood in their places.)

The Speaker (Hon. Kingi): Sen. Wambua and Sen. (Dr.) Khalwale, kindly take your seats so that we proceed with this business.

Hon. Senators, we are going to stand down the division on the Prompt Payment Bill.

(Division on the Bill deferred)

We shall proceed with division on Order No.9; The Cotton Industry Development Bill (Senate Bills No.5 of 2023).

Before I put the question, I wish to inform you that voting will be done electronically. Therefore, proceed to logout. Serjeant-at-arms, kindly collect all the cards that are remaining in the delegates' units, so that we do not have any card logged in as I speak.

I will now put the Question.

Second Reading

THE COTTON INDUSTRY DEVELOPMENT BILL
(SENATE BILLS NO.5 OF 2023)

(Sen. Beth Syengo 24.5.2023)

(Resumption of debate interrupted on 25.5.2023)

(Division)

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, proceed to your designated seat.

Serjeant-at-Arms, once you are done collecting the cards that are in the delegates units, kindly let me know. Have you collected all the cards remaining in the delegates units?

Hon. Senators, you may proceed to vote. Just log in your cards in the delegate units and vote by pressing 'yes', 'no', or 'abstain'.

Proceed from now.

(Voting in progress)

The following Senators will proceed to vote manually-
Sen. Gataya Mo Fire; Sen. M. Kajwang'; Sen. Wafula and Sen. Faki. Kindly proceed to vote manually so that we conclude this exercise.

Hon. Senators, kindly take your seats.

DIVISION

ELECTRONIC VOTING

(Question, that the Cotton Industry Development Bill (Senate Bills No.5 of 2023, be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Ali Roba, Mandera County; Sen. Boy, Kwale County; Sen. Cheptumo, Baringo County; Sen. Cheruiyot, Kericho County; Sen. Chesang', Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. Mandago, Uasin Gishu County; Sen. Mundigi, Embu County; Sen. Mungatana, MGH, Tana River County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Okiya Omtatah, Busia County; Sen. Olekina, Narok County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi County; Sen. Thang'wa, Kiambu County; Sen. Wamatinga, Nyeri County; Sen. Wambua, Kitui County; and, Sen. Wafula, Bungoma County.

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

AYES: 32

NOES: Nil

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 32 votes to nil)

(The Bill was accordingly read a Second Time

and committed to a Committee of the Whole tomorrow)

The Speaker (Hon. Kingi): Serjeant-at-Arms, kindly proceed to withdraw the Bar and open the Doors.

(The Bars were withdrawn and Doors opened)

Next Order.

COMMITTEE OF THE WHOLE

(Order for Committee read)

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

IN THE COMMITTEE

*[The Temporary Chairperson (Sen. Veronica Maina)
in the Chair]*

The Temporary Chairperson (Sen. Veronica Maina): Hon. Members, kindly resume your seats. Let us proceed with this session of the Committee of the Whole. I request you not to leave because we need to do a Division after I put the Question.

(Sen. Tabitha Mutinda and Sen. Madzayo consulted loudly)

Hon. Members who are laughing, can you now resume your seat?

Hon. Sen Tabitha Mutinda you are distracting Sen. Madzayo. Could you please, resume your seat?

THE EQUALIZATION FUND APPROPRIATION
BILL (SENATE BILLS NO. 3 OF 2023)

Hon. Members, on 24th May, 2023, some questions were navigated on the Equalization Fund Appropriation Bill, Senate Bills No.3 of 2023 and certain Clauses now need to be put to Division.

I now want to Put the Question on the first Clause that needs to be put to Division.

I now put the question that Clause 2 and the Schedule be amended as proposed.

Hon. Senators, we will vote electronically.

Serjeant-at-Arms, please draw the Bar and lock the doors.

(The Bar was drawn and the doors closed)

We can now proceed.

Members, I request you to log in if you had not logged in. Please, log in because voting is electronic. Log out and then log in again.

Serjeant-at-Arms, please, be alert to take out any card that is not supposed to be logged in.

We proceed to vote electronically.

(Voting in progress)

Sen. Faki, please, approach the Chair.

(Sen. Faki proceeded to the dispatch desk)

Sen. Thang'wa: Madam Temporary Chairperson, I need assistance to vote electronically.

The Temporary Chairperson (Sen. Veronica Maina): Sen. Thang'wa, please, come and vote manually.

(Sen. Thang'wa proceeded to vote)

The Temporary Chairperson (Sen. Veronica Maina): Hon. Senators, we are going to the second set.

Clause 2, 3, 4, 5, 6 and the Schedule

(Question of the amendment proposed)

We will vote electronically. You can vote now. You do not need to log out, the system is set and, therefore, just vote.

Sen. Okiya Omtatah and Sen. (Dr.) Khalwale, please approach the Chair. Come and vote manually.

(Voting in progress)

The Temporary Chairperson (Sen. Veronica Maina): Order, Sen. Okiya Omtatah. Please resume your seat.

DIVISION

ELECTONIC VOTING

(Question, that Clause 2 and the Schedule be amended as proposed put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Boy, Kwale County; Sen. Cheptumo, Baringo County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Faki, Mombasa 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. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. Mandago, Uasin Gishu County; Sen. Mungatana, MGH, Tana River County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi County; Sen. Thang'wa, Kiambu County; Sen. Wamatinga, Nyeri County; Sen. Wambua, Kitui County and Sen. Wafula, Bungoma County.

NOES: Sen. Munyi Mundigi, Embu County.

The Temporary Chairperson (Sen. Veronica Maina): Hon. Senators, the voting has been completed.

AYES: 26

NOES: 1

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 26 votes to 1)

DIVISION

ELECTONIC VOTING

(Question, that Clause 2 (as amended) Clause 3, Clause 4, Clause 5, Clause 6, the Schedule (as amended), the Title and Clause 1 be part of the Bill put and the Senate proceeded to vote by County Delegation)

AYES: Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Boy, Kwale County; Sen. Cheptumo, Baringo County; Sen. Cheruiyot, Kericho County;

Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Faki, Mombasa 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. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. Mandago, Uasin Gishu County; Sen. Mungatana, MGH, Tana River County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Osotsi, Vihiga County; Sen. Okiya Omtatah, Busia County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi County; Sen. Thang'wa, Kiambu County; Sen. Wamatinga, Nyeri County; Sen. Wambua, Kitui County and Sen. Wafula, Bungoma County.

NOES: Sen. Munyi Mundigi, Embu County.

The Temporary Chairperson (Sen. Veronica Maina): The results of the vote is as follows.

AYES: 27

NOES: 1

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 27 votes to 1)

The Temporary Chairperson (Sen. Veronica Maina): We will report before we go to the next Bill. Chairperson, please come.

Sen. Ali Roba: Madam Temporary Chairperson, I beg to move that the Committee do report to the Senate its consideration of the Equalization Fund Appropriation Bill (Senate Bills No. 3 of 2023) and its approval thereof with amendments.

Thank you.

(Question proposed)

(Question put and agreed to)

The Temporary Chairperson (Sen. Veronica Maina): We are now going to the next Bill.

THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL
(SENATE BILLS NO. 3 OF 2022)

The Temporary Chairperson (Sen. Veronica Maina): Hon. Senators, the Senate has canvassed the Clauses in the County Vocational Education and Training Bill (Senate Bills No. 3 of 2023). We are now moving to Division. We have two sets of Clauses to go through. I will now proceed to put the Question.

We are going to vote electronically. Hon. Senators ensure that you are in a position to vote so that we proceed with voting for the next 60 seconds.

(Voting in progress)

The Temporary Chairperson (Sen. Veronica Maina): Let us now have the results of the voting.

The Senate Majority Leader, Sen. Cheruiyot, please approach the Chair. Assisted voter.

(Sen. Cheruiyot approached the Chair)

We can proceed to the next set. We are ready to vote, please proceed to vote.

(Voting in progress)

We are now getting the results of that voting. Sen. Faki, please approach the Chair.

(Sen. Faki approached the Chair)

Sen. Madzayo, please approach the Chair.

(Sen. Madzayo approached the Chair)

THE COUNTY VOCATIONAL EDUCATION AND TRAINING
BILL (SENATE BILLS NO. 3 OF 2022)

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 4,5, 6, 7, 8 including heading of part II, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20 in relation to heading of part III, 21, 22, 27, 28, 29, 30, 31, 34, 38, 2, 1 be amended as proposed, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Boy, Kwale County; Sen. Cheptumo, Baringo County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Faki, Mombasa 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. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. Mandago, Uasin Gishu County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Okiya Omtatah, Busia County; Sen. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wamatinga, Nyeri County; Sen. Wambua, Kitui County;

NOES: Nil

The Temporary Chairperson (Sen. Veronica Maina): Hon. Senators, on the first set of Clauses, the Senators voted-

AYES: 29

NOES: Nil

ABSTENTIONS: Nil

(Question carried by 29 votes to nil)

DIVISION

ELECTRONIC VOTING

(Question, that Clause 3, Clause 4 (as amended), Clause 5 (as amended), Clause 6 (as amended), Clause 7 (as amended), Clause 8 including heading of Part II (as amended), Clause 9 (as amended), Clause 10 (as amended), Clause 11 (as amended), Clause 12 (as amended), Clause 13 (as amended), Clause 14 (as amended), Clause 15 (as amended), Clause 16 (as amended), Clause 17 (as amended), Clause 18 (as amended), Clause 19, Clause 20 in relation to the heading of part III (as amended), Clause 21 (as amended), Clause 22 (as amended), Clause 23, Clause 24, Clause 25, Clause 26, Clause 27 (as amended), Clause 28 (as amended), Clause 29 (as amended), Clause 30 (as amended), Clause 31 (as amended), Clause 32, Clause 33, Clause 34 (as amended), Clause 35, Clause 36, Clause 37, Clause 38 (as amended), Clause 2 (as amended), the Title and Clause 1 (as amended) be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Boy, Kwale County; Sen. Cheptumo, Baringo County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Faki, Mombasa 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. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. Mandago, Uasin Gishu County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Okiya Omtatah, Busia County; Sen. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua; Kitui County.

NOES: Nil

The Temporary Chairperson (Sen. Veronica Maina): On the second set of Clauses, the results of the Division are as follows-

AYES: 28

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 28 votes to 0)

The Temporary Chairperson (Sen. Veronica Maina): We will now proceed to report.

Sen. M. Kajwang': Madam Temporary Chairperson, I beg to move that the Committee do report to the Senate its considerations of the County Vocational Education and Training Bill (Senate Bills No.3 of 2022) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

The Deputy Speaker (Sen. Kathuri): Hon. Members, kindly do not leave. Let us finish up with this business.

The Temporary Chairperson of the Committee of the Whole, please report.

REPORTS AND CONSIDERATION OF REPORTS

THE EQUALIZATION FUND APPROPRIATION BILL (SENATE BILLS NO. 3 OF 2023)

Sen. Veronica Maina: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered the Equalization Fund Appropriation Bill (Senate Bills No.3 of 2023) and its approval thereof with amendments.

The Deputy Speaker (Sen. Kathuri): Who is seconding?

Sen. Veronica Maina: I request Sen. Methu to second.

The Deputy Speaker (Sen. Kathuri): Sen. Methu, what are you seconding?

Sen. Methu: Mr. Deputy Speaker, Sir, Sen. Veronica Maina was my Secretary General. So, whatever she says, I have to second.

(Laughter)

(Question proposed)

(Question put and agreed to)

Sen. Ali Roba: Mr. Deputy Speaker, Sir, I beg to move that the Equalization Fund Appropriation Bill (Senate Bills No.3 of 2023) be now read a Third Time.

The Deputy Speaker (Sen. Kathuri): Who is seconding?

Sen. Ali Roba: I request Sen. (Dr.) Khalwale to second.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I second.

(Question proposed)

Division will be at the end. Let us go to the next Bill.

THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL
(SENATE BILLS NO.3 OF 2023)

Sen. Veronica Maina: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered the County Vocational Education and Training Bill (Senate Bills No.3 of 2022) and its approval thereof with amendments.

The Deputy Speaker (Sen. Kathuri): Sen. M. Kajwang’.

Sen. M. Kajwang’: It should be seconded first?

Sen. Veronica Maina: I request Sen. Mungatana, MGH, to second.

Sen. Mungatana, MGH: Mr. Deputy Speaker, Sir, I second.

The Deputy Speaker (Sen. Kathuri): No, I called the Mover.

Sen. M. Kajwang’: Mr. Deputy Speaker, Sir, I beg to move that the House do agree with the Committee on the said report.

The Deputy Speaker (Sen. Kathuri): Who is seconding?

Sen. M. Kajwang’: I request Sen. Abdul Haji to second.

Sen. Abdul Haji: Mr. Deputy Speaker, Sir, I second.

(Question proposed)

(Question put and agreed to)

The Deputy Speaker (Sen. Kathuri): Let us have the Mover again. Sen. M. Kajwang’, you are the Mover. Kindly move that it goes for the Third Reading.

Sen. M. Kajwang’: Mr. Deputy Speaker, Sir, I beg to move that the County Vocational Education and Training Bill (Senate Bills No.3 of 2022) be now read a Third Time. I ask Sen. Sifuna to second.

Sen. Sifuna: Mr. Deputy Speaker, Sir, I second.

(Question proposed)

The Deputy Speaker (Sen. Kathuri): Let the Division Bell be rung for three minutes.

(The Division Bell was rung)

Serjeant-at-Arms, please, close the door and draw the Bar.

(The door was closed and the Bar drawn)

Hon. Senators, we are now on the Equalization Fund Appropriation Bill (Senate Bills No.3 of 2023). We will vote on this Bill and the next one; one at a time.

THIRD READINGTHE EQUALIZATION FUND APPROPRIATION BILL
(SENATE BILLS NO.3 OF 2023)**DIVISION**

ELECTRONIC VOTING

(Question, that the Equalization Fund Appropriation Bill (Senate Bills No.3 of 2023) be now read a Third Time put, and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Faki, Mombasa County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Murgor, West Pokot County; Sen. (Dr.) Oburu, Siaya County; Sen. Okiya Omtatah, Busia County; Sen. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi County; Sen. Thang'wa, Kiambu County; Sen. Wamatinga, Nyeri County; Sen. Wambua, Kitui County; and, Sen. Wafula, Bungoma County.

NOES: Sen. Munyi Mundigi, Embu County and Sen. Mwaruma, Taita-Taveta County.

The Deputy Speaker (Hon. Kathuri): Hon. Senators, these are the results of the Division:

AYES: 30

NOES: 2

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 30 votes to 2)

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

THIRD READINGTHE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL
(SENATE BILLS NO. 3 OF 2022)

The Deputy Speaker (Sen. Kathuri): Senators, proceed and vote.

(The Senators proceeded to vote)

DIVISION

ELECTRONIC VOTING

*(Question, that the County Vocational Education and Training Bill
(Senate Bills No.3 of 2022) be read a Third Time put, and the
Senate proceeded to vote by County Delegations)*

AYES: Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera; Sen. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Faki, Mombasa County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Lomenen, Turkana County; Sen. M. Kajwang', Homa Bay County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Madzayo, Kilifi County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Munyi Mundigi, Embu County; Sen. Mungatana, Tana River County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Okiya Omtatah, Busia County; Sen. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi County; Sen Thangwa, Kiambu County; Sen. Wamatinga, Kitui County; Sen. Wambua, Kitui County and, Sen. Wafula, Bungoma County.

NOES: Nil

ABSENTIONS: Nil

The Deputy Speaker (Sen. Kathuri): These are the results of the Division:

AYES: 32

NOES: Nil

ABSTENTIONS: Nil

(Question carried by 32 votes to Nil)

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

The Deputy Speaker (Sen. Kathuri): Open the doors.

(The Bar was undrawn and the doors opened)

STATEMENTS

The Deputy Speaker (Sen. Kathuri): We are now back to Statements. We will get Statements under Standing Order No.53(1) from Sen. Mbugua.

Sen. Mbugua: Thank you, Mr. Deputy Speaker, Sir. I seek your indulgence that we defer this Statement. This is because what I had forwarded and what is here differs substantially.

The Deputy Speaker (Sen. Kathuri): Very well. Statement deferred.

STATUS OF FUNDING FOR SPECIAL NEEDS
SCHOOLS IN THE COUNTIES

(Statement deferred)

The next one is by the Senator for Kitui, Sen. Wambua.

THE LAST MILE ELECTRICITY
CONNECTIVITY IN PUBLIC SCHOOLS

Sen. Wambua: I thank you, Mr. Deputy Speaker, Sir.
Sen. Methu seeks to help me. He can do so if he wants to.
I rise pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on Energy regarding the last mile electricity connectivity to public schools.

(Sen. Ali Roba consulted Sen. Thang'wa)

I would have appreciated if Sen. Ali Roba stops the meeting he is holding.

The Deputy Speaker (Sen. Kathuri): Sen. Ali Roba.

Sen. Wambua: He cannot even hear.

The Deputy Speaker (Sen. Kathuri): Proceed.

Sen. Wambua: Thank you, Mr. Deputy Speaker, Sir. I need him to listen to this. It is important. I will take it again.

I rise pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on Energy regarding the last mile electricity connectivity to public schools.

In the Statement, the Committee should-

(1) Provide a comprehensive overview of the current electricity connectivity status in Kitui County, stating the number of public schools that currently lack connection to the national Grid.

(2) Elucidate the underlying factors contributing to the delay in commissioning power connections to public schools in Kitui County, eight years after the requisite infrastructure was put in place.

(3) Outline the immediate and long-term interventions devised by the Government to foster the seamless connection of all public schools into the national grid, encompassing both the Kitui County and the entirety of the nation.

(4) Shed light on any collaboration between the Ministry of Energy, the Ministry of Education and other relevant stakeholders to expedite the process of power connectivity in public schools.

Mr. Deputy Speaker, Sir, I was seeking the attention of Sen. Ali Roba because I know the problems that the people of Kitui face, especially the public schools are also severe in Mandera and Lamu Counties.

The Deputy Speaker (Sen. Kathuri): Thank you.

Sen. Sifuna has two Statements. I saw him here this afternoon up to the time of Division.

Those Statements are dropped.

DESTRUCTION OF PROPERTY IN TEA ESTATES IN
KERICHO AND BOMET COUNTIES

PERENNIAL WATER SHORTAGE IN NAIROBI CITY COUNTY

(Statements dropped)

The Deputy Speaker (Sen. Kathuri): Proceed, Senator for Murang'a County, Sen. Joe Nyutu.

Sen. Joe Nyutu: Thank you, Mr. Deputy Speaker, Sir. I have three Statements to make. I will start with the most important one affecting dairy farmers in Murang'a.

CLOSURE OF THE MURANG'A COUNTY CREAMERIES

Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on Trade, Industrialization and Tourism on the circumstances that led to the closure of Murang'a County Creameries in Murang'a County.

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

(The Temporary Speaker (Sen. Veronica Maina) in the Chair)

In the Statement, the Committee should –

(1) State the reasons for the closure of Murang'a County Creameries in Murang'a County, indicating plans if any by the county government to revive the factory.

(2) Apprise the Senate on the welfare of employees ascertaining if their benefits were paid further outlining strategies in place to have the employees reinstated when the factory is revived.

(3) Explain measures in place to ensure the affected farmers continue to market and sell their milk for the duration the Murang'a County Creameries is closed.

That is the end of the first Statement.

REGULATION OF CREDIT-ONLY MICROFINANCE INSTITUTIONS

I rise, pursuant to Standing Order No. 53(1), to seek a Statement from the Standing Committee on Trade, Industrialization and Tourism on the continued exploitation of Kenyans by credit-only Microfinance Institutions (MFIs).

In the Statement, the Committee should –

(1) Outline the existing regulations governing credit only MFIs, disclosing the compliance rate of MFI's to these rules.

(2) Address deficiencies noted if any, in the implementation of these regulations, stating interventions to control and streamline the operations of MFIs, akin to the regulations extended to digital lenders by the Central Bank of Kenya (CBK).

(3) State the disciplinary measures if any, imposed on the MFIs if they fail to adhere to the established regulations.

(4) Spell out measures in place, if any, to ensure protection of the consumer from

exploitation by the MFIs.

INCREASED CASES OF GBV AGAINST MEN

I rise, pursuant to Standing Order No. 53 (1), to seek a Statement from the Standing Committee on Labor and Social Welfare, on the increasing cases of Gender Based Violence (GBV) against men.

In the Statement, the Committee should –

(1) List the public hospitals and police stations with GBV desks dedicated to men and boys.

(2) State the measures in place to scale up public awareness campaigns on GBV, particularly those targeted at men and boys.

(3) Explain what the Government is doing to ensure male victims get proper attention and care, as is the case with female victims.

(4) Highlight the steps the Government is taking to prevent GBV against men.

Mr. Speaker, Sir, I thank you.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Joe Nyutu from Murang'a County. I hope you note that I am a 'Madam Speaker' not a 'Speaker Sir.'

Sen. Methu, you may proceed.

(Sen. Joe Nyutu spoke off record)

Sen. Joe Nyutu: I apologize, Madam Temporary Speaker.

Sen. Methu: Thank you, Madam Temporary Speaker. Sen. Joe Nyutu is your Senator. I am sure that he would not want to give you a title that does not belong to you.

I rise to comment on these two Statements that have been sought by my neighbour and colleague, Sen. Joe Nyutu.

I shall start with the first on Murang'a County Creameries. Those of us who come from agricultural counties are strongly opined and believe that the breakthrough for our farmers shall come when we start processing our produce. As it is the case for Nyandarua County, which is the leading producer of potatoes in the Republic, we look forward to having the Nyandarua County Government doing a potato processing plant in the potato growing areas.

It is such a sad state of affairs that this landmark government entity in Murang'a County, which we all feel proud of because it came at a point where milk was being bought at low prices and it injected the market and the processing of milk. The people of Murang'a County have been big beneficiaries from it. It will not and should not collapse. I want to believe because the Committee you commit this to will bring the answers. I hope that the creamery did not collapse because of the Governor who launched it left. There must be continuity of service. Taxpayers' money has been used.

Sen. Sifuna and I sit in the Senate Public Accounts Committee (PAC), and we always insist that there is perpetuity of offices. It cannot be that when a Governor leaves, he does so with his legacy and dreams and the public money has been spent. This matter is not for the Murang'a County Government alone. The creamery affects the prices of milk in the entire region, Nyandarua County, the leading producer of milk, Kiambu

County and all of us. We must know what plans the County Government of Murang'a has in place to reviving the creamery.

My second and last comment is on the Statement sought on the increasing cases of GBV against men. He is very specific on men. Every time there is GBV against a man, people joke about it. If you find for whatever reason a man is being abused or it has come to the attention of the public, you can imagine how much more that man has had to bear in silence before it comes to the public.

Madam Temporary Speaker, as we campaign against GBV for women, it is time we also speak about the men. There are campaigns for the girl-child every time, but the boychild is always forgotten. This Statement is very timely. If the Senator for Nyeri County was here, I am sure he would have been a very interested party in this particular matter.

(Sen. Wamatinga spoke off record)

Sen. Wamatinga: On a point of order!

The Temporary Speaker (Sen. Veronica Maina): What is your point of order?

Sen. Wamatinga: I want to inform the Senator for Nyandarua that I am in the House.

The Temporary Speaker (Sen. Veronica Maina): Do you wish to be informed?

Sen. Methu: Yes, my Chairman of the caucus can dully inform me. I know he was attending very serious Government business. I did not know he was meticulous enough to finish and come back in good time. However, the point I was making was that, especially from our region; every time a case comes up, it will most likely be from Nyeri or Kirinyaga and remotely from Nyandarua Counties because most of us are settlers from the other counties. This campaign against GBV must cut across for men and women.

Madam Temporary Speaker, I thank you.

The Temporary Speaker (Sen. Veronica Maina): I thank you Sen. Methu.

We can have Sen. Sifuna to give his Statement.

Sen. Sifuna: Thank you for your indulgence, Madam Temporary Speaker. I had two Statements. The first one was on water shortage in Nairobi City County.

PERENNIAL WATER SHORTAGE IN NAIROBI CITY COUNTY

Madam Temporary Speaker, I rise, pursuant to Standing Order No.53 (1), to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the perennial water shortages in Nairobi City County.

In the Statement, the Committee should -

(1) State the measures by the Nairobi Water and Sewerage Company (NWSC) to effectively resolve the perennial water shortages experienced in Nairobi City County particularly in Lang'ata Constituency, Embakasi area and the Central Business District (CBD) while giving timelines that have been set to address the problem.

(2) Spell out the measures that the NWSC has taken to combat the emergence of water bowser trucks cartels and criminal gangs in the water sector that are sabotaging water supply across the city for the purposes of exploiting the residents of Nairobi City County.

(3) Provide an overview of the budgetary and operational plans that NWSC has developed to facilitate the overhaul or replacement of obsolete water production and supply equipment, and;

(4) Explain the technological advance or innovative approaches that the NWSC is adopting in order to reduce or eliminate instances of non-revenue water such as the one sold by water cartels in the city.

Madam Temporary Speaker, with your permission I would like to read the second Statement on the destruction of property in tea estates belonging to private investors in Kericho and Bomet Counties.

DESTRUCTION OF PROPERTY IN TEA ESTATES
IN KERICHO AND BOMET COUNTIES

Sen. Sifuna: Madam Temporary Speaker, I rise, pursuant to Standing Order 53 (1), to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the destruction of property in tea estates belonging to private investors in Kericho and Bomet Counties.

In the Statement, the Committee should –

(1) State the role, if any, played by local leaders, security officials and the respective employee unions in Kericho and Bomet counties, in dissuading or encouraging the destruction of private property owned by tea estate firms.

(2) Explain why police intervention was not adequate to prevent the destruction of property belonging to the private investors, indicating measures in place to ensure that the perpetrators are brought to book.

(3) Outline the subsequent effects of the destruction on jobs and incomes across the tea sector in the two counties and nationally, noting that one of the multinational firms affected has publicly announced that it will be shutting down and laying off its 16,000 employees.

(4) State measures put in place by the Government to restore investor confidence following the attacks and to assure them of their personal and commercial safety.

I thank you.

The Temporary Speaker (Sen. Veronica Maina): Next Statement is by Sen. (Dr.) Murango who is not here.

Sen. Wamatinga, do you have his brief? Please, proceed.

SUPPLY OF CLEAN PIPED WATER TO
SETTLEMENT VILLAGES IN MWEA CONSTITUENCY

Sen. Wamatinga: Thank you, Madam Temporary Speaker. I am holding brief for the Senator for Kirinyaga. I rise, pursuant to Standing Order 53 (1), to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the supply of clean piped water for domestic use by residents of settlement villages in Mwea Constituency, Kirinyaga County.

In the Statement, the Committee should -

(1) State if there are plans by the Ministry for Water, Sanitation and Irrigation to provide residents of settlement villages in Mwea Constituency, Kirinyaga County, with

clean water for domestic use, particularly the residents of Nguka, Ndorome, Kiuria, Ciagini, and Mathangauta villages who currently draw, water from irrigation canals which expose them to diseases.

(2) Provide the timelines set by the Government for such plans and indicate whether it will be implemented within the FY 2023/2024.

I thank you.

The Temporary Speaker (Sen. Veronica Maina): Thank you Senator. We have a Statement by Senator for Taita-Taveta County, Sen. Mwaruma.

STATE OF PUBLIC SERVICE WORKFORCE OF THE
COUNTY GOVERNMENT OF TAITA-TAVETA

Sen. Mwaruma: Thank you, Madam Temporary Speaker for this opportunity to request for this Statement. I rise, pursuant to Standing Order 53(1), to seek a Statement from the Standing Committee on Labour and Social Welfare regarding the public service workforce and state of the wage bill of the County Government of Taita-Taveta.

In the Statement, the Committee should -

(1) State the number of employees both partisan and non-partisan, the terms of employment, and the total wage bill accrued by the County Government of Taita-Taveta, stating compliance to the 35 per cent limit set in statute.

(2) State whether a Capacity Assessment and Rationalization of Public Service exercise has been conducted, stating its impact on the wage bill and service delivery.

(3) Clarify whether the current recruitment process aligns with the county's obligation to manage its wage bill, tabling a needs assessment report for the county's staffing requirements.

(4) Confirm whether all personnel hired between July, 2020 and May, 2023 were employed following the County Human Resource Management Policy and Manual, stating compliance to the ceilings set by the Salaries and Remuneration Commission (SRC).

(5) State plans, if any, to employ village administrators and the potential impact on the wage bill and service delivery.

I thank you.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Senator.

Next Order.

BILLS

Second Reading

THE EMPLOYMENT (AMENDMENT) BILL
(SENATE BILLS NO. 11 OF 2022)

(Sen. Cherarkey on 30.5.2023)

(Resumption of debate interrupted on 30.5.2023)

The Temporary Speaker (Sen. Veronica Maina): Debate is now open on this Bill. There being no one wishing to contribute on this Bill, I will defer the putting of the question to give the Mover time to respond.

(Putting of the question on the Bill deferred)

Next Order.

Second Reading

THE COUNTY ALLOCATION OF REVENUE BILL
(SENATE BILLS NO. 16 OF 2023)

The Temporary Speaker (Sen. Veronica Maina): I will defer this Bill. It will be listed on the Order Paper when the Senate resumes tomorrow in the afternoon at 2.30 p.m.

Clerk-at-the-Table, please, not the direction on that.

(Bill deferred)

Second Reading

THE TEA (AMENDMENT) BILL
(SENATE BILLS NO. 1 OF 2023)

The Temporary Speaker (Sen. Veronica Maina): In line with directions that were earlier on issued by the Chair and based on the decision and resolution of the Senate Business Committee (SBC), The Tea (Amendment) Bill (Senate Bill No.1 of 2023) will go back to be queued for Second Reading. We will take it out of the Order Paper for today.

(Bill deferred)

Sen. Sifuna, what is your point of order?

QUORUM

Sen. Sifuna: Madam Temporary Speaker, I rise Pursuant to Standing Order No.41 on the quorum during proceedings of the Senate. So that the business on the Order Paper does not suffer the consequences that were discussed at the Senate Business Committee (SBC), I would like to notify the Chair that we do not have quorum to continue with this particular Sitting.

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

The Temporary Speaker (Sen. Veronica Maina): I confirm that there is no quorum.

Serjeant-at-Arms, could you ring the bell for 10 minutes.

(The Quorum Bell was rung)

ADJOURNMENT

Temporary Speaker (Sen. Veronica Maina): Hon. Senators, pursuant to Standing Order No.41, there being no quorum, the Senate stands adjourned until tomorrow, Wednesday 7th June 2023, at 2.30 pm.

The Senate rose at 5.46 p.m.