



The SENATE

For the Welfare of Society and the Just government of the People Weekly

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Senators return for the Third Session

The adoption of the Budget Policy Statement by the two Houses will pave the way for the publication of the Division of Revenue Bill, 2024 and the County Allocation of Revenue Bill, 2024 and their subsequent introduction not be later than April 30.



Senators in a past sitting of the House

Senators will this week resume the regular sittings of the House after a two months break for the Christmas Holiday.

The return of the lawmakers marks the start of the Third Session of the 13th Parliament which is offering a glimpse of a heavy legislative agenda ahead.

As is the tradition, the reconstitution of the Senate Business Committee (SBC) will take precedence when the House sits for the first time this year on Tuesday, February 13.

Chaired by the Speaker, the SBC is a crucial organ of the Senate as it is the one that sets the agenda and schedules the business of the House.

Both Coalitions, Kenya Kwanza and Azimio La Umoja are expected to submit the names of their members who will sit on the Committee to the Speaker

for debate and eventual approval by the House during the first sitting.

Substantively, it is the consideration of the 2024 Budget Policy Statement (BPS) that is crucial and the more urgent. It will be the top business as its adoption by Parliament ratchets up the already-in-motion budget making process.

Section 25 of the Public Finance Management Act mandates the National Treasury to prepare and submit the BPS to Parliament by February 15 of each year for consideration and adoption within 14 days.

BPS sets out the broad strategic priorities and policy goals that will guide the national government and county governments in preparing their budgets both for the following financial year and

over the medium term.

It usually includes an assessment of the current state of the economy and the financial outlook over the medium term, including macro-economic forecasts; the financial outlook with respect to Government revenues, expenditures and borrowing for the next financial year and over the medium term.

Section 191 of the Public Finance Management Act provides that when the BPS is introduced in Parliament each year, the Cabinet Secretary in charge of National Treasury should also submit to Parliament the Division of Revenue Bill and the County Allocation of Revenue Bill.

The Division of Revenue Bill determines allocation of nationally raised revenue between the two levels of government while the County Allocation of

Revenue Bill allocates the share due to counties to all the 47 devolved units.

The adoption of the BPS by the two Houses will pave the way for the publication of the two Bills and their subsequent introduction to the two Houses which must not be later than April 30.

The Division of Revenue Bill, 2024 will be introduced in the National Assembly while the County Allocation of Revenue Bill 2024 will be introduced in the Senate.

In line with the already provided calendar, the BPS is expected to be tabled in the Senate on Thursday, February 15, 2024, and it will be race against time as the lawmakers try consider it before February 29, the statutory deadline for Parliament to adopt the BPS.

Once it is tabled, the 2024 BPS will be committed to each Standing Commit-

tee of the Senate which will be expected to consider and submit their recommendations to the Standing Committee on Finance and Budget within 7 days.

The 2024 BPS projects ordinary revenue will hit Sh2.9 trillion in the 2024/25 financial year. The National Treasury has proposed that Sh2.5 trillion be allocated to National Government, Sh401.6 billion to County Governments as equitable revenue share and Sh17.6 billion to the Equalisation Fund.

The allocation of Sh401.6 to County Government as equitable revenue share

is informed by the several factors, top of which is the implementation of the fiscal consolidation plan by the Government which is aimed at reducing the fiscal deficit inclusive of grants from 5.6 percent of GDP in 2022/23 financial year to 4.7 percent of GDP in 2023/24 financial year, and further to 3.9 percent of the GDP in 2024/25 financial year.

“There is need for continuous rationalisation of expenditures by eliminating non-core expenditures while improving efficiency in development projects implementation so as to contain expendi-

ture growth, stabilise debt and reduce debt vulnerabilities,” reads the BPS in part.

Besides the usual legislative matters, the Senate is also expected to consider the report of the National Dialogue Committee (NADCO), an agreement between the Kenya Kwanza administration and the opposition, Azimio La Umoja One Kenya Alliance.

The Report contains some proposals that may necessitate the enactment of laws and in some cases, amendment to the constitution.

Among the recommendation is the evaluation of the conduct of the 2022 general election and the restructuring and the reconstitution of the Independent Electoral and Boundaries Commission.

A proposal to expand the IEBC selection panel to 9-members from the current 7 and the increase of timelines within which the Supreme Court should hear and determine a petition challenging the validity of a presidential election will obviously call for intervention of the Senate.

Clerk Nyegenye hails staff for dedication calls for more in Third Session



Clerk Jeremiah Nyegenye speaks to Senate staff during the Third Session Planning Workshop. Also to address the meeting were Deputy Clerks, Mohamed Ali and Eunice Gichangi.

stitutional mandate.

“I want to thank you all for your unwavering dedication and the success we registered together in the last Session,” said Mr Nyegenye on Thursday.

The Clerk made the remarks on Thursday during a retreat of the Senate Staff which was a dress rehearsal of the start of the Third Session, which starts this week.

During the one day retreat, the staff reviewed the scorecard of the Second Session while planning for the Third Session, which will run from February 13 to December 2024.

The theme of the retreat was ‘Embracing change: Navigating the future together’.

The Clerk emphasised on the need for collaboration and strategic foresight.

political environment in which they are operating in and cautioned them against taking sides.

“Despite the fact that we are serving politicians, we should not be embroiled in political formations. We are an apolitical, non-participant, professional outfit of the legislature,” he emphasised.

Professor Nuru Mohamed from the Kenya School of Government, took the staff through the Public Service Financial Management, offering a guide on maintaining service excellence amidst diminishing resources.

A total of 66 Bills have been published by Senators since the House convened in September 2022.

Five of the Bills were passed and assented to and are now part of the law. Eight were passed by the House and are pending in National Assembly where they were taken for concurrence. A total of 35 Bills are in the Senate awaiting division.

Nine other Bills have been denied concurrence as provided for under Article 110 (3) of the constitution. The National Assembly argues that the nine are Money Bills and therefore out of the purview of the Senate.

Two Bills were withdrawn by their sponsors while two others were negatived.

In April 2023, the House amended the Standing Orders to allow Cabinet Secretaries to appear on the floor of the House to respond to Questions raised by the lawmakers and which are critical to their constituents.

A total of 90 Parliamentary Questions were filed in the Senate in the period between April and December 2023 by 24 senators.

Out of the total, 52 questions were responded to by 17 Cabinet Secretaries while 3 questions were withdrawn by Senators.

35 Questions lapsed at the end of the last session.

Senate Clerk Jeremiah Nyegenye has praised the resilience of the staff working in the Senate staff just as he hailed their dedication during the Second Session of the 13th Parliament which ended on December 7, 2023.

Mr Nyegenye, who is also the Secretary to the Parliamentary Service Commission, noted that team work and determination on the part of the staff had made the Second Session a success as it helped the lawmakers realise their con-

Speaker Kingi in Liberia for President Joseph Boakai's inauguration



Speaker Kingi delivers President William Ruto's goodwill message to President-elect Boakai before the inauguration ceremony.

Speaker Amason Kingi was among dignitaries and leaders from across the world who attended the swearing-in of the new President Joseph Nyuma Boakai of Liberia.

The Speaker attended the event on behalf of President William Ruto. The inauguration was held on Monday, January 23, 2024 in Monrovia, Liberia.

President Boakai won the elections held in November last in which he trounced incumbent and football icon, President George Weah.

Before the inauguration ceremony, Speaker Kingi had a brief meeting with President Boakai at the president's private office where he delivered a special message of congratulations on behalf of President Ruto.

Speaker Kingi attends the State Opening of the 12th Parliament of the Kingdom of Eswatini



Speaker Kingi and King Mswati III and other invited guests during the ceremony in Lobamba, Eswatini.

Speaker Amason Jeffah Kingi was among the dignitaries who graced the State Opening of the 12th Parliament of the Kingdom of Eswatini, in Lobamba on February 9, 2024.

The Speaker was invited to the occasion by the President of the Senate of the Kingdom of Eswatini, Pastor Lindiwe Dlamini.

The opening ceremony was presided over by King Mswati III, ruler of the Kingdom of Eswatini. During the occasion, the Speaker had a hearty chat with the King.

In his speech, King Mswati III highlighted the successes and challenges of the Kingdom of Eswatini,

and gave direction on key national policies that need to be strengthened, reviewed and prioritised.

The Speaker's presence at the event underlines the cordial ties between the Parliaments of Kenya and the Kingdom of Eswatini which are characterised by reciprocal visits by their respective delegations.

It underscores the determined bid by parliaments across Africa to work together in mainstreaming the role of the legislature in catalysing development through visionary, patriotic and progressive law-making, oversight and representation processes.

The Speaker was accompanied by Senator Raphael Chimera.

Seneta Orwoba ataka majibu kuhusu ukuzaji wa talanta za soka mashinani

Seneta Gloria Orwoba amewasilisha ombi akitaka kauli kutoka kwa Kamati ya Leba na Masuala ya Jamii kuhusu utambuzi na ukuzaji wa talanta za soka mashinani.

Miongoni mwa mambo ambayo Seneta Orwoba anaitaka Kamati hiyo kuyaangazia na kuwasilisha majibu Bungeni ni pamoja na ripoti kamili ya mashindano ya soka kwenye kiwango cha wadi ambayo yalitumika kama kigezo cha kufuzu kushiriki kwenye kiwango cha Kitaifa katika Mashindano ya Talanta Hela.

Anaitaka Kamati hiyo kubaini idadi ya mechi zilizosakatwa katika kiwango cha wadi, timu zilizoshiriki na zilizoshinda ikiweka wazi pia tarehe na ratiba ya mashindano.

Vile vile Seneta huyo wa chama cha UDA ameitaka Kamati hiyo inayongozwa na Seneta Julius Murgor kubaini mgao wa bajeti kwa mashindano ya kiwango cha wadi na kufafanua namna fedha hizo zilivyotumika.

Kadhalika Kamati hiyo imetakiwa kueleza hatua zinazofanywa na serikali kutimiza kujitolea kwayo kuinua talanta za soka mashinani.

Kwingineko Seneta Tabitha Mutinda ametaka majibu kuhusiana na kisa ambapo abiria mmoja alinyanyaswa kwenye bara bara ya Thika.

Seneta Mutinda amewasilisha ombi akitaka majibu kutoka kwa Kamati ya Haki, Masuala ya Kisheria na Haki za Kibinadamu kwenye kisa cha kusikitisha ambapo abiria mmoja wa kike alidhulumiwa na mhudumu wa matatu kwenye bara bara ya Thika.

Anaitaka Kamati hiyo kwenye taarifa yake kuwasilisha maelezo kamili ya namna kilivyotokea kisa hicho ambacho kilisababisha kudhulumiwa kwa abiria huyo wa kike, dhuluma inayodaiwa kufanywa na mhudumu wa magari yanayomilikiwa na kampuni ya Bypass Trans.

Kiongozi huyo ameomba Kamati hiyo kufanya uchunguzi na kumtambua



Seneta Orwoba

mhudumu wa matatu anayehusishwa na dhuluma hiyo, kubaini bara bara ambazo magari hayo yanahudumu kando na kuifahamisha Seneti iwapo mhudumu huyo ameajiriwa na kampuni ya magari ya abiria ya Bypass Trans.

Aidha Seneta huyo wa chama cha UDA ameipa Kamati hiyo inayongozwa na Seneta wa Kaunti ya Bomet Wakili Hillary Sigei jukumu la kubaini



Seneta Mutinda

hatua zilizopo sasa za kinidhamu ambazo zinatumiwa kuangazia dhuluma kama hizo za kijinsia.

Kamati hiyo imepewa jukumu pia la kuwasilisha maelezo ya kina ya taratibu zilizowekwa na zinazopaswa kufuatwa na wahudumu wa matatu kwa nia ya kuzuia kutokea tena kwa tukio kama hilo.

Seneta Thang`wa ataka majibu kuhusu vifo vya wananchi vinavyosababishwa na uvamizi wa fisi



Seneta Thangwa

Seneta Karungo Thang`wa amewasilisha ombi Bungeni akiitaka Kamati ya Kudumu ya Ardhi, Mazingira na Maliasili kuchunguza na kuifahamisha Seneti kuhusu ongezeko la visa vya vifo vinavyosababishwa na uvamizi wa fisi katika wadi ya Witeithie kwenye kaunti ndogo ya Juja, Kaunti ya Kiambu.

Seneta huyo anaitaka Kamati hiyo kwenye ripoti yake kueleza sababu za



Seneta Methu

kushindwa kwa Shirika la Huduma kwa Wanyama Pori nchini Kenya (KWS) kuangazia lalama chungu nzima zinazoripotiwa na wenyeji wa Kaunti ya Kiambu kuhusiana na uvamizi wa mara kwa mara wa fisi katika wadi ya Witeithie, kaunti ndogo ya Juja unaosababisha vifo vya baadhi wenyeji.

Aidha Seneta Thang`wa anaitaka Kamati hiyo kuorodhesha hatua za hima zinazofanywa na serikali kulishughu-

likia tatizo la uvamizi wa fisi dhidi ya binadamu ambao kulingana naye ume-sababisha kuwepo kwa uoga miongoni mwa wenyeji wa Kaunti ya Kiambu.

Vile vile Seneta huyo anaitaka Kamati hiyo kupendekeza mikakati ya kudumu itakayoangazia uvamizi unaooripotiwa kila mara wa fisi anaosema unatishia pakubwa usalama na utulivu wa wakazi wa wadi ya Witeithie, kaunti ndogo ya Juja, Kaunti ya Kiambu.

Kadhalika kiongozi huyo anaitaka Kamati hiyo inayoongozwa na Seneta wa Kaunti ya Nyandarua John Methu kufafanua iwapo kuna mipango yoyote inayoendelea kwa sasa kuwalipa fidia waathiriwa wa uvamizi huo wa fisi.

Kwingineko Seneta John Methu amewasilisha ombi la kauli kwenye Seneti akitaka majibu kuhusu unyakuzi wa bwawa la Douglas, Karia Ka Dagi katika sehemu ya Tulaga na shamba la Muruaki kwenye Kaunti ya Nyandarua.

Seneta Methu anataka wanachama wa Kamati anayoingiza ya Ardhi, Mazingira na Maliasili kubaini umiliki halali wa shamba ambamo Bwawa la Douglas, Karia Ka Dagi limo ikifafanua iwapo kumekuwa na uhamisho wa umi-

liki kutoka kwa umma hadi kwa umiliki wa binafsi na endapo umekuwapo, Kamati iwasilishe stakabadhi hitajika zikiwemo maelezo na muda wa uhamisho huo wa umiliki.

Kamati hiyo imepewa jukumu la kuorodhesha mikakati iliyowekwa na serikali kulinda mali ya jamii na rasilimali kama Bwawa la Douglas kutoka kwa mwingilio na unyakuzi ambao ume-kithiri kwa sasa.

Aidha Seneta Methu anaitaka Kamati kuwafichua wahusika kwenye unyakuzi wa ardhi hiyo na kushinikiza kukamatwa na kushtakiwa kwao akisema hatua hiyo itatumika kama onyo kali kwa watu wengine walio na nia ya kunyakua ardhi katika Kaunti ya Nyandarua na Kenya kwa jumla.

Kwenye ripoti yake, Maseneta wanachama wa Kamati hiyo watahitajika kuiambia Seneti hatua zinazochukuliwa na serikali kuwatia nguvuni na ku-waadhibu maafisa wa umma wanaohusika katika kufanikisha uvamizi wa Bwawa hilo.

Agriculture Committee endorses Coffee Bill, 2023



Members of the Agriculture Committee inspect the state of the Katilu Irrigation Scheme in Turkana County in September 2023.

Senators James Murango and Eddy Oketch with maize farmers when the Committee on Agriculture toured Katilu Irrigation Scheme, Turkana County, during Senate Mashinani in September 2023.12.18

Minimal coffee research, late payment of farmers' dues and lack of clarity on who between the national and the county governments is supposed to carry out various functions related to the industry are the main challenges worsening efforts to revive the one-time vibrant cash crop in the country

The Committee on Agriculture, Livestock and Fisheries The Committee has recommended that the House approves the Coffee Bill, 2023 because it contains provisions that seek to address the challenges that have hampered the growth of the sector.

In a report on its consideration of the Bill, the Committee has proposed amendments to the Bill which it says will help breathe life back into the sector.

"There is an urgent need to reorganise the coffee industry by transitioning the regulatory and commercial roles currently undertaken by the Agriculture and Food Authority (AFA) to the Coffee Board of Kenya (CBK)," the Commit-

tee says in the report which was tabled in the House before it adjourned for the long recess.

The report was tabled by chairman James Murango.

In Parliamentary practice, A Bill once introduced in the House is committed to the relevant committee for scrutiny and undertaking public participation.

The report of the committed from the process always helps the senators in understanding issues and guides in debates when the Bill goes for the Second Reading.

"Research is an integral part of the coffee sector and there is need to establish a robust research institute to deal with the emerging issues," Senator Murango told the House when tabling the report.

The Bill makes it a prerequisite for a person who intends to engage in any function within the Coffee value chain to acquire a licence or a permit.

The Bill further sets the criterion and timelines for issuance of a licence by licencing authorities.

The Bill sets conditions for holders of various licences.

The holder of a coffee buyer's licence or an entity associated with a holder of the licence shall not carry on the business of a commercial miller, broker, roaster, agent or warehouse operator.

A buyer's licence shall not be construed as authorising a person to engage in direct sale of coffee or coffee products.

A holder of a commercial miller's licence or any other entity associated with such holder shall not carry on the business of a buyer, broker, roaster, or agent.

Clause 55 provides that the Board and the respective county executive committee members shall collaborate in the enforcement of coffee industry standards along the value chain for purposes of quality assurance.

The team notes that the coffee value chain has been exploited by a few individuals and cartels, leading to poor and delayed coffee sales returns.

The Committee laments that it is not clear when the proprietary rights of the coffee pass from the farmer to a third party.

"This should be well articulated in the law in order to protect the proprietary rights of a coffee farmer. The ideal position is that proprietary rights should only pass after the farmer receives payment," the report reads.

"There is a need to establish a system where farmers will receive the proceeds of sale of coffee promptly. In this regard, the aspect of direct settlement system as provided for in the Bill received overwhelming support. The system proposes to remit proceeds of sale of coffee directly to the farmers," the Committee's report says.

When it appeared before the Committee, the Council of County Governors (CoG) opined that they should also be given a free hand to nominate their representative to the Board.

The Committee recommended that the Bill should be amended to capture the concerns.

Cohesion Committee pushes for equal opportunity for all

The Committee on National Cohesion, Equal Opportunity and Regional Integration says it is determined to improve the quality of life and status of all persons, push for regional integration through the East African Legislative Assembly and the Pan-African Parliament.

In a statement to the House, the chairman of the Committee Mohamed Chute said it is imperative that all Kenyans enjoy equal opportunity in employment into public institutions for the benefit of the country.

This, he said, will promote national and inter-community cohesion, equalisation of opportunities.

Senator Chute made the comments when he issued a statement on the activities of the Committee for the period from September 1, to December 5, 2023.

The Committee held a total of 28 sittings, the time in which it deliberated on five Statements and one legislative proposal.

The Committee also conducted an inquiry on gender and people with disabili-

ty representation in various national and county public institutions.

“The Committee participated in Peace Week Conference in Geneva, Switzerland, held a work plan retreat in Naivasha, Nakuru County and conducted a county visit to Marsabit County,” said Senator Chute

And added: “In regards to Statements, three Statements were ongoing at various reporting stages. Two more statements were sought from the Committee during the current period.”

The Committee is pursuing responses on the Statement sought by Senator Raphael Chimera regarding the adherence to principle of meritocracy, transparency, fairness and equal opportunity at Competition Authority of Kenya (CAK), particularly in recruitment of the Director General.

The Committee considered proposed amendments by the National Cohesion and Integration Commission (NCIC) on the NCIC Act and the legislative proposal for the County Youth Council Bill.



Senator Mohamed Chute.

ICT Committee supports Digital Literacy Bill

Among the major activities the Committee on Information, Communication and Technology was the approval of the Digital Literacy Bill, 2023, for publication.

In a statement to the House on its activities, Senator Allan Chesang said the committee had approved the publication of the Bill which if enacted could see the digital training incorporated into the education curriculum.

The Bill, which is sponsored by Senator Karen Nyamu, also will require new entrants to public service to have basic digital certification to get jobs.

There exists a strong digital divide in Kenya with 44 per cent of the urban population having access to the internet as compared to only 17 per cent of the rural population.

The Bill also proposes a framework to train and equip all public servants with basic digital skills.

It also seeks to provide them with a globally recognised certification.

The Bill further proposes the establishment of Community Digital Hubs in



Senator Miraj Abdulrahman who made the Statement on behalf of the Committee chairman, Senator Allan Chesang.

every county to facilitate digital training communities.

The committee held a total of 18 sittings in the five months between July 1 and November 30, 2023, during which it

considered the legislative proposal, nine statements and three inquiries.

Making the statement on behalf of the committee chairman, Senator Miraj Abdulrahman said the team had under-

taken pre-publication scrutiny of the Bill and recommended its publication.

However, some of the Statements sought from the previous reporting period are still ongoing, with seven more resulting from the Committee during the current period.

Two Statements from the previous reporting period were considered, with the Committee resolving to further engage the stakeholders.

“The Committee is currently considering additional seven Statements that were asked during the quarter. In considering the Statements, the Committee held meetings with stakeholders and respective Senators who requested for the Statements,” she told the House.

The Committee is currently conducting three inquiries on the Digital Assets Infrastructure in Kenya, the Budgetary Allocations and Construction of Data Centres and Digital Infrastructure in the country; and, the Telecommunications Infrastructure and dispute between ATC Kenya and Telkom Kenya.

Tea Bill is revolutionary, Agriculture Committee says in report to House



Senator James Murango, the chairman of the Agriculture.



Governor Kenneth Lusaka, the chairman of the Agriculture Committee of the Council of Governors (left) when he made presentation to the Senate Committee on Agriculture.

The Committee on Agriculture, Livestock and Fisheries has given the Tea (Amendment) Bill, 2023, the seal of approval and recommended the House approve the proposed legislation together with the amendments.

The Committee, which is chaired by Senator James Murango, says the enactment of the Bill will address the tradition that has seen tea farmers exploited by brokers besides issues of poor and delayed tea sales returns which have been rampant.

“There is a need to establish a system where farmers will receive their proceeds of sale of tea promptly and in the same currency,” the Committee says in a report on its consideration of the Bill.

The report was tabled in the House on December, before the House adjourned for the House recess.

The Bill, which is sponsored by Senator Wakili Hillary Sigei, seeks to amend the Tea Act to provide for direct sales of tea and the payment of tea proceeds.

The object of the Bill is to amend certain provisions in the Tea Act to protect the Tea growers’ proceeds from mismanagement by factories. The Bill further seeks to liberalize the tea industry which will be done through direct sales of tea overseas.

The Bill also aims to intensify value addition of tea by exempting value added tea from payment of the tea levy.

If enacted, the Bill will streamline the Tea market by introducing an alternative channel for sale of tea other than by auction in order to maximise sales and optimise price realisation.

It proposes to introduce direct sale of tea and introduces the Direct settlement

system which will ensure that the proceeds of sale of tea by growers are directly transmitted to tea growers.

“There is need to establish a system where farmers will receive their proceeds of sale of tea promptly and in the same currency. The Direct Settlement System proposes to remit proceeds of sale of tea directly to and promptly to farmers,” the report states in part.

The Committee observes that agriculture being a devolved function, the roles of each level of government should be well spelt out and the money that is apportioned for infrastructure development should be remitted to tea producing counties as a conditional grant.

The role of research in the tea sector is crucial and the committee says there is a call for establishing a robust research institute to address emerging issues.

“The entire process of elections of directors to factories as representatives of farmers was raising concerns and called for a clear structure of the process which is farmers’ centric,” says the report.

Tea hawking affects the quality of Kenyan tea globally and the report notes private owned factories need to share the same quality of green tea they purchase with KTDA factories to maintain the quality of Kenyan tea.

The committee supported proposal on an outlined dispute resolution mechanism to settle disputes arising from the tea sector.

“The reintroduction of direct sales in the tea sector is revolutionary. Safeguard measures should be implemented to subject tea designated for direct sale through the tea exchange for price and quality discovery.”

This Week in History



“This is the beginning of actual work as per the dictates of our Constitution, under Article 94 on the establishment of Parliament and Article 96 on the establishment of the Senate. It is upon us now to live up to the constitutional expectations of Kenyans. We need to properly represent counties and take care of their interests. We need to pass legislation that supports what Kenyans want to see in their leaders, as well as transact business that is meaningful to them.”

Senator Aaron Cheruiyot contributing to the debate on the motion for the approval of the names of Senators to serve in the Senate Business Committee on **February 14, 2023**.



“The job of the Senate is so serious such that we are handling devolution in the country and a lot of development activity is happening through the governors. The survival of the counties purely rests on Division Revenue Bill and how Senators support the counties to have resources to be able to function.”

Senator Dan Maanzo contributing to the debate on the motion for the approval of the names of Senators to serve in the Senate Business Committee on **February 14, 2023**.



“In future, we need to consider amending the Standing Orders so that we have a proper linkage between the Senate Business Committee and the Liaison Committee. I am saying that because it will help us in processing enough business for this House to debate.”

Senator Godfrey Osotsi contributing to the debate on the motion for the approval of the names of Senators to serve in the Senate Business Committee on **February 14, 2023**.



“The hijab is not a matter of choice but a religious obligation, which should not be hindered. It is the instrument by which women are able to effectively participate in society as supported by Islam. I am pleading with our educational institutions that Muslim girls be allowed to wear a limited form of hijab (a scarf and a trouser) as a manifestation, practice and observance of their religion consistent with Article 32 of the Constitution of Kenya and 2 the right to equal protection and benefit of the law under Article 27(5) of the Constitution.”

Senator Mariam Omar contributing to the debate on the motion on the Statement concerning the restriction of Muslim Girls from wearing Hijab in public institutions on **February 16, 2023**.

CPAC raises concern over recruitment of Internal auditors in county entities



Senator Moses Kajwang' (centre), the chair of CPAC and his vice chair Samson Cherarkey (right) and Senator John Methu.

The County Public Accounts Committee has revealed there are challenges in recruiting internal audit committee in counties.

The committees play a crucial role in effective governance and risk management such as internal control risk management.

“The challenge of attracting qualified individuals to serve in internal audit committees persists, mainly due to the lower salaries offered as prescribed by the Salaries and Remuneration Commission (SRC),” said Senator Samson Cherarkey, who is the vice chair of the committee.

In a report to the activities of the Committee, the Senator said SRC may need to reconsider its compensation structures and offer competitive remuneration to ensure internal audit committees' function.

Standing Order 56 mandates chairs to make a Statement on the activities of

their Committees.

This statement concerns activities of the committee for the period commencing July 1, 2023 to November 30, 2023.

The Committee notes that most entities have failed to disclose their contingent liabilities in their financial statements.

“County governments do not need to recognise a contingent liability, but they should disclose details of any contingencies in the notes to the financial statements unless the possibility of an outflow of resources embodying economic benefits or service potential is remote,” explains Cherarkey.

The report observes that most county entities have incurred huge legal fees, citing the case of county executives of Uasin Gishu, Machakos, Nairobi City and the Machakos County Assembly running into billions of shillings contracted to lawyers and their firms as legal fees.

“Some county entities are deliberately not utilising the offices of the County Attorney. They like outsourcing legal services. Additionally, the Committee observes that counties have failed to explore Alternative Dispute Resolution (ADR) in a bid to save billions of shillings.”

The Committee expressed concern in the high interest in the unhealthy size and growth of wage bills in many of the counties.

In the last quarter, the Committee wrote to seven counties to explain the measures they have taken to reduce their wage bill to the recommended 35 per cent threshold.

The Committee plans to write and invite more county executives to deliberate on this issue in a bid to ensure fiscal prudence. Almost all the counties have violated the issue of the wage bill

The Committee inspected county projects during the Senate Mashinani in Turkana County.

Notable projects the committee inspected include the County Headquarters, Governor's official residence, Lodwar Fire Station, Speaker's Residence and the new Turkana County Assembly Chamber.

The Committee observed that some projects that we visited such as the County Headquarters, the Governor's official residence and the Speaker's Residence had either stalled or taken too long to complete. Full payments on projects had been made and the contractors were not on site.

The Committee directed the Eth-

ics and Anti-Corruption Commission (EACC) to take an interest in the projects. We further directed the Controller of Budget (CoB) to question and scrutinise any requisitions relating to the highlighted projects in Turkana County.

The Senate adopted a Report of the Committee on Finance and Budget on county governments' infrastructure projects.

Such projects comprise county executives' headquarters offices, assembly chambers and offices and county state officers' residences.

The report capped the cost of constructing the governors' and speakers' residences at Sh45 million and Sh35 million respectively.

However, the Committee observed that most of the counties that had already awarded contracts had gone beyond the sum.

The Committee has directed the office of the Controller of Budget (CoB) to stop the release of funds meant for such construction.

The Committee also observes that there is rampant voiding of payments by county governments.

The approved cash plans by CoB do not adhere to Section 22(c) of the CoB Act, 2016.

The Committee recommends CoB institutes mechanisms to enforce compliance of approved cash plans by counties.

Further, the Committee recommends that the Committee on Delegated Legislation fast-tracks the consideration and adoption of CoB Regulations for better carrying out and giving effect to any provision of the Act.

Special funds potential for corruption in counties, warns CPISFC



Senator Godfrey Osotsi

The County Public Investments and Special Funds Committee has considered financial reports of 80 water service providers some of which have been tabled here in this House.

In a statement to the House, on the activities of the Committee, Senator Godfrey Osotsi, who is the chairman, said the committee held 66 meetings from July 1 to early December 8, 2023.

During the time, the committee handled three categories of issues: the consideration of the reports of the Auditor-General on the financial statements of water companies in all 47 counties, the inquiry into the non-remittance of pension deduction by counties and audit reports for special funds.

“We have so far tabled reports in relation to Vihiga, Bomet, Kisii, Nyamira, Kisumu, Kwale, Nyeri and Wajir counties,” Senator Osotsi told the House.

“We have a Motion on the reports for those counties. We are working very swiftly to handle the remaining reports for tabling in the first quarter of next year, 2024,” he added.

In its report, the Committee notes that there are various cross-cutting issues affecting the water services to the public.

The issues include assets and liabilities transfers, the role of the regional Water Works Development Agencies in water provision and the huge loans that have been undertaken by the national Government through the regional waterworks.

“We agreed to conduct an inquiry into these issues. We invited all the players in the water sector, including the regional Water Works Development Agencies, the Ministry of Water, Sanitation and Irrigation, the Water Services Regulatory Board (WASREB), Water Service Providers Association (WASPA) and others,” the Senator revealed when he tabled the report to the House.

“What remains is an engagement with the Council of Governors for us to complete the report, which we will table

in this House.”

The Committee is expected to host a stakeholders' engagement with the water sector players in the first week of February 2024, to finalise the report.

On the issue of pension, Senator Osotsi reported that counties owe pension funds in excess of Sh80 billion as a result of non-remittance of pension funds.

The Committee has engaged with the National Treasury, the Kenya Revenue Authority (KRA), the Controller of Budget (CoB) National Social Security Fund (NSSF), Retirement Benefits Authority (RBA) over the matter.

The engagement was expanded to rope in the two-pension funds; that is, Local Authorities Provident Fund (LAP-FUND) and Local Authorities Provident Trust (LAPTRUST).

“We also had a very big stakeholder engagement in Mombasa, which served as a public participation session. The report is ready for tabling,” said Sen. Osotsi.

He explained that the report will be one of the most important documents that the Senate has ever produced in giving direction on how to handle the problem of non-remittance.

He said there are over 200 Special Funds in counties, noting that the Com-

mittee has so far handled seven counties.

“We are going to look into Special Funds in all the 47 counties. We are noting serious issues in the management of Special Funds in counties. These are possible avenues for corruption in the counties,” said Senator Osotsi.

Kitties like bursary funds, Car loan and Mortgage Scheme Fund, the Social Protection Fund, Emergency Fund, the Youth and Women Enterprise Fund are having challenges.

The committee has had engagements with the Bomet, Kakamega, Taita Taveta, Trans Nzoia, Kwale, Migori, Nandi counties.

“Some of the issues emerging are failure by the fund managers of to submit copies of their quarterly financial reports to the Controller of Budget as required by the law,” said the Senator.

In some cases counties are not submitting financial statements of the funds to the Office of the Auditor-General and that counties have no limits on the number of funds that they can set up.

“Some counties have over 10 funds. Counties are establishing funds but not providing resources. These are some of the challenges we will define in our report,” he said.

Focus on health care services, Senators' plea to Governors

Senators have raised alarm over the sorry state of health facilities across the country as they warn county Governors of the risk of losing health as a devolved function.

This came up on the floor during the debate on the adoption of reports of the Committee on Health on their findings on the deaths of Edward Otieno Onyango, Maureen Anyango and Master Travis Maina who are believed caused by negligence.

The committee has recommended in the reports that any medic who intentionally risks or causes the death of a patient should be subjected to tough penalties both by the law and their professional bodies.

Senator Esther Okenyuri, who is a member of the committee, told the House that during the inquiry into the alleged professional negligence, the committee unearthed a situation oversight bodies cover-ups for their members.

She asked the Ministry of Health to take stern action against some of the bodies.

"Most of professional bodies cover up for their members. I do not expect such a conspiracy where members act in manner that is antithesis to professional guidelines," said Senator Okenyuri, challenging such bodies to suspend such members where cases of professional misconduct is proven.

Majority Whip Boni Khalwale observed that deaths emanating from negligence cases in hospitals continue to rise



Senators Mariam Omar, Agnes Muthama and Danson Mungatana

because the health system is not functional.

He urged the Senate to do thorough clean up while he attributed the mess to County Governors while highlighting numerous cases of theft of drugs in health facilities.

"County governors are totally unable to manage the medical staff or maintain the supply chain of medical supplies," he told the House.

"It is bad that now the common thing in social media is where you see low-level employees in county governments stealing drugs from county hospitals and selling them to quack pharmacies and quack medics because the supply chain has broken down."

He suggested the Senate should come up with a health service commission to give life back to the ailing sector by making it more professional.

"Maybe we should not keep quiet because Governors are facing challenges in managing the medical staff. We needed to also put a health service commission in the Constitution so that they

would manage issues of pay, recruitment, promotions, transfers, and all other Human Resource management issues. Governors are unable to do it. What happens is that the system has collapsed."

Senator Karungo Thangwa said the poor health care system is because governors do not understand that health facilities should also be run as mini-counties. Money should be available in every hospital. There should be a revolving fund in every hospital.

"The managing nurses who work in those hospitals are the accounting officers who should have imprests all the time. If there is an emergency on pharmaceuticals, gloves, blades or even food for the nurses, they can buy it."

Senator Mariam Omar, who is the vice chair of the Health Committee, said the failure of the emergency care system is because most hospitals prioritise money over saving lives.

"Emergency medical service is a right. You have to attend to a patient in a medical emergency immediately without asking for a deposit. Most patients

die in local hospitals because there are no emergency ambulances on standby," said Senator Omar.

Senator Agnes Kavindu said counties were receiving money from the exchequer to run health care facilities but could not treat patients without money.

She wondered if the trend will ever be dealt with when.

"The Bill of Rights says healthcare is a right. People should be treated with or without money. It is sad that somebody would be taken to hospital and die in the process of admission simply because they have no money for a deposit or down payment."

"Some percentage of the money given to counties should set aside for emergency cases in hospitals. I do not see why they should not treat people until they die," said Senator Kavindu.

Senator Danson Mungatana said the state of many hospitals have worsened making them unable to handle emergencies while asking governors to prioritise the health systems.

Senators want information on the status of contracted teachers

Senator Esther Okenyuri wants the Teachers Service Commission (TSC) to disclose the career growth path for teachers engaged on contractual terms.

In February, TSC recruited 20,000 teachers on contract terms with an additional 20,000 in July and the Commission has declared that they must wait until 2025 before they will be considered for permanent employment.

However, teachers employed to teach in junior secondary school on contract basis have threatened to go strike when schools reopen in January next year.

The teachers claim the government is violating their rights after working on contract basis for a year.

The commission had announced plans to extend their contracts instead of hiring them on permanent and pen-



Senator Esther Okenyuri and Samson Cherarkey

sionable terms urging them to wait until 2025 when their request for permanent terms will be considered.

In a statement, Senator Okenyuri wants the Committee on Education to tell the House the total number of teachers currently employed by TSC on non-permanent and pensionable terms and the number hired whenever there is a recruitment.

She wants the committee to explain whether the contract-employed teachers are eligible for employment within the TSC on permanent and pensionable terms and ascertain claims that they are discriminated against during regular placements, recruitments or employment of permanent and pensionable teachers by TSC.

"Provide any plans in place by TSC

for career progression to ensure growth and advancement in the careers of these young contract-employed teachers and indicate where in the TSC Human Resource Policy or Regulations such a plan is captured."

Contracted teachers deployed in Primary schools are paid a monthly stipend of Sh15,000 while those in secondary schools are paid Sh20,000.

Nandi Senator Samson Cherarkey said the interns on contract should be absorbed immediately under permanent and pensionable terms.

"Parliament had appropriated enough resources to the TSC to ensure that the Junior Secondary School (JSS) interns and teachers on contract are given opportunities to be on permanent and pensionable terms," said Senator Cherarkey

Of the Senate and its Corporate identity

Ever since its inception after the promulgation of the 2010 Constitution, the Senate has lived up to its billing as a serious debating Chamber characterised by wit, candour and as a dispassionate defender of devolution.

If you ask many people out there, the image that conjures up in the minds of most Kenyans whenever the name Senate is mentioned is about the deep, robust debates that inform proceedings.

Away from the content of heated debates, optics have also played a pivotal role in firming up the reputation of the Senate as an august House.

Looked keenly, there is no legislature in Kenya that has invested heavily in its corporate image as the Kenya's Second Senate since its inception in 2013.

One of the optical ways is corporate identity which refers to multi-sensory elements employed to communicate a brand to the public.

In the context of the Senate, the institution has invested heavily on its social media platforms, the website, staff uniforms, buildings, decor and logo among other elements.

Navy blue is the corporate colour



Speaker Kingi in his ceremonial regalia. Navy blue is the corporate colour for the Senate.

for the Senate. This is manifested in the uniforms of the Serjeant-at-Arms.

Commonly nicknamed Blue Army, the Serjeants at Arms are the orderlies who facilitate members by ensuring good conduct when serving in the Chamber during sittings.

Equally, the ceremonial gowns of the Clerks-at-the-Table, the officers who advise the speaker on procedural issues during sittings are also navy blue.

Lately, staff from the department of Public Communications, whose mandate include protocol and outreach have joined the fray, with their own version of



Mr Javan Loriko, a Serjeant-at-Arms displays the Mace, the symbol of authority of the House.

staff uniform, giving the colour blue, a whole new meaning.

The Speaker, the political head of the Senate and spokesperson, also wears a blue-coloured gown while presiding over sittings. What is more, his seat is also blue.

This illustrates just how navy blue as a colour has been embedded in in both staff and members uniforms as a way of branding.

The social media pages which host the National Assembly and Senate bear a green and navy blue corporate colours, respectively. This brings out the

distinction between the two legislative houses. The same is also replicated on the parliamentary website.

Similarly, upon publication, Senate Bills bear colour blue. So are other corporate items such as pens, diaries and information, education and communication (IEC) materials which help in projecting the image of the Senate.

With these corporate identity items, events are never dull. The moments are usually punctuated by professionally captured photographs and interactive sessions which seek to inform the public and raise awareness about the role of an institution other have nicknamed the Upper House.

Corporate identity is salient when it comes to branding as it helps organisations share their mission, vision and values with the public, who, in the case of the Senate, is a key stakeholder.

As an institution, the Senate derives its mandate from the constitution and by extension the people hence the need to ensure good relations with the people.

As communication experts would say: "An organisation's social licence to operate is given by the people" and the Senate has no otherwise than to be accountable to the people.

PICTORIAL



1. Clerk Nyegenye and deputy Clerks Mohamed Ali and Eunice Gichangi pose for a picture with the leadership of the Senate secretariat during the Planning Retreat for the Third Session on Thursday, February 8, 2024.

2. Mr Anthony Njoroge, the Director of Litigation and Compliance addresses staff on the activities of his directorate during the retreat.

3. A section of the Senate staff follow proceedings during the Third Session Planning Retreat.



1. Prof Nuru Mohamed, from the Kenya School of Government, speaks to Senate staff during the Third Session Planning Retreat.
3. Dr Johnson Okello, Director Legal Services, Senate, gives a brief of Directorate's plan for the Third Session during the retreat.
3. Dr Martin Masinde, Director, Parliamentary Budget Office, speaks at the event



- Members of the Kenya Women Senators Association (KEWOSA) held a meeting with the officials of the Centre for Multiparty Democracy - Kenya where the two sides discussed the 2024 action plan for Kewosa activities.
- They also discussed how to strengthen KEWOSA for Women Senators to effectively execute their role of protecting devolution and supporting Women Governors to deliver the Devolution promise.
1. Senators Tabitha Mutinda and Esther Okenyuri speak during the meeting with CMD-K.
 2. Senator Catherine Mumma makes her remarks.
 3. Senators Mutinda (left), Montent (right) and Okenyuri (second right) pose for a picture with Hon Priscilla Nyokabi, who is the chairperson of the CMD-K during the meeting.



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