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House directs counties to settle Sh156 billion debts before end of June 2024

The accumulated pending bills have affected service providers leading to closure of businesses, stalling of county projects, adversely affecting economic growth in counties and ultimately, slowing down the country's economic growth.



Senator Moses Kajwang (left) and Senator Mwenda Gataya Mo Fire

The House has adopted a motion compelling County Governments to pay their pending bills by the end of the financial year, June 2024.

The lawmakers asked the counties to prepare and submit payment plans to the Office of the Controller of Budget, prioritising pending bills as first charge on the County Revenue Fund, warning that the failure may lead to withholding of subsequent quotas.

The County Government's Budget Implementation Review Report for the first half of 2023/24 financial year, indicate that County Governments had accumulated a total of Sh156.34 billion in pending bills as of December 31, 2023.

With debts to the tune of Sh107 billion, Nairobi County had accumulated

the largest share followed by Kiambu and Mombasa Counties at Sh5.7 billion and Sh3.9 billion, respectively.

During the debate of the motion sponsored by Minority Whip Ledama ole Kina, lawmakers argued that accumulated pending bills in counties have significantly affected service providers leading to closure of businesses, stalling of county projects, adversely affecting economic growth in counties, service delivery and ultimately, slowing down the country's economic growth.

"Failure to clear the bills will create a monster the country will never resolve," said Senator Olekina while moving the motion.

"When you create an avenue for people to only get their payments when you

corrupt a system, corruption will prevail. This is very dangerous and we are treading on dangerous paths and dealing with things we cannot control."

Most of service providers in the counties are battling court cases lodged against them by their financiers and suppliers while others are languishing in poverty exacerbated by the increased cost of living. Cases of increased mental health disease incidences and others dying as a result of the effects of colossal amounts of debt owed to them by county governments have been reported.

According to the Implementation report, Machakos County owes suppliers about Sh3 billion just like Mandera County.

Busia County (Sh2.2 billion), Embu

County (Sh1.9 billion), Laikipia County (Sh1.7 billion), Wajir County (Sh1.6 billion) as some of the figures that had been verified at December 31, 2023.

Kisumu County owes Sh1.6 billion; Tana River County (Sh1.6 billion) Nakuru, Turkana, Kakamega and Narok Counties owe suppliers and contractors Sh1.4 billion.

Kajiado on and Kilifi Counties owe suppliers Sh1.3 billion, Kisii county Sh1.2 billion, Vihiga, Bungoma Counties Sh1.1 billion, Trans-Nzoia and Migori County (Sh1 billion, Homa Bay County (sh921 million) and Taita-Taveta owes Kshs791 million.

Majority Leader Aaron Cheruiyot supported the motion and pleaded with the lawmakers to be stringent and tough on county governments, challenging the Senate to demand of each county to classify their debts.

The lawmakers approved an amendment by Senator Otieno Kajwang, which mandates the counties to submit to the OCOB a payment plan for prioritising pending bills as the first charge on the County Revenue Fund.

Senator Kajwang, who chairs the County Public Accounts Committee, further compelled the Controller of Budget to take into account efforts by counties to clear inherited pending bills when approving exchequer releases.

The amendments further obligates the county governments to consult the CoB and provide a budget of completion of all existing projects and that the initiation of the new projects should cease until the completion of the existing projects.

"By asking the CoB to review past efforts to clear inherited pending bills is to give effect to the powers and functions of the CoB as provided for in Article 228(4), where the CoB has a responsibility

ity to ensure prudence and responsibility even before authorising withdrawals from the Consolidated Fund,” said Senator Kajwang when moving the amendments.

Deputy Minority Leader Enoch Wambua said the issue of pending bills is a matter of primary oversight and challenged MCAs across the 47 counties to ensure that every supplementary budget is taken through the entire process of budget making and that there is public participation in any supplementary budget.

“This way, we shall minimise the shoddy deals cut through the supplementary budgets. As is the counties and the national Government, we have obligations to banks and financial institutions. When financial instruments fall due, everything else stops. We have obligations to international banks and financial institutions,” he observed.

“We are killing businesses, enterprises and our people. As a House mandated



Senator Ledama ole Kina, the sponsor of the motion..

by the law and the Constitution to defend devolution and protect the interest of counties and county governments, pending bills is a matter we cannot debate. We need a strong resolution that will follow up and through to ensure this House’s resolution on pending bills is

implemented.”

Senator Wahome Wamatinga asked Senators to have an engagement with governors if the issue is to be resolved.

“Let us sit down with county assemblies and county executives, so that we can save Kenyans who are being auc-

tioned and dying from depression. We need to save the situation. This can only be done through a concerted effort and us putting mechanisms and measures in place so that there is no new commitment,” he told the House.

“Failure to do this, will not only ruin the companies, but also see many people losing their property because many contractors and suppliers resort to borrowing money from banks and are required to service the loans.”

Senator Abbas Sheikh suggested that the House stops disbursements to counties until the pending bills are paid.

“As it is, people are running bankrupt and robbed in the country. If the Ethics and Anti-Corruption Commission (EACC) has failed, or they are overwhelmed because of the job they are doing, then we can use other institutions like the DCI to take over these things and come up with a list of the criminals who are stealing public money.”

Senate boosts counties with an additional Sh24 billion in 2023/24 equitable share



Senator Ali Roba, chair Finance and Budget Committee.

The Senate has amended the Division of Revenue Bill, 2024, and increased allocation to counties for the 2024/25 financial year to Sh415 billion.

The National Treasury had allocated Sh391 billion to counties, the position adopted by the National Assembly when it considered and passed the Bill in March 2024.

The Council of Governors (coG) has demanded an allocation of Sh439 billion.

During the debate on the Bill, Senators said the Sh391 billion was arrived at erroneously because the National Treasury relied on misleading calculations.

The miscalculation, the House ruled, has prejudiced counties entitlements in

the last three financial years.

The Bill used a baseline of Sh374.5 billion as the allocation of the for 2023/24 financial year against the actual baseline which was 385.4 billion.

This was done by netting out Sh10.9 billion from what counties received in 2023/24 financial year as adjustment for Road Maintenance Levy Fund which will henceforth be allocated separately to counties.

The lawmakers say the deduction was erroneous and illegal as it affected the calculation adjustment for revenue growth for the current financial year.

Ordinary revenues are set to grow by 15 per cent which translates to Sh376.9 billion from the revenue that under-

pinned revenue sharing for the 2023/24 financial year, which was Sh2.571 trillion.

Out of the Sh376.9 billion, Sh5.7 billion is being added to counties baseline allocation of sh385.4 billion, which the House deems disproportionate and inequitable.

In coming up with the figure, the National Treasury adjusted the base downwards, from Sh385.4 billion to Sh374.5 billion. This involved deducting Sh10 billion of the Road Maintenance Levy Fund and Library Services from the total allocation Counties received in the 2023/24 financial year.

Senator Ali Roba, the Chairman of Finance and Budget Committee, said the move has affected the calculation of the adjustment for revenue growth for the current financial year.

“The error cascaded into an erroneous indication suggesting an increase of allocation to county governments of Sh16.6 billion, whereas the actual allocation as considered was only Sh5.6 billion,” said Senator Roba when he seconded debate on the Bill.

The misleading calculation has been adopted by the National Treasury and Commission on Revenue Allocation and which has in the past couple of years prejudiced the counties entitlement in the last recent past.

The Bill further provides for an allocation of Sh7.8 billion to the Equalisation Fund for 2024/25 financial year, which

is 0.5 per cent of the constitutional set threshold as per Article 204 of the Constitution.

In recommending the Sh415 billion as equitable share to the counties, the Senate based its arguments on an adjustment by 6.4 per cent of annual growth factor, an adjustment of repurposing the scrapped Managed Equipment Scheme (MES) programme allocation, which amounted to about Sh5.86 billion.

The adjustments take into account the non-discretionary financial obligations resulting out of Housing levy, increased contribution to the National Social Security Fund (NSSF) and contribution to the Social Health Insurance Fund’s wage drift and the need for counties to provide matching allocation for the County Aggregation Industrial Parks (CAIPs).

While considering the Bill, the Committee considered payroll impact the housing levy and the new NSSF deductions will have to county governments.

On housing levy, the committee estimates that total deductions will come to about Sh4 billion in terms of the upwards growth of the payroll. The same applies to enhanced contribution to NSSF which amounted to about Sh3 billion, which it argues will adversely impact the overall payroll of the county governments.

The Committee also looked at the impact of county aggregation and industrial parks.

Speaker Kingi presides over launch of Senator Wambua Charity work

Speaker Amason Kingi was the chief guest at the launch of Kii Wambua Foundation, a charity established by Kitui Senator Enock Wambua, who is also the Senate Deputy Minority Leader.

During the event, the Speaker led in raising funds for the Foundation which will spearhead the Senator's philanthropic work targeting the people of Kitui County and beyond.

The event, held at the Holy Family Basilica Hall in Nairobi last Thursday evening, was attended by a host of leaders among them Senator's Wambua's colleagues in Parliament, professionals, Government officers and other invited guests.

Senator Wambua said the charity's interventions are anchored in five key areas namely Health; Water and Sanitation; Agriculture, Environment and Climate Change; Education; and Sports.

The Speaker lauded Senator Wambua for the bold initiative, noting that it will transform lives and livelihoods not just in Kitui County but in neighbouring regions and internationally.

"I wish to congratulate Senator Wambua for this great initiative, whose impact will be felt beyond the boundaries of Kitui County. This work deserves the full support of all of us gathered here," the Speaker said, as he set the ball rolling in the fundraiser.



Speaker Kingi looks on as Senator Enock Wambua speaks to guests during the launch of his charity work. Looking on is the Senator's wife.



Speaker Kingi cuts the ribbon to mark the launch of the Kii Wambua Foundation, a charity established by Kitui Senator Enock Wambua.

PETITION

Petitioner wants Senate to restrict counties from use of external lawyers

A petitioner is seeking the help of the Senate to stop counties with established County Attorney offices from procuring the services of external lawyers in legal matters.

Counties have established internal legal offices that are led by a County Attorney in line with the Office of the County Attorney Act.

Mr Laban Omusundi has filed a petition in the House seeking the support of the Senators in imposing restrictions on the matter.

Speaker Amason Kingi told the House that the salient issues Mr Omusundi raises in the petition touch on the funds allocated for recruiting external law firms to represent county government on various matters, despite the establishment of the office of the County Attorney.

"The petitioner is concerned that a significant number of the court cases are influenced by deliberate administrative decisions, with full awareness that there will be no personal accountability," said Speaker Kingi, adding that this has potentially led to an arrangements where

individuals in the public sector receive kickbacks from the law firms.

The petitioner argues that this practice defeats the objectives of devolution, aimed at bringing services nearer to ordinary citizens.

"County governments are grappling with high pending bills owed to external lawyers," says the petitioner, noting that substantial amounts of public funds paid to external legal firms could be channelled to address healthcare services, which says are currently in dire state.

The petitioner made several attempts to resolve the concerns presented in his Petition with the Controller of Budget (CoB) and the office of the Attorney-General without success.

"Consequently, the petitioner prays that the Senate investigates this matter with a view to establishing a legal framework designed to restrict engagement of external legal firms to safeguard public funds and prevent excessive expenditure on external legal fees," Speaker Kingi told the House.

Mr Omusundi wants the Senate to implement measures to deter intentional



Speaker Kingi walks to the Chamber before the start of a sitting of the Senate

and incorrect administrative decisions, ensuring that responsible officers or individuals are held accountable for their actions that could lead to legal proceedings.

Speaker Kingi committed the petition to the Committee on Devolution

and Intergovernmental Relations for consideration.

The Committee is required to respond to the petitioner by way of a report addressed to the petitioner and lay it on the Table of the Senate in the next 60 days.

Senators launch Futures Caucus

Parliament has formed the Senate of Kenya Futures Caucus which will be chaired by Senator Ledama ole Kina who is also the Minority Whip.

The Caucus brings together Senators who share a common interest in incorporating strategic foresight approaches while conducting their tripartite role of representation, legislation and oversight.

Parliaments globally embrace anticipatory governance and approach their functions with an inter-generational fairness perspective to ensure that future generations can enjoy all human rights and benefit equally from the earth's resources.

While officially launching the Caucus inaugural cocktail for key dignitaries on the sidelines of the UN Civil Society, Senator Ole Kina underscored the need for legislators to adopt foresight approaches in their work.

Adopting anticipatory governance, he said, provides the legislators with the necessary tools to think systematically about what could happen in the future and prepare for it in this highly unpredictable world.

"Foresight work is important in helping decision makers to think about the

future in a highly unpredictable world," explained Senator Ole Kina in his remarks.

"Adopting anticipatory governance will help us to plan for the possible scenarios to ensure that future generations don't pay the price for our failures, our omissions and our commissions."

The Whip urged lawmakers to pass legislations that will reverberate across time and consider the needs and impacts of present and future generations.

Senators present pledged to utilise the Caucus methodologies to aid policy debate and public decision-making processes to ensure future generations don't pay the price for their failures, omissions and commissions.

They promised to explore the inter-generational fairness and assessment tool which many parliaments have introduced globally.

Apart from Senator Ole Kina (Chairperson), other members of the Caucus are Senator Margaret Kamar, Senator Otieno Kajwang', Senator Abdul Haji, Senator William Kisang', Senator Ali Roba, Senator Crystal Asige and Senator Beatrice Ogola.



1. Senator Ali Roba speaks during the launch of the Futures Caucus watched on by other members of the Caucus. From left Senator Ledama ole Kina (chairman), Senator Beatrice Ogola, Senator Hamida Kibwana, Senator Abdul Haji, Senator William Kisang', Senator Margret Kamar and Senator Crystal Asige.
2. Senator Ledama ole Kina addresses the gathering during the launch of the Senate Futures Caucus at a Nairobi Hotel
3. Senator Moses Kajwang', shares a light moment with Senator Ali Roba (right) and Senator William Kisang' during the launch of the Caucus.

QUESTION TIME

CS Kindiki promises tough action against those using cyberspace to incite violence



Interior Cabinet Secretary Kithure Kindiki speaks in the House during last week's Question Time.

Interior Cabinet Secretary Kithure Kindiki has warned those using the cyberspace is being used to incite violence that the state will ruthlessly deal with them.

The Cabinet Secretary told a sitting of the Senate that some users in the cyberspace have gone overboard and abused freedom of expressions guaranteed by the state.

"We have active investigations in 19 counties, of leaders and other influencers who have organised teams of online people to harass, intimidate and incite violence using cyberspace," CS Kindiki told the House during Question Time on Wednesday last week.

"I want to assure the nation that the idea of setting up criminal gangs and groups to either physically attack people for political or other reasons; the idea of organising groups of criminals to attack opponents and people of a divergent

opinion online and propagate violence, we have to deal with that problem before it goes overboard."

He was responding to a question from Senator Fatuma Dullo who said security agencies have been used by those who are in power to silence bloggers.

"There are counties where governors are recruiting youth in the name of Jeshi. It is something that is worrying in most of the counties. The Cabinet Secretary should be on top of things and look for ways of stopping those kinds of arrangements," she said.

The Cabinet Secretary said that in the 19 counties, the government is actively investigating groups of both physical and online gangs that are propagating violence in the name of freedom of expression.

"We will take action against all the actors, whether they are persuaded to

support the Government or they are in the opposition because it is a threat to our security as a nation, and we must arrest this matter before it gets out of hand."

He said the Government is committed to uphold the freedom of expression and right of information as enshrined in the Constitution.

"Any journalist or blogger who is intimidated or harassed is encouraged to report to the nearest police station or even report anonymously, so that action can be taken. The Government is committed to making sure that our agencies for law enforcement act fairly and enforce the law against all persons, without fear or favour, discrimination or bias."

He noted that Police officers have been sensitised on upholding the rule of law and constitutionalism and no one should feel unsafe or feel as if they are not protected by the law of Kenya or by the law enforcement agencies of our country.

ICT Committee to establish the extent of coverage of the National Optic Fibre Network

The Committee on Information, Communication and Technology held a total of nine sittings in the first quarter of this year, during which it considered five Statements and four inquiries.

The four Statements were ongoing from the previous reporting period and one Statement was sought from the Committee during the same period.

The Committee considered and concluded one of them and is currently considering the remaining four.

In a statement to the House on the activities of the Committee between January and March, Senator Mirak Abdulrahman said the Committee is currently pursuing a response from the Ministry of ICT and Digital Economy, the Communication Authority and Safaricom on the Statement regarding the increased number of dropped calls on the mobile network telecommunication service provider.

The Statement was requested by Senator John Methu.

The Committee is currently inquiring into the Digital Assets Infrastructure in Kenya, the Critical Telecommunication Infrastructure in the country, the establishment of Digital Infrastructure and Data Centres in the country and the operation of Integrated Financial Management Information System (IFMIS) and other County Revenue Collection and Management Systems.

The Committee has focused on the Inquiry into the operation of IFMIS and other County Revenue Collection and Management Systems and has had meetings with the Controller of Budget (CoB), the Auditor General and the Commission on Revenue Allocation (CRA).

“The Committee is scheduled to meet the Council of Governors (CoG), the National Treasury and the Kenya Revenue Authority,” said Senator Miraj.

The Committee also conducted its Stakeholder engagement and networking retreat and met with the Ministry of Information, Communication and Digital Economy to understand the ICT sector-specific policy directions for each State Department and Agency, identify legislative gaps, identify the priority areas for the 13th Parliament and possible proposals and opportunities for collaboration and cooperation with the various stakeholders.

“The Committee is scheduled to conduct an engagement retreat with the private sector and development partners to better understand their perspectives on strengthening ICT sector policies and legal frameworks, collaborative opportunities for policy implementation and policy implications, and regulatory frameworks for emerging technologies.

The Committee will use the event to meet with stakeholders in the telecom-



Senator Allan Chesang, Chairman, ICT Committee.

munications sector to deliberate on navigating the telecom sector from a regulatory perspective.

The Committee intends to conduct a fact-finding visit to various counties, to establish the extent of coverage of the National Optic Fibre Network Backhaul Initiative (NOFBI) to county headquarters, county assemblies, Government offices, primary and secondary schools.

“This is to ensure that access to online services is available to all.

Committee plans to assess implementation of Country Integrated Industrial Parks

The Committee on Trade, Industrialisation and Tourism plans to undertake county visits to assess the implementation status of the County Integrated Industrial Parks, a key development plan for Kenya Kwana administration.

As part of its development agenda, the National Government decided to launch construction of the projects in various counties.

The planned visit is coming at a time when selected Senators are raising concerns over implementation of the projects.

Senator Godfrey Osotsi has termed the projects as a white elephant after construction works failed to kick off in the counties where they were launched.

Senator Osotsi said the National Government has failed to release the Sh250 million meant to fund construction while the counties are yet to budget for the counterpart Sh250 million.

The planned visits by Senator Seki's Committee is coming at a time when the government, through the Budget Policy Statement has indicated that it will start the projects in 18 counties, leaving the others in limbo.

Senator Seki said in the Committee's



Senator Lenku ole Seki, chairman Trade Committee (right) flanked by Senator Esther Okenyuri and Senator Steven Lelegwe at a sitting of the Committee.

report to the House that his team is prioritising the visits to assess the projects.

The committee will also prioritise report writing retreat on Petition on the fraudulent shareholding activities and illegal acquisition of East Africa Breweries Ltd (EABL) and The Co-operatives

Societies (Amendment) Bill (Senate Bills No. 53 of 2023).

Also on the priority list is an inspection visit to Embu and Meru Counties to engage with Muguka and Miraa farmers and the related farmer cooperatives Societies and a meeting with the Metropol-

itan National Saving and Credit Cooperative (SACCO).

Senator Seki said during the period commencing January to April, 2024 his committee held a total of 17 meetings.

Education Committee puts focus on the welfare of ECDE teachers

The Education Committee says it held 17 sittings during the first quarter of the year with focus on the plight of Early Childhood Education (ECDE) teachers.

The Committee considered 17 Statements, two public petitions, one Bill, conducted two inquiries and undertook two county oversight visits during the period.

Senator Joe Nyutu said the Committee also hosted one foreign delegation from Uganda and held meetings with two counterpart committees from the county assemblies of Kajiado and Taita-Taveta.

Issuing a statement on the activities of the Committee, Senator Joe Nyutu, the chair, said the committee considered the Early Childhood Education (Amendment) Bill, 2023 which seeks to provide for the improved remuneration and better welfare of teachers serving in early childhood centers in the counties.

The Committee invited the public to submit their representations on the Bill and further held an engagement with the Council of Governors (CoG), in order to acquaint itself with the implementation status of the Early Childhood Development Education (ECDE) policies in the counties and the challenges facing implementation of the said policies.

“The Committee has reviewed all the submissions from the stakeholders and consequently prepared its report on the Bill, which is currently undergoing processing for tabling,” said Senator Nyutu.

The two petitions that were considered by the Committee include the dis-



Senator Joe Nyutu, chairman, Education Committee.

crimination by Teachers’ Service Commission (TSC) on payment of hardship allowances and enhanced house allowance to some teachers in Kilifi County.

The Committee also considered the petition concerning the discrimination in the payment of hardship allowance to teachers in Taita-Taveta County.

The issues raised in the two petitions are on inclusion and classification of some parts of Kilifi and Taita-Taveta counties as hardship areas and payment of attendant hardship allowances to the teachers in those areas.

Petitioners in both cases state that they qualify to be paid hardship allowances as per Legal Notice No.534 of 1997 and the Collective Bargaining Agreement (CBA) between TSC and the Teachers’ Union.

The Committee sought information and reports from the Cabinet Secretary, Ministry of Public Service, Performance and Delivery Management and the Chief Executive Officer of the TSC.

Preliminary findings by the Committee indicate that there are discrepancies in the designation of hardship areas within various sectors of the public service.

The Committee was, however, informed that the Ministry of Public Service and Gender established an Inter-Agency Technical Committee in March 2019 to examine the current policies on hardship allowances and streamline payment.

Senator Joe Nyutu told the House that the Committee is scheduled to meet the Cabinet Secretary for Public Service, Performance and Delivery Management to seek supplementary information on the issues raised in the petitions.

“The Committee regrets delays in conclusion of these petitions, which has been occasioned by the unavailability of sufficient information and reports and frequent requests for postponement of meetings by the Cabinet Secretary for Public Service, Performance and Delivery Management,” said Senator Nyutu.

The Statements saw the Committee seek reports and responses from the Ministry of Education, the Teachers Service Commission, County Government Departments and other relevant state agencies leading to conclusion of 17 Statements.

The Committee held a meeting with the Cabinet Secretary for Education Mr Ezekiel Machogu to address concerns raised in the release of capitation funds to learning institutions, the infrastructural development and the congestion of learning institutions in the country.

The Committee will continue engagements and follow-up on the implementation status of the policies on the new University Funding Model and the Competence Based Curriculum (CBC).

The Committee is also scheduled to follow up on the Government commitment towards expeditious release of the Capitation Funds to learning institutions, payment of pending bills by the universities and the implementation of a Medical Insurance Cover to learners following termination of the EduAfya.

The Committee is also scheduled to hold meetings with the Council of Governors (CoG) to deliberate on the plight of ECDE Teachers and the status of infrastructure projects undertaken by county governments in the education sector.

The chairman said the Committee has initiated two inquiries on an inquiry into the implementation status of ECDE policies in the counties and the plight of ECDE teachers and caregivers.

The Committee is also undertaking an inquiry into the infrastructural development and the congestion of learning institutions in the country.

The Committee had its share of challenges during the processing of the pending legislative business.

The challenges included incomplete and unsatisfactory responses from the Ministries and Government agencies, frequent requests for postponement of the Committee meetings by different stakeholders invited to provide information and quorum hitches.

Roads Committee held 16 sittings in three months

The Committee on Roads, Transportation and Housing held 16 sittings during the first quarter of this year and considered three key bills.

The Bills are The Public Transport Motorcycle Regulation Bill, 2023, The National Construction Authority (Amendment) Bill and The Affordable Housing Bill, 2023.

The Committee also considered the legislative proposal by Senator Fatuma Dullo on the Street Naming and Property Addressing System Bill, 2023 and recommended its publication with amendments.

In its report to the House, the Committee says it is also considering the legislative proposal by Senator Crystal Asige on Transport Laws Universal Design (Amendment) Bill, 2024.

Senator Karungo Thang’wa, the chair



Senator Karungo Thang’wa, the chair, Roads Committee.

of the committee, told the House they are expected to conclude consideration of Senator Asige’s proposal by the time of the next reporting period.

Two Petitions are pending before the

committee.

One petition is about lake transport was presented to the Senate by Senator Moses Kajwang’ while the second Petition concerns the title deeds for properties bought at Jamii Bora Estate, Kisaju, Kajiado County was presented by a private citizen.

On Statements, the committee received a total of 16 Statements, with two having been considered.

The two are the Status of construction of the Lodwar Court Building in Turkana County by Senator James Lomenen and the state of roads under the Kenya Urban Roads Authority (KURA) in Mombasa County by Senator Mohamed Faki.

Three other Statements are still pending before the committee.

They are repair of rails vandalised during public demonstrations at the Mlolongo Pay Point on the Nairobi Ex-

pressway by Senator Wambua, dilapidated infrastructure at Bima Towers in Mombasa County by Senator Faki and the Status of completion of Bunge Tower by Senator Chute.

“The committee adopted a methodology for consideration of Statements where it invites Senators who request for Statements referred to the committee before seeking responses from relevant Government agencies,” said Senator Thang’wa.

“This is meant to reduce the number of supplementary issues that arise during consideration of responses to the statements.”

“15 Statements referred to the committee are at different stages of consideration. It is good to know that the reason we adopted this methodology is because we feel Statements are over edited before they are read in this House,” he added.

Counties to have statistics offices if Bill is enacted

Every county will soon have a County Statistics Office that will be required to maintain a comprehensive and reliable socio-economic information database relating to each county.

Through the Office, the counties will establish a county statistical system that will enable evidence-based county planning for development and measuring of the gains made by the county governments in implementing their policies.

The offices will compile, analyse, abstract and disseminate statistical information on the matters touching on all functions assigned to counties by the constitution.

The County Statistics Bill, 2024, which has been introduced in the House, provides that county statistical system will involve producers of statistics including departments in the county executive government, data users, data suppliers and research institutions.

The Bill, sponsored by Senator Ali Roba, creates the office of County Statistician and a technical committee to be known as the Intergovernmental Technical Committee on Statistics.

The County Statistics Office will co-ordinate the compilation and dissemination of statistics and related information by ensuring that there is no duplication in the collection of statistical



Senator Ali Roba, sponsor of the Bill

information, attainment of compatibility and the integration of statistics compiled by official bodies and the maximum utilisation for statistical purposes of information and means of collection of information available to official bodies.

The County Statistician will be the head of the County and will be responsible for the day-to-day management of the Office including the administration of funds allocated to the Office.

The Intergovernmental Technical Committee on Statistics will ensure the implementation of uniform standards and methodologies in the country.

In the memorandum of objects, Senator Roba argues that statistics is an indispensable component of planning for any government.

“Without timely and accurate statistical data, a government cannot match resources with needs,” he states, adding that statistics act as a yardstick for governments to determine whether they are meeting their goals in providing services to their people.

“There is therefore a nexus between statistics and good governance in that reliable statistical data is vital for good decision-making, poverty reduction strate-

gies, economic development strategies, access to information, transparency and accountability in governance.

The County Governments Act requires counties to develop county integrated development plans, county sectoral plans, county spatial plans and cities and urban areas plans. In this regard, counties are mandated to ensure the collection, collation, storage and updating of data and information suitable for the planning process.

Statistics is an indispensable component of planning for any government. Without timely and accurate statistical data, a government cannot match resources with needs. Statistics also act as a yardstick for governments to determine whether they are meeting their goals in providing services to their people.

There is therefore a nexus between statistics and good governance in that reliable statistical data is vital for good decision-making, poverty reduction strategies, economic development strategies, access to information - transparency and accountability in governance.

The county statistician will be required to provide up-to-date information on the methods and procedures used to compile official county statistics and disseminate and make available to the public any analysis of statistical information.

OVERSIGHT

CPISFC interrogated 67 funds in meetings with 23 governors



Senator Godfrey Osotsi, the chair Special Funds Committee, and Senator Mariam Omar.

The Committee on County Public Investment and Special Funds (CPISFC) held 25 sittings within and outside Parliament to consider matters within its mandate.

Committee Chairman Godfrey Osotsi said in the period commencing January 1 to April 15, 2024 the team considered the reports of the Auditor-General reports for special funds e financial years 2019/20, 2020/21 and 2021/22.

The Senator said the meetings with the counties were important engagements because the Senate had not considered the audited reports for the special funds.

“This was noted as one area where we have challenges with governance and accountability issues,” he told the House when he presented the report of the committee’s activities in the first quarter of the year.

The Committee held a multi-stakeholder engagement forum in Mombasa County to address numerous cross-cutting issues in the water sector.

The cross-cutting issues were identified by the committee during its interrogation of the audit reports for water companies.

“We are in the process of doing a report which will be brought to this House on status of water investments or water entities in the counties, Senator Osotsi said.

Upon conclusion of interrogation of the reports of the Auditor-General on public water companies in the counties for the financial years 2018/19, 2019/20 and 2020/21, the committee resolved to embark on interrogation of reports of the Auditor-General on financial statement of funds in the counties for the three years.

During the three months period the committee met 23 county governors and interrogated reports of the Auditor-Gen-

eral on 67 funds in the said counties.

The funds included bursary funds, disaster and emergency funds, car loan and mortgage funds and revolving funds.

“Most funds were established based on regulations drawn from the Public Finance Management (PFM) Act, 2012, which is a national legislation, raising concerns on the legality and effectiveness of the offices of the county attorneys,” Senator Godfrey Osotsi said.

“You can only generate regulations on national legislation if you are the Cabinet Secretary. Counties have no powers to generate regulations on a national legislation on their own. We noted that several counties have come up with regulations to manage Funds based on the PFM Act.”

The Committee has given directions to the counties to regularise have a correct set of regulations in place.

Senator Mumma wants House furnished with details of Medics' CBAs



Senator Catherine Mumma

Senator Catherine Mumma wants the Committee on Health to furnish the House with the details of the implementation of the Collective Bargaining Agreements (CBA) signed by the Government and health workers' union.

In the request for the statement made on her behalf by Senator Edwin Sifuna, the Senator wants the committee to explain the position of the national Government, particularly the Ministry of Health and the county governments, regarding the CBAs.

The CBA was signed by the two levels of Government and health workers in 2012 and are now the subject of the ongoing national-wide strike by health workers that has been going on for over a month.

Senator Mumma wants the Committee, which is chaired by Senator Jackson Mandago, to clarify whether the national and county governments intend to uphold the principle of perpetuity of Government obligations in the implementation of the CBA.

"The Committee should outline

measures put in place by the Government to safeguard the safety and well-being of health workers who continue to provide essential and emergency health services despite calls by the unions for all health workers to participate in the strike," Senator Sifuna said when he made the request on the floor of the House.

Further, Senator Mumma wants the Committee to submit to the House details on the safety, profile, efficacy and known adverse effects of the Messenger Ribonucleic Acid (mRNA) COVID-19 vaccines.

She wants the Committee to report on the different types of COVID-19 vaccines that have been and are currently officially authorised for use in Kenya, highlighting such relevant procurement specifics for each series of vaccines, such as the authorised suppliers procured aggregate quantities of each series of vaccines and corresponding aggregate costs.

She also wants a summary outline of the distribution of the various

series of vaccines across the counties in Kenya provided, indicating whether the Ministry of Health has sanctioned a nationwide comprehensive research on the safety, profile, efficacy, and known adverse effects of the various vaccines sanctioned for use in Kenya, and state the principle findings of the research, giving the justification for continual financial investment in the acquisition of these vaccines.

"The Committee should provide the latest data and statistics on the number of people in Kenya who have received the mRNA COVID-19 vaccines as well as details on the current nationwide stockpile of mRNA COVID-19 vaccines," she said, noting that specifications on the adverse effects and deaths have been reported nationally connected to the mRNA COVID-19 vaccines and specifically address imagined global concerns over serious harm and deaths potentially associated with experimental mRNA COVID-19 vaccines

Senator Abdul Haji is concerned the state of healthcare services at the Garissa County Referral Hospital

The Senator wants to be furnished with details of the total number of staff currently employed at the hospital, including their terms and conditions of service, with specific details on their enrolment under the Universal Health Coverage (UHC) scheme.

In a request for the statement, Senator Haji wants an explanation behind the inadequate drug supplies at the hospital, providing the current stocking levels of drugs delivered by the Kenya Medical Supply Agency (KEMSA).

He wants the committee to explain impediments in the facility in receiving a full complement of drugs from KEMSA.

"The Committee should provide the status of the Managed Medical Equipment Scheme (MES) following the conclusion of the project. It should detail the condition and operational status of key medical equipment such as dialysis machines, MRI, and CT SCAN units and shed light on claims that these critical machines are currently not being serviced," the Senator explains in the state-

ment.

He wants the Statement to detail how the County Health Department is utilising its revenue generated from the hospital.

The Statement, he further said, should include detailed reasons for the reported high cases of maternal mortality in medical facilities in the county and the delays in blood screening, including the necessity of transporting blood to Nairobi for screening.

Away from Garissa County Referral Hospital, Senator Samson Cherarkey has tasked the Committee on Roads, Transportation and Housing to furnish the House with information regarding the state of Mombasa Road and the Nairobi Expressway.

In the statement, the Senator wants the committee to provide reasons for the lack of proper markings and adequate signage on several major roads and highways in Kenya, which has been linked to several reported accidents.

The statement, he said, should ex-



Senator Abdul Haji

plain why the contractor did not redraw the necessary road markings on Mombasa Road after carpeting it.

Further, he wants the contractor to give an explanation on why the drainage system on the Nairobi Expressway failed during the heavy rains experienced in March, 2024, resulting in flooding of the expressway and subsequent overflow

onto Mombasa Road.

"The Committee should outline any steps taken by the Ministry of Roads and Transport to address the road safety concerns, stating when all restoration works on Mombasa Road, including the redrawing of markings, are expected to be completed," said the Senator.

We brokered a truce between Governor and Deputy Governor Trans Nzoia County, says Senator Abbas, chair devolution Committee

Two Bills touching on counties and the status of devolution kicked off the work of Devolution and Intergovernmental Relations Committee's work during first quarter of 2024.

The Bills, whose reports have been tabled in the House are The County Governments (Amendment) Bill, 2023, and The County Assembly Services (Amendment) Bill 2023.

The Committee has also processed 10 Statements with two having been considered, according to Senator Abbas Sheikh in a statement to the House.

To acquaint itself with the status of implementation of devolution in the country, Senator Abbas said the Committee held a consultative retreat with the Principal Secretary for Devolution and the Intergovernmental Relations Technical Committee.

The retreat offered members the opportunity to deliberate on matters relating to Devolution and Intergovernmental Relations, including the status of transfer of devolved functions.

This included the valuation and verification of assets and liabilities belonging to the counties.

"I am pleased to report that the two offices have robustly carried out the exercises and are at the final stages of completion," he said.

The Committee visited Trans Nzoia County and successfully mediated a

long-standing dispute between the Governor and his Deputy, bringing harmony to their previously strained working relationship, which had threatened to hamper the smooth running of the county affairs.

The Deputy Governor has not been working with the Governor for the last one and a half years but they are now working together.

The Committee is currently considering matters concerning the alleged discrimination in the implementation of development projects in various wards in Meru County.

"The Committee has invited the County Government of Meru to submit various documents that will provide the relevant information on the implementation of projects within the County," he said.

"Additionally, the Committee shall conduct a project inspection and public participation in the various wards of the counties, where the aforementioned allegations were made."

"The situation in Meru is still fluid. We have a lot of communication from various Members of the Assembly that they have been denied development by the County Government. We are obliged to visit Meru County, so that we can verify all these things," he added.

The Committee reported that it is considering holding a retreat with deputy governors of all the 47 counties to de-



Senator Abbas Sheikh, chairman, Devolution and Intergovernmental Relations Committee

liberate on matters affecting the effective performance of their official duties in the Counties.

The retreat will look into the performance of counties on implementation of the Budget with a view to oversight the utilisation of the resources meant for Devolution.

The Committee will also conduct a post-legislative scrutiny of the Urban Areas and Cities Act of 2011 with the objective of proposing amendments to

the framework of the management and governance of cities and urban areas.

The Committee is also scheduled to look into the process of the dissolution of a County Government with a view to making proposals on the enhanced role of the Senate in the process.

Also on the cards is consideration of the current laws on the impeachment of a County Governor, including the proposed Impeachment Procedure Bill.

This Week in History



"I understand that any successive government will be held responsible for any loans that the previous government had taken. However, this time round, this is quite different. A local government entity is quite different from the devolved government system because no one had to vote for the local authorities to be established. They were established without consulting people and, therefore, Kenyans do not feel obliged that the devolved governments should pay any loans or money given to the local authorities that was misused by those who were running the authorities. We will not be doing justice to this new system of government. I subscribe to the view that these loans should be taken over by the Government in one way or the other."

Senator Yusuf Haji contributing to debate on the motion on the servicing of loans and debts incurred by former Local Authorities by the National Government on May 14, 2013.



"While I support this Motion, it is important for us to note that we should not just pass this Motion the way it is, and I am not proposing any amendment because they are just my views. When we are talking about all the debts to be paid by the central government, there is need for the Senate to decide and sit with the officers of the Senate and determine how much money we are talking about, and who is owed. Some local authorities, for instance, the City Council of Nairobi who are owed by the Government. How will you write it off? If we have to write off debts, then we need to know how much money is involved."

Senator G.G. Kariuki contributing to debate on the motion on the servicing of loans and debts incurred by former Local Authorities by the National Government on May 14, 2013.



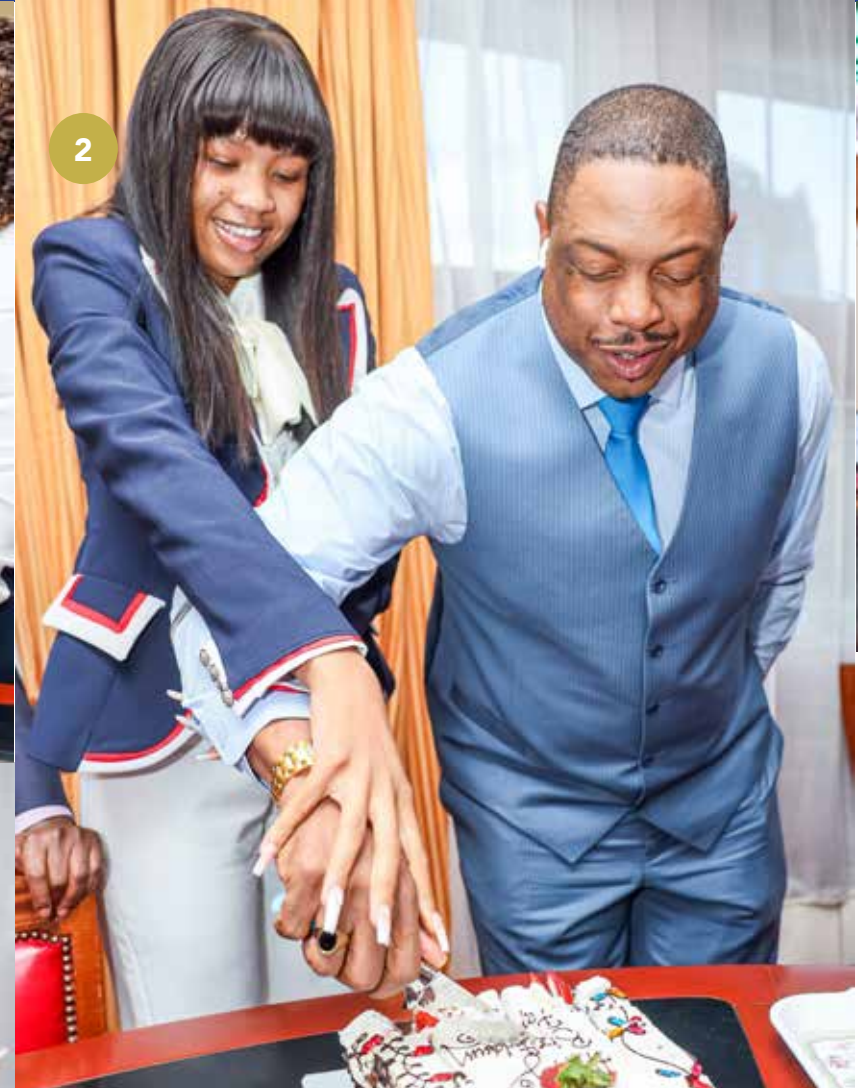
"It is very sad for us to see politics being criminalised in this country. Politics is like any other career. It is unfortunate because just as any other profession, we want to professionalize politics in this country. It is a pity that, at the same time, we want to criminalize it, especially for county representatives. I know, for example, in Samburu County, we had a big number of wards. Most of them were lumped together. Therefore, one county representative now has to take care of a very large area. Roads in Samburu County are impassable. A county assembly member has to wake up two days earlier if he has to participate in the sitting. This Kshs61,000 is not enough because it does not include house and traveling allowances. Let us just be fair to these people."

Senator Naisula Lesuuda contributing to a motion of adjournment on the paralysis of County Assembly sittings over salary demands on May 14, 2013.



"The county assembly members have not abandoned work because they want to do so. They have done so, because it has been impossible to sustain themselves while doing the work, which they were elected to do. Therefore, this Senate must stand in solidarity with them throughout the country. As many Senators have said, I have county assembly members who have to travel 300 kilometres to the county headquarters in Kitui and have Page | 4 to stay there living in hotels or elsewhere they choose. I even do not know how they have been able to live in hotels and survive."

Senator David Musila contributing to a motion of adjournment on the paralysis of County Assembly sittings over salary demands on May 14, 2013



1. Senator Karen Nyamu, Senator Tabitha Mutinda, Senator Betty Montet, Senator Hamida Kibwana and Senator Raphael Chimera join Senate staff in celebrating Mr Ahmed Bilal's birthday. Mr Belel, is the Deputy Director in the Office of the Speaker of the Senate.
2. Mr Ahmed Belel cuts the cake to celebrate his birthday during a party held in Parliament Buildings.
3. Speaker Kingi Amason Kingi joins Mr Ahmed Belel, the deputy Director in his office, to celebrate the birthday party.
4. Members of staff of Parliament of Uganda pose for picture during their benchmarking visit to the Parliament Buildings.
5. Speaker Kingi with Senator Edwin Sifuna (in blue jacket), Senator Enoch Wambua, Hon Suleiman Shahbal of EALA and Senator Crystal Asige during the launch of the Kio Wambua Foundation at a Nairobi Hotel.
6. Speaker Amason Kingi receives Senator Agnes Muthama contribution during the fundraiser in aid of the Kio Wambua Foundation.



7. Speaker Amason Kingi receives Senator Betty Montett contribution in support of the Kio Wambua Foundation.
8. Speaker Amason Kingi receives Senator Samson Cherarkey's contribution during the fundraiser in aid of Kio Wambua Foundation.
9. Senator Mundigi Munyi hands his contribution in support of Kio Wambua Foundation to Speaker Kingi
10. The Minority Leader in the National Assembly Opiyo Wandayi (left) was among the guests who attended the launch of the Kio Wambua Foundation. In this picture he is seen with Senator Enoch Wambua and Senator Mundigi Munyi.
11. Speaker Amason Kingi and Senator Enoch Wambua during the launch of the Kio Wambua Foundation.
12. Majority Leader Aaron Cheruiyot with students from Belgut Training College when he launched the College's van purchased through the Belgut NG-CDF at Parliament Buildings.
13. Senator Jackson Mandago, the chair Health Committee, Senator Mariam Omar, Vice chair, Senator Eddy Oketch, Senator Okiya Omtatah and Senator David Wafula speak to medical workers who has presented a petition to the Senate during the Doctors' strike which ended last week after an agreement with the government.



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