

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 24th September, 2024

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

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

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

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

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

(The Quorum Bell was rung)

Hon. Senators, I am told that we do have quorum. Sen. Osotsi, the Deputy Party Leader of the Orange Democratic Movement (ODM) and Sen. Kavindu, please, take your seats.

(Sen. Osotsi and Sen. Kavindu Muthama sat at their places)

Clerk, please, call the first Order.

PAPERS LAID

REPORTS OF THE AUDITOR-GENERAL ON FINANCIAL STATEMENTS OF VARIOUS ENTITIES

The Speaker (Hon. Kingi): I cannot see the Senate Majority Leader. Sen. Tabitha, you are a Member of the Senate Business Committee (SBC). Kindly proceed to table the reports.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Sen. Tabitha Mutinda: Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate, today, 24th September, 2024-

Report of the Auditor-General on Financial Statements of Elburgon Level 4 Sub-County Hospital - County Government of Nakuru for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Malindi Sub-County Level 4 Hospital - County Government of Kilifi for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Bamba Sub-County Level 4 Hospital - County Government of Kilifi for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Mariakani Sub-County Level 4 Hospital - County Government of Kilifi for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Jibana Sub-County Level 4 Hospital - County Government of Kilifi for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Kilifi County Referral Hospital - County Government of Kilifi for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Baringo County Referral Hospital - County Government of Baringo for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Kabartonjo Level 4 Hospital - County Government of Baringo for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Mogotio Sub-County Level 4 Hospital - County Government of Baringo for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Kandiege Level 4 Hospital - County Government of Homa Bay for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Kendu Bay Sub-County Hospital - County Government of Homa Bay for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Kisegei Level 4 Hospital - County Government of Homa Bay for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Ogongo Level 4 Hospital - County Government of Homa Bay for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Cheptais Level 4 Hospital - County Government of Bungoma for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Sirisia Sub-County Level 4 Hospital - County Government of Bungoma for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Bumula Sub County Level 4 Hospital - County Government of Bungoma for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Kimilili Sub-County Hospital - County Government of Bungoma for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Mukuyuni Sub-County Level 4 Hospital - County Government of Makueni for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Tawa Sub-County Level 4 Hospital - County Government of Makueni for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Machakos Level 5 Hospital - County Government of Machakos for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Kathiani Level 4 Hospital - County Government of Machakos for the year ended 30th June, 2022.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Report of the Auditor-General on Financial Statements of Got Agulu Sub-County Level 4 Hospital - County Government of Siaya for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Uyawi Sub-County Level 4 Hospital - County Government of Siaya for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Madiany Sub-County Level 4 Hospital - County Government of Siaya for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Bondo Level 4 Hospital - County Government of Siaya for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Ukwala Sub-County Level 4 Hospital - County Government of Siaya for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Kapenguria County Referral Level 5 Hospital - County Government of West Pokot for the year ended 30th June, 2022.

Report of the Auditor General on Financial Statements of Chepareria Sub-County Level 4 Hospital - County Government of West Pokot for the year ended 30th June, 2022.

Report of the Auditor General on Financial Statements of Kacheliba Sub-County Level 4 Hospital - County Government of West Pokot for the year ended 30th June, 2022.

Report of the Auditor General on Financial Statements of Sigor Sub-County Level 4 Hospital - County Government of West Pokot for the year ended 30th June, 2022.

Report of the Auditor General on Financial Statements of Lopiding Level 4 Hospital - County Government of Turkana for the year ended 30th June, 2022.

Report of the Auditor General on Financial Statements of Lokitaung Sub-County Level 4 Hospital - County Government of Turkana for the year ended 30th June, 2022.

Report of the Auditor General on Financial Statements of Lodwar County Referral Hospital - County Government of Turkana for the year ended 30th June 2022.

Mr. Speaker, Sir, I beg to lay.

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

The Speaker (Hon. Kingi): Next Order. Statements pursuant to Standing Order No.53(1). Hon. Sen. Agnes Kavindu Muthama, you have the Floor.

QUESTIONS AND STATEMENTS

STATEMENTS

STALLED PROJECTS ACROSS MACHAKOS COUNTY

Sen. Kavindu Muthama: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee of Devolution and Intergovernmental Relations regarding stalled projects in Machakos County.

In the statement, the committee should-

(1) State the total number of all stalled projects across Machakos County, including their locations and the estimated costs of each.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

(2) Provide a timeline on when the county government intends to complete stalled projects under its charge.

(3) State the total funds allocated for the construction of the airstrip in Machakos County and provide an update on the status of the construction works.

The Speaker (Hon. Kingi): Hon. Senator Mwaruma, the Senator for Taita Taveta County, you have the Floor.

LACK OF HELB FUNDING AND GOVERNMENT CAPITATION FOR
CERTIFICATE AND DIPLOMA STUDENTS

Sen. Mwaruma: Thank you, Mr. Speaker, Sir, for this opportunity to request a statement on education loans to students in teachers' colleges.

I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Education regarding the lack of Higher Education Loans Board (HELB) funding and Government capitation for certificate and diploma students in primary and secondary school teachers' colleges.

In the statement, the committee should:

(i) Explain why HELB does not provide loans to students pursuing primary and secondary school teaching courses.

(ii) State the level of classification for primary and secondary school teachers' colleges in comparison to universities, tertiary, vocational education and training and the Kenya Medical Training Colleges institutions which benefit from HELB and Government capitation.

(iii) State when these teachers' college students will start benefiting from HELB and Government funding similar to students in other higher learning institutions.

The Speaker (Hon. Kingi): Now, before we move to the statements pursuant to Standing Order No.56(1), allow me to make the following communication.

(Sen. Kavindu Muthama stood in her place)

Sen. Kavindu, you may have your seat.

(Sen. Wafula consulted Sen. Chute)

Sen. Wafula, please, have your seat.

(Interruption of Statements)

COMMUNICATION FROM THE CHAIRVISITING DELEGATION OF YOUTH UNDERTAKING
THE PARLIAMENTARY INTERNSHIP PROGRAMME

The Speaker (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of seven young men and women who are in the Senate undertaking an internship programme.

The objective of the programme is to provide young people with first-hand experience in the legislative process and to expose them to the intricate world of public policy and public service.

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

I will allow the Senate Majority Leader under one minute to extend a warm welcome to the delegation.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I join you on behalf of our colleagues to appreciate the visit by the interns who are here from the various fields of study assignment in the institution. Today is one of those days when they visit the Chamber and see how we operate here.

Parliament is a premier employer. I say that very proudly, knowing the quality of work that our staffers do and the kind of experience that these young people will get.

Mr. Speaker, Sir, my simple advice to them is to make the best of their time in this institution and learn from the great members of staff who work in this institution.

I thank you and welcome the students.

(Resumption of Statements)

The Speaker (Hon. Kingi): Hon. Senators, we have statements pursuant to Standing Order No.56(1)(b). Hon. Sen. (Dr.) Murango, you have the Floor.

ACTIVITIES OF THE COMMITTEE ON AGRICULTURE,
LIVESTOCK AND FISHERIES

Sen. (Dr.) Murango: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order 56 (1)(b) of the Senate Standing Orders to make a statement relating to activities of the Standing Committee of Agriculture, Livestock and Fisheries during the second part of that session covering the period between April to August 2024.

During the period under review, the committee held a total of 19 sittings, during which it considered one legislative agenda, three Bills, six Statements, two Petitions and one inquiry.

In the reporting period, pursuant to Standing Order No.131(1), the committee considered the Legislative Proposal; the Agricultural Produce Minimum Guarantee

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Returns Bill, 2024. The Bill seeks to provide farmers with guaranteed minimum returns for their produce thus ensuring price stability in the agricultural sector.

The committee also considered the Nuts and Oil Crops Bill, 2023 (Senate Bills No.47 of 2024) and received submissions from the Council of Governors (CoG), Nature Kenya and the Law Society of Kenya.

The Standing Committee on Agriculture, Livestock, and Fisheries has established a practice of conducting public participation in counties. The committee believes in meeting the farmers in the counties. It had planned to conduct public participation in Kilifi, Kwale, Lamu, Bungoma, Busia, Nyeri and Kirinyaga counties.

The committee commenced public participation in Kwale County. However, due to budgetary constraints, the committee is yet to conclude public participation in the remaining counties. These budgetary constraints have caused significant difficulties in processing of the business of the committee.

Agriculture is a devolved function. The Bills before this committee concern the rights of ordinary Kenyans. When the committee considered the Mung Beans Bill, the committee met stakeholders in Kitui County in Tseikuru.

On the Sugar Bill, (National Assembly Bill No. 34 of 2022,) the committee met the farmers in Kakamega, Bungoma, and Busia counties. The committee this morning resolved to suspend business until it is properly facilitated to execute its mandate.

The committee participated in the workshop on the World Bank-funded projects in counties organized by the State Department of Agriculture in June 2024. These engagements are vital to ensuring that Senators remain informed and engaged in the development of policies affecting the agricultural sector and projects being implemented in counties.

During the preliminary review, the committee considered a total of 17 statements. These statements addressed critical areas such as the use of harmful pesticides, delayed payment to dairy farmers, wheat seed shortages, crop insurance schemes, the postponement of election for the Kenya Tea Development Agency (KTDA) directors, the planned importation of sugar, vaccine production at the Kenya Veterinary Vaccine Production Institute (KEVEVAPI) and the distribution of subsidized fertilizer.

The committee reviewed two Petitions, one concerning the Ethics Anti-Corruption Commission (EACC) draft investigation into the West Kano Irrigation Scheme and others regarding the catastrophic maize disease that has affected farmers in Bomet County for the past 12 years.

Mr. Speaker, Sir, in conclusion, I thank your office and the Office of the Clerk of the Senate for the continuous support accorded to the committee in executing its mandate.

Lastly, I thank Members of the committee for their diligence and contribution during the committee activities. Attached herein is the status of the pending legislative business.

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

ACTIVITIES OF THE COMMITTEE ON DEVOLUTION
AND INTERGOVERNMENTAL RELATIONS

Sen. Abass: Mr. Speaker, Sir, I rise pursuant to Standing Order No.56 (1)(b) to make a statement on the activities of the Standing Committee on Devolution and Intergovernmental Relations for the period commencing April to August, 2024.

Mr. Speaker, Sir, during the reporting period, the committee held 32 sittings in which it considered various activities pertaining to its mandates. As a snapshot, the committee transacted the following legislative business:

(a) The committee considered the following two Bills which it is about to conclude and table the respective reports before the House-

(i) The County Oversight and Accountability Bill, (Senate Bills No.3 of 2024).

(ii) The Intergovernmental Relations (Amendment) Bill (Senate Bills No.12 of 2024).

(b) The committee processed five statements, which were sought from the committee. Out of the five statements, the committee considered and concluded two, leaving three statements pending before the committee.

(c) The committee jointly with the Standing Committee of Justice, Legal Affairs and Human Rights (JLACHR) is considering the Petition on restraining county government from hiring law firms for legal representation in court cases.

(Loud consultations)

The Speaker (Hon. Kingi): Order, hon. Senators! May the Chair of the Committee on Devolution and Intergovernmental Relations be heard in silence.

Sen. Abass: Thank you, Mr. Speaker, Sir, the two committees have jointly held meetings with various stakeholders and are looking forward to concluding the matter and table a report in this House.

(d) To look into the performance of the counties on implementation of the budget, the committee held a consultative retreat with various stakeholders and deliberated on the issues arising from the county budget implementation review for the first half of 2023/2024 by the Controller of Budget (CoB).

The committee has continued – robustly - to engage with the concerned stakeholders to address the key issues emerging in the report.

Mr. Speaker, Sir, the committee is currently concluding conducting an inquiry into the matter of the county government operating several commercial banks accounts, contrary to Regulation No.82(1) (b) of the Public Finance Management (County Government Regulations 2015).

In consideration of the matter, the committee has met with seven county governments and deliberated on the matter. The committee is planning to hold a joint retreat with the CoG, Office of the CoB and the Auditor-General to chart the course of addressing issues.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

The committee is currently considering a legislative proposal on amending the County Governments Act, 2012, to provide definite roles of the Office of the Deputy Governor to clarify and streamline the responsibilities of the said office.

(g) To foster a harmonious working relationship with the county government, the committee is currently mediating a long-standing dispute between the County Governor of Siaya and his deputy to ensure the smooth running of the county affairs.

(h) To assess the effectiveness of the law concerning the management of cities, urban areas, the committee is conducting 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.

Mr. Speaker, Sir, the committee in future plans to—

(i) Conduct an inquiry into our national Government Parastatals that are still performing devolved functions.

(ii) Look into the issues raised by the Office of the Cabinet Secretary on the Auditor General's Report on the county government of the financial year 2022/2023 and the summary report by the Office of the Prime Cabinet Secretary identifies several cross-cutting issues that require interventions by the Senate.

(iii) Assess the status of the violation of assets and liabilities by the Intergovernmental Relations Technical Committee (IGRTC), conduct visits to various counties to assess the general state of devolution performance.

Lastly, I appreciate the Office of the Speaker, the Senate leadership and the Office of the Clerk of the Senate for the steadfast support they have accorded the committee.

The Speaker (Hon. Kingi): The Chairperson Standing Committee on Education, Sen. Joe Nyutu.

ACTIVITIES OF THE COMMITTEE ON EDUCATION

Sen. Joe Nyutu: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.56(1)(b) to make a statement relating to the activities of the Standing Committee on Education for the second quarter of the Third Session, covering the period between April to August 2024.

Mr. Speaker, Sir, during the period under review, the committee held 17 sittings, during which it considered 22 statements, two Petitions and conducted two inquiries.

The committee also undertook one county oversight and networking engagement in Machakos County to acquaint itself with the implementation status of the Technical and Vocational Education and Training (TVET) and Early Childhood Development Education (ECDE) policies. Attached to this statement is a schedule of the legislative business considered by the committee.

Mr. Speaker, Sir, in the reporting period, the committee held a consultative meeting with the Cabinet Secretary of Education, the CoG and the Intergovernmental Relations Technical Committee (IGRTC), to deliberate on the plight of ECDE teachers, the implementation of the ECDE and TVET policies in counties, emerging issues in devolution, transfer of functions and intergovernmental relations.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

In this period, the committee considered two petitions concerning the discrimination in the payment of hardship allowance to teachers in Taita-Taveta and Kilifi counties.

Whereas, the committee has endeavoured to finalise the consideration of three Petitions, it regrets the delays in concluding the Petitions, which has been occasioned by the unavailability of sufficient information and responses from the Executive, frequent requests for postponement of meetings by the stakeholders and quorum hitches.

Mr. Speaker, Sir, during consideration of the statements, the committee observed that there was an increasing number of statements pending before it and resolved to bundle statements relating to similar thematic areas and invite the concerned agencies to committee meetings for consideration.

Consequently, the committee is scheduled to meet the Cabinet Secretary, Ministry of Education and the Chief Executive Officer of the Teachers Service Commission (TSC), to deliberate on several pending statements related to their specific mandates.

Consequently, during the quarter, the committee will continue engaging and following up on the implementation status of the policies on the Competency-Based Curriculum (CBC), the infrastructural development and congestion of learning institutions, the Government's commitment towards employment of Junior Secondary School (JSS) teachers, the university funding model and the preparedness in transition for learners from JSS to senior secondary school.

The committee is also scheduled to continue engaging the CoGs to deliberate on the implementation of the scheme of service for ECDE teachers and the budgetary allocations and expenditure of counties in relation to the devolved functions under the education sector.

Mr. Speaker, Sir, in conclusion, I thank your office and the Office of the Clerk of the Senate for the continuous support accorded to the committee in its work.

Lastly, I also want to thank the Members of the committee for their diligence and contributions during the committee activities.

I thank you.

The Speaker (Hon. Kingi): Hon. Senators, I will allow comments on the statements sought together with the statements by the three Chairpersons. We will do that exercise within the next 15 minutes.

Proceed, Sen. Maanzo.

Sen. Maanzo: Mr. Speaker, Sir, I would like to make a brief comment on the request by Sen. Kavindu Muthama on stalled projects in the counties. It is not just in Machakos County, but there are many stalled projects in many counties. This originates from the fact that counties have not received money for quite a while.

In this House, we have a proposal to reduce the funding of the counties. We stand for devolution because it is very important. At all times, the national Government is the collector of taxes. So, whenever there is a shortfall of revenue, it should not affect counties, but the national Government. This is because it has many sources of monies as compared to counties.

There are quite a number of stalled projects belonging to the counties and the national Government. It is important to complete stalled projects. The more they delay, the

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

more expensive they become because the contractors are on the ground. This is also associated with pending bills. The more you have debts, the more it becomes difficult to pool the resources we have together to develop the counties much better.

Mr. Speaker, Sir, I support the statement. There must be a consultative effort from the county governments and the national Government to make sure that all stalled projects, including Thwake Dam, are revived and completed so that we do not incur more expenses with the county.

I thank you.

The Speaker (Hon. Kingi): Sen. Tabitha Mutinda, proceed.

Sen. Tabitha Mutinda: Thank you, Mr. Speaker, Sir. Allow me to support the statement by the Senator for Machakos County, Sen. Kavindu Muthama, regarding pending and stalled projects in Machakos County.

You will realise that some of the pending bills issues that have been there are brought by stalled projects. Money has already been spent and part of the certificates have been paid, but the projects are not complete. It becomes a waste and not valuable to the people. It is not only happening in Machakos County, but cuts-across the 47 counties.

These are some of the issues we come across in our different committees. They are brought about by the political class issues. A new government comes in place and decides not to complete the projects initiated by the previous governor. The notion is that that project is from the previous governor. That affects the local people. They are not able to benefit from these projects because of the political issues that run across the different counties.

It will be prudent if this committee can interrogate all the 47 counties and find out which projects are pending and why they are pending. The governors should appear before the committee and show cause why they are not prioritizing the projects that have been there all this particular time.

Touching on education matters regarding Sen. Mwaruma's statements, we have the issues of funding from primary education as he puts it. I thought primary education is currently free. We should be focusing on making education free from Early Childhood Development Education (ECDE) to the higher learning education level of the university. Education should be made totally free in this country.

I would want to entertain the discussion that all monies pertaining to bursaries issued from the county level, the national Government-Constituencies Development Fund (NG-CDF) and the Ministry of Education be bundled to ensure they offer free education from ECDE to the highest level of education to all our students in this country.

I thank you, Mr. Speaker, Sir.

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

Sen. Wambua: Thank you, Mr. Speaker, Sir. I will make a comment on two statements; the one by Sen. Kavindu Muthama and Sen. (Dr.) Murango.

The matter of stalled projects in Machakos County is a reality in every county in this country. A way must be found to fast-track the completion of projects that have already been initiated in all the counties, so that we avoid the white elephant projects all over.

On the statement by Sen. (Dr.) Murango on the activities of the Standing Committee on Agriculture, Livestock and Fisheries, that should concern every Senator in this Senate.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

A committee has made a resolution to suspend operations because they are not properly facilitated to carry out their functions. It should be remembered that though in that statement he mentioned the Mung Beans Bill as having been subjected to public participation in Tseikuru, however, the truth of the matter and for the record, is that public participation on the Mung Beans Bill took place in Tseikuru, Mutomo, Ngomeni and Kusiani.

It took place in four wards in three constituencies, and yet there are some Members in the National Assembly, who are mobilising to defeat the Bill on account of it having not been subjected to public participation. The matter of public participation on Bills is important. It requires that committees be properly facilitated to carry out both public participation and stakeholder engagement on their Bills.

Mr. Speaker, Sir, I support.

The Speaker (Hon. Kingi): Sen. Wafula, proceed.

Sen. Wafula: Thank you, Mr. Speaker, Sir.

The Senate Majority Leader (Sen. Cheruiyot): On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Just a minute, Sen. Wafula. Senate Majority Leader, you cannot raise a point of order when there is no Senator unless it is an intervention you would wish to make. What is your intervention? It is certainly not a point of order.

The Senate Majority Leader (Sen. Cheruiyot): Yes, Mr. Speaker, Sir, it is an intervention.

I want to bring it to your attention that we have the requisite delegations in the House needed to take a vote. Therefore, I am kindly requesting if we could pause the comments on the statements so that we conclude on the voting.

If you look at the Order Paper since we came back from recess, it is now the third week and we have not been able to take a vote for lack of delegations. This is such a serious matter.

I plead for the kind indulgence of both the Speaker and the Members in the House given that we have the requisite number of delegations. Kindly permit us. Then afterwards, my colleague, Sen. Wafula, can resume the floor and make his comment. That is my humble plea.

The Speaker (Hon. Kingi): Clerk, can you indeed confirm that we have the requisite number of delegates before I give direction on this matter?

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

(Loud consultations)

Order, hon. Senators! We will move to prosecute Order No.8 all the way to 16. Thereafter, we will come back to comments on the statements.

(Interruption of debate on Statements)

Clerk, proceed to call the Orders, please.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

MOTION**ADOPTION OF REPORT ON FINANCIAL STATEMENTS
OF VARIOUS COUNTY ASSEMBLIES**

THAT, the Senate adopts the Report of the Select Committee on County Public Accounts on its consideration of the Report of the Auditor General on the financial statements of West Pokot County Assembly for the financial year 2018/2019 and Reports of the Auditor General on the financial statements of Isiolo, Kiambu, Kitui, Marsabit, Narok, Nyamira, Trans Nzoia, West Pokot and Murang'a County Assemblies for the financial year 2019/2020 laid on the Table of the Senate on Thursday, 7th March, 2024.

(Sen. M. Kajwang' on 30.4.2024)

(Resumption of debate interrupted on 7.8.2024 - Afternoon Sitting)

(Division)

The Speaker (Hon. Kingi): Seajeant-at-Arms, kindly ring the Division Bell for five minutes.

(The Division Bell was rung)

Serjeant-at-Arms, ring the Division Bell for a further five minutes.

(The Division Bell was rung)

The Speaker (Hon. Kingi): Order, hon. Senators. Serjeant-at-Arms, proceed to close the door and draw the bar.

(The Bar was drawn and the Doors closed)

Hon. Senators, voting shall be done electronically. Therefore, I will proceed to put the question on Order No.8.

Before you vote, log out. Serjeant-at-Arms, walk around the Chamber and remove any unattended card still stuck in the delegate units. Once done, signal us. You may now log in and proceed to vote.

(Voting in progress)

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Sen. Ogola, proceed to the Dispatch Box.

(Sen. Ogola approached the Dispatch Box and voted manually)

DIVISION

ELECTRONIC VOTING

ADOPTION OF REPORT ON FINANCIAL STATEMENTS OF VARIOUS COUNTIES

(Question, that the Senate adopts the Report of the Select Committee on County Public Accounts on its consideration of the reports of the Auditor General on the Financial Statements of West Pokot County Assembly for the financial year 2018/2019 and reports of the Auditor General on the financial statements of Isiolo, Kiambu, Kitui, Marsabit, Narok, Nyamira, Trans Nzoia, West Pokot and Muranga County Assemblies for the financial year 2019/2020 laid on the table of the Senate on Thursday 7th March, 2024, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka-Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kavindu Muthama, Machakos County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Lomenen, Turkana County; Sen. Mariam Omar, Mandera County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. Ogola, Homa Bay County; Sen. Okiya Omtatah, Busia County; Sen. Osotsi, Vihiga; Sen. Tabitha Keroche, Nakuru County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; and Sen. Wambua, Kitui County.

NOES: Nil

The Speaker (Hon. Kingi): Order, Sen. Seki. Kindly take your seat. Hon. Senators, the results of the Division are as follows:

AYES: 27

NOES: Nil

ABSENTIONS: Nil

The 'Ayes' have it.

(Question carried by 27 votes to Nil)

Next Order.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

MOTION**ADOPTION OF REPORT ON SENATE NOMINEES ON BEHALF
OF COUNTY GOVERNMENTS TO THE POSITION OF SRC MEMBER**

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the Senate nominees, on behalf of the county governments, to the position of Member of the Salaries and Remuneration Commission, laid on the Table of the Senate on Tuesday, 23rd July, 2024, and further pursuant to Article 230 (2) (b) (vii) of the Constitution and section 7 (2) of the Salaries and Remuneration Commission Act, recommends Ms. Lynette Washiali Muganda and Mr. Mohamed Aden Abdi to the Cabinet Secretary for the National Treasury and Planning for transmission to His Excellency the President for consideration for appointment to the position of Member of the Salaries and Remuneration Commission.

(Sen. (Dr.) Khalwale on 6.8.2024)

(Resumption of debate interrupted on 17.9.2024)

Hon. Senators, I will now proceed to put the question. You may now start voting.

(Voting in Progress)

DIVISION**ELECTRONIC VOTING**

(Question that, the Senate adopts the Report of the Standing Committee on Finance and Budget on the Senate nominees on behalf of the county governments, to the position of Member of Salaries and Remuneration Commission, laid on the Table of the Senate on Tuesday 23rd July, 2024 and further pursuant to Article 230 (2) (b) (vii) of the Constitution and Section 7(2) Salaries and Remuneration Commission Act, recommends Ms Lynette Washiali Muganda and Mr. Mohamed Aden Abdi to the Cabinet Secretary for the National Treasury and Planning for transmission to His Excellency the President for consideration for appointment to the position of Member of Salaries and Remuneration Commission, put and the Senate Proceeded to Vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Githuku, Lamu County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. Tabitha Keroche, Nakuru

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Lomenen, Turkana County; Sen. Methu, Nyandarua County; Sen. Mungatana, Tana River County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. Ogola, Homa Bay County; Sen. Okiya Omtatah, Busia County; Sen. Mariam Omar, Mandera County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County and, Sen. Wambua, Kitui County.

NOES: Sen. Faki, Mombasa County.

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

AYES: 26

NOES: 1

ABSENTIONS: Nil

“The ‘Ayes’ have it.

(Question carried by 26 votes to 1)

Serjeant-At-Arms, you may open the Door and withdraw the Bar. I am told that we have Members who wish to---

(The Bars were drawn and Doors opened)

Serjeant-At-Arms, you may now proceed to close the Door and draw the Bar.

(The Doors were closed and Bars drawn)

Clerk, call the next Order.

BILLS

Second Reading

THE CONSTITUTION OF KENYA (AMENDMENT) (NO.2) BILL
(SENATE BILLS NO.52 OF 2023)

(Sen. Chimera on 30.05.2023)

(Resumption of Debate interrupted on 1.8.2024)

Order, hon. Senators.

Yes, Sen. Chimera.

(Sen. (Dr.) Khalwale consulted loudly)

Order, Sen. Boni!

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Sen. Chimera: Mr. Speaker, Sir, I rise pursuant to Standing Order No.159(1) of the Senate to withdraw the said Constitutional of Kenya (Amendment) (No.2) Bill (Senate Bills No.52 of 2023) which is appearing in today's Order Paper as Order No.10.

The reasons for my withdrawal are well captured in my letter to you. The contents are well within your knowledge and also the need to ensure a broader consultation on the effects of this Bill.

I thank you and I wish to withdraw.

The Speaker (Hon. Kingi): That Order stands withdrawn.

(The Bill was withdrawn)

Next Order.

BILL

Second Reading

THE LOCAL CONTENT BILL,
(SENATE BILLS NO. 50 OF 2023)

(Sen. Wamatinga on 26.03.2023)

(Resumption of Debate interrupted on 1.8.2024)

Hon. Senators, I will proceed to put the question on this Order.

(Sen. (Dr.) Khalwale consulted Sen Oketch Gicheru)

Sen. Eddie, take your seat.

(Sen. Oketch Gicheru took his seat)

(Voting in progress)

You may proceed to vote.

May the following Senators proceed to the Dispatch Box to cast their vote? Sen. Nyutu, Sen. (Dr.) Murango and Sen. Muthama Kavindu.

(Voting in progress)

The Speaker (Hon. Kingi): Order, Hon. Senators! Sen. Dullo, take your seat please.

(Sen. Dullo took her seat)

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

DIVISION**ELECTRONIC VOTING**

(Question, that the Local Content Bill (Senate Bills No.50 of 2023) be now read a Second Time, put and the Senate proceeded to vote by county delegations)

AYES: Sen. Abass, Wajir County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka-Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Lomenen, Turkana county; Sen. Maanzo, Makueni County; Sen. Methu, Nyandarua County; Sen. Miriam Omar, Mandera County; Sen. Mungatana MGH, Tana River County; Sen.(Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Okiya Omtatah, Busia County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Tabitha Keroche, Nakuru County; Sen. Wakili Sigei, Bomet County and Sen. Wambua, Kitui County.

NOES: Nil

ABSTENTIONS: Nil

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

AYES: 30

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 30 votes to Nil)

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

Next Order.

BILL*Second Reading*THE EARLY CHILDHOOD EDUCATION (AMENDMENT) BILL
(SENATE BILLS NO.54 OF 2023)*(Sen. Oketch Gicheru on 29.2.2024)**(Resumption of debate interrupted on 7.8.2024-Afternoon Sitting)*

Hon. Senators, I will now proceed to put the question. You may proceed to vote.

(Voting in progress)

Order! May the following Senators proceed to the Dispatch Box and cast their votes. Sen. Githuku, Sen. Kavindu Muthama, Sen. Dullo, Sen. Seki and Sen. Wambua.

*(Several Senators proceeded to the Dispatch box)***DIVISION**

ELECTRONIC VOTING

*(Question, that the Early Childhood Education (Amendment) Bill
(Senate Bills No.54 of 2023) be now read a Second Time,
put and the Senate proceeded to vote by county delegations)*

AYES: Sen. Abass, Wajir County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka-Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Lomenen, Turkana county; Sen. Maanzo, Makueni County; Sen. Methu, Nyandarua County; Sen. Miriam Omar, Mandera County; Sen. Mungatana MGH, Tana River County; Sen.(Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Okiya Omtatah, Busia County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Tabitha Keroche, Nakuru County; Sen. Wakili Sigei, Bomet County; Sen. Wakoli, Bungoma County and Sen. Wambua, Kitui County.

NOES: Nil**ABSTENTIONS:** Nil

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

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

AYES: 30
NOES: 0
ABSTENTIONS: 0
The “Ayes” have it.

(Question carried by 30 votes to Nil)

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

Next Order.

BILL

Second Reading

THE LAND (AMENDMENT) BILL (NATIONAL ASSEMBLY
BILLS NO.40 OF 2022)

(Sen. Cheruiyot on 18.4.2024)

(Resumption of debate interrupted on 17.9.2024)

Hon. Senators, I will proceed to put the question. You may proceed to vote.

(Voting in progress)

Order! May the following Senators proceed to the Dispatch Box to get some assistance; Sen. James Lomenen, Sen. Samson Cherarkey and Sen. Keroche Karanja.

(Sen. Lomenen, Sen. Cherarkey and Sen. Tabitha Keroche proceeded to the Dispatch Box and voted)

DIVISION

ELECTRONIC VOTING

(Question that the Land (Amendment) Bill (National Assembly Bills No.40 of 2022) be read a Second Time put, and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka-Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Lomenen, Turkana County; Sen. Maanzo, Makueni County; Sen. Mariam Omar, Mandera County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta; Sen. (Dr.) Oburu, Siaya County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Okiya Omtatah, Busia County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Tabitha Keroche, Nakuru County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County and, Sen. Wambua, Kitui County.

NOES: Nil.

The Speaker (Hon. Kingi): The results of the division are as follows:-

AYES: 30

NOES: 0

ABSENTION: Nil.

The “Ayes” have it.

(Question carried by 30 votes to Nil)

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

Let us go to the next Order.

BILL

Second Reading

THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL (SENATE BILLS NO.12 OF 2024)

(Sen. Cheruiyot on 8.8.2024)

(Resumption of debate interrupted on 17.9.2024)

Hon. Senators, I will now proceed to put the question. You may now vote.

(Voting in Progress)

May the following Senators approach the Dispatch Box for purposes of being assisted on how to vote; Sen. (Dr.) Khalwale, Sen. Eddy, Sen. Mungatana, Sen. Maanzo, Sen. Muthama, Sen. Gataya Mo Fire and Sen. Wafula.

(Several hon. Senators proceeded to the Dispatch Box)

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

DIVISION

ELECTRONIC VOTING

*(Question, that the Intergovernmental Relations (Amendment) Bill
(Senate Bills No.12 of 2024) be now read a Second Time, put
and the Senate proceeded to vote by county delegations)*

AYES: Sen. Abass, Wajir County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka-Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Lomenen, Turkana County; Sen. Maanzo, Makueni County; Sen. Mariam Omar, Mandera County; Sen. Methu, Nyandarua County; Sen. Mungatana, Tana River County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Okiya Omtatah, Busia County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Sifuna, Nairobi City County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; and, Sen. Wambua, Kitui County.

NOES: Nil.

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

AYES: 30

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 30 votes to Nil)

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

Let us go to the next Order.

BILL*Second Reading*

THE ENERGY (AMENDMENT) BILL
(SENATE BILLS NO.42 OF 2023)

(Sen. Sifuna on 17.9.2024)

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

(Resumption of debate interrupted on 17.9.2024)

DIVISION

ELECTRONIC VOTING

*(Question, that the Energy (Amendment) Bill (Senate Bills No.42 of 2023)
be now read a Second Time, put and the Senate proceeded
to vote by county delegations)*

AYES: Sen. Abass, Wajir County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka-Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Lomenen, Turkana County; Sen. Maanzo, Makueni County; Sen. Mariam Omar, Mandera County; Sen. Methu, Nyandarua County; Sen. Mungatana, Tana River County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Okiya Omtatah, Busia County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Sifuna, Nairobi City County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; and, Sen. Wambua, Kitui County.

NOES: Nil.

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

AYES: 30

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 30 votes to Nil)

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

Let us go to the next Order.

BILL

Second Reading

THE NATIONAL DISASTER RISK MANAGEMENT BILL
(NATIONAL ASSEMBLY BILLS NO.24 OF 2023)

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

(Sen. Cheruiyot on 3.7.2024)

(Resumption of debate interrupted on 19.9.2024)

Hon. Senators, I will now put the question.

(Voting in Progress)

DIVISION

ELECTRONIC VOTING

*(Question that the National Disaster Risk Management Bill
(National Assembly Bills No.24 of 2023) be now read a Second Time,
put and the Senate proceeded to vote by County Delegation)*

AYES: Sen. Abass, Wajir County; Sen. Ali Roba, Mandera County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka-Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murangá County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Lomenen, Turkana County; Sen. M. Kajwang', Homa Bay County; Sen. Maanzo, Makueni County; Sen. Methu, Nyandarua County; Sen. Mungatana, Tana River County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Oketch Gicheru, Migori County; Sen. Okiya Omtatah, Busia County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Sifuna, Nairobi County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; and Sen. Wambua, Kitui County.

NOES: 0

ABSTENTIONS: 0

(Question carried by 30 votes to Nil)

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

Serjeant-at-Arms, you may now open the Doors and undraw the Bar.

(Doors were open and Bar undrawn)

Next Order, Clerk.

(The Clerk consulted the Speaker)

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

(Resumption Debate on Statements)

Now, hon. Senators, we had deferred comments on the Statements. So, we will conclude that before we go to Order No.17.

Sen. Wafula, you had the Floor.

Sen. Wafula: Asante, Bw. Spika. Nilikuwa nachangia kauli hii nikisema ya kwamba, kuna miradi mingi ya maendeleo ambayo imekwama katika kaunti zetu. Kwa mfano, kuna kaunti ambazo miradi na mijengo imekwama kwa muda wa takriban miaka kumi, miaka sita na mingine miaka mitatu. Hatuoni sababu inayoshinikiza miradi hii kutokamilika.

Ukipiga kurunzi, tunapata ya kwamba ni miradi ambayo huwapa mapato wanakandarasi ama baadhi ya maafisa katika kaunti husika. Hivi kuhakikisha ya kwamba Wakenya na wanakaunti wanakamuliwa pasipo wao kujua.

Ninaunga Mhe. Sen. Kavindu Muthama mkono kwamba magavana na serikali za kaunti ziweze kujukumika. Wanapoanzisha miradi ya maendeleo, ikamilike katika awamu zao za uongozi ili wale ambao wanachukua hatamu za uongozi baadaye, wasilipe na kushugulika na madeni ambayo hawakuhusika kuidhinisha na kuanzisha.

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

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

Bw. Naibu Spika, ni jambo ambalo linadhihirika kwamba miradi hii hupitishwa pasipo matarajio. Baadhi ya viongozi katika kaunti wanangoja hadi awamu ya mwisho wa mwaka wa bajeti, ama siku za kifedha, ndipo miradi hii kwa haraka hupitishwa katika awamu ya *Supplementary Budgets*. Mimi ninaomba Seneti iweze kumakinika na kuhakikisha ya kwamba mambo kama haya yanasitishwa na hatua madhubuti kuchukuliwa.

Jambo la pili ni kuunga Mhe. Mwenyekiti wa Kamati ya Kilimo, ya kwamba tutasitisha vikao nyetu ili kuhakikisha kwamba fedha ambazo kamati zinapewa ni za kutosha kuhakikisha ya kwamba kamati yetu inaenda nyanjani kushughulika na ukulima ambayo imegatuliwa kirasmi katika nchi ya Kenya.

Hatuwezi kuwa tunakaa Nairobi kupiga gumzo na kuboronga Kingereza, kutunga sheria hapa Nairobi ilhali hatuendi mashinani ili wakulima wa mashinani wahusishwe katika sheria ambazo tunashughulikia.

Juzi tulikuwa katika hatua za kufanya majadiliano ya Mswada kule Mombasa na tukakatisha safari yetu kwa sababu tuliambiwa kuwa mkoba wa kifedha wa Seneti umeisha na hakuna hela. Tukafunganya virago na kurudi Nairobi mioyo ikisononeka. Ilipaswa vile vile tuendelee na mikutano mingi.

Mimi naomba kwa niaba ya wale ambao huenda wanaumia na wameshindwa kuzungumza, kusema kwamba kamati za Bunge zipewe fedha za kutosha. Tukiangalia Seneti katika miaka iliyopita, walikuwa wanapewa fedha za kutosha kufanya kazi. Mimi ninaomba turudi katika kumbukumbu za kifedha na tuone. Iwapo miaka kumi iliyopita

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

kamati ilikuwa inapewa pesa, kwa mfano, shilingi milioni 20 au 15, itakuwaje sasa wakati ambapo tumepiga hatua nyingi za kigatuzi tunaanza kukohoa na kukatiwa hewa ya kifedha.

Hili ni jambo ambalo viongozi katika Bunge hili na viongozi katika kamati za Seneti, wamakinike, wajinyanyue na watutete kwa sababu tumewapa nafasi. Hatutarajii sisi wenyewe tuje hapa, tuanze kuzusha na kudai kana kwamba sisi sio Seneti ambalo hugawia kaunti fedha za ugatuzi za kufanya maendeleo.

Juzi tulipitisha shilingi 400 bilioni kuenda katika kaunti zetu. Iwaje sisi wenyewe tunashindwa kutekeleza majukumu yetu kwa sababu hatuna pesa? Ni kinaya. Ninataka nielezwe kama kuna pesa ama hakuna pesa. Huenda ninasema hakuna pesa ilhali ziko hewani mahali na sijaziona.

Bw. Naibu Spika, ninashukuru kwa nafasi hii na kutaraji kwamba miradi ambayo haijakamilika ikamilike na ile ambayo yanapaswa kuanza yaanzishwe na imalizwe katika awamu za magavana waliyoko sasa.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, the time that was allotted for the comments on the statements was 15 minutes. Fortunately, Sen. Wafula has used almost 6 minutes. So, let us now get Sen. Osotsi in two minutes. You can just make one comment on the statements.

Sen. Osotsi: Mr. Deputy Speaker, Sir, I want to make a comment on the statement by the Chairperson of the Standing Committee on Education on the matter of the current study that they are doing on ECDE to come up with a uniform scheme of service for the ECDEs.

This would be one of the greatest achievements of this Senate if this matter was prioritised because we have a crisis in the management of ECDE in our counties. It is high time that the Standing Committee on Education finalised this report brought to this House, so that we can pass it and have it implemented in our counties.

Mr. Deputy Speaker, Sir, very soon they will present a report on their findings after they have reviewed the bursary funds in counties. We have found out that the bursary funds in our counties have been misused and mismanaged.

It is illegal for our counties to continue appropriating money into these bursary funds, or the so-called governor's scholarship funds, when that is not a devolved, but national Government function.

They are putting money in these funds, at the same time starving the ECDE and vocational training centres of the funds that are required to run them efficiently.

Sen. Oketch Gicheru: On a point of order, Mr. Deputy Speaker.

Sen. Osotsi: Mr. Speaker, one of the most fundamental things that this House has to do is abolish all the bursary funds that we have in our counties. Let people get bursaries from the NG-CDF or from the Ministry of Education. Let the counties focus on devolved function. That is the ECDEs ----

The Deputy Speaker (Sen. Kathuri): Just a minute, Sen. Osotsi.

What is your point of order, Sen. Oketch Gicheru?

Sen. Oketch Gicheru: Mr. Deputy Speaker, Sir, it is a point of information.

The Deputy Speaker (Sen. Kathuri): Hon. Osotsi, do you want to be informed?

Sen. Osotsi: He can inform me because he is a Member of my committee and we have been dealing with the bursary funds.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Sen. Oketch Gicheru: Mr. Deputy Speaker, Sir, I want to inform the Chairperson of the County Public Investments and Special Funds Committee (CPICSF) and the Deputy Party Leader of the Orange Democratic Movement (ODM), Sen. Osotsi, on the bit around the proper scheme of service for teachers at the ECDE level.

The Bill on ECDE that you have just passed at the Second Reading comprehensively seeks to address this issue. I know he has voted for the Bill, but maybe he has not read it.

The reason I am informing him is because he is one of the most important Senators of this House in terms of coming up with serious amendments, so that in the Third Reading of that Bill, perhaps, he can propose amendments.

Sen. Osotsi: Thank you, Sen. Oketch Gicheru.

The Deputy Speaker (Sen. Kathuri): Proceed and conclude, Sen. Osotsi.

Sen. Osotsi: Mr. Deputy Speaker, Sir, the scheme of service is one thing, but there are other challenges that face ECDE management in our counties, including provision of appropriate environment for learning, for example, classrooms and sanitary areas as they are not there in most of our ECDEs. It is a comprehensive matter. Capacity issues around the ECDEs are largely caused by low financing of these ECDE programmes in our counties.

Mr. Deputy Speaker, Sir, it will be important for us to review the way the counties spend their money on education. It is an illegal and this has been going on for some time, where counties put money in bursaries, so that they can easily steal. This House has to rise to the occasion and abolish the bursary funds that we have in our counties.

Soon we will be bringing a report in this House that demonstrates how bursary funds and the Governor's Scholarship Funds. Some counties have invested in school infrastructure---

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Cherarkey.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I want to react to the statement made by the Chairperson of Agriculture, Livestock and Fisheries.

Mr. Deputy Speaker, Sir, it is disappointing that the issue of capacity and ability of committees is dysfunctional. As the Chair of the Liaison Committee, I expect you to intervene on this matter. Sen. Faki had requested for a *kamukunji*. I hope we can discuss this matter.

Finally, I needed an update from the Chairperson of Agriculture, Livestock and Fisheries on the issue of bonus. I come from Nandi County and there are areas such as Vihiga, Kakamega, Nyamira, Kisii, Bomet and Kericho, where our tea bonuses were very low. We were receiving Kshs17 to Kshs25. Nonetheless, on this other side of the country, they were receiving up to Kshs61 in bonuses.

Mr. Deputy Speaker, Sir, I saw people demonstrating in your area today, yet they are getting better bonuses of up to Kshs57 to Kshs60. In Nandi, we are getting only Kshs15 to Kshs25.

We are suffering on tea bonuses of our farmers, especially from the Rift Valley, parts of Nyanza and Western Kenya. We need this issue of tea bonuses to be spoken, because you cannot tell us that the tea that comes from another part of Kenya fetches more bonuses over the one that come from Rift Valley.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

I appeal to the Committee on Agriculture, Livestock and Fisheries to tell the country what really is happening about the bonuses.

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, just a minute. The Statement by the Chairperson of the Committee on Agriculture, Livestock and Fisheries, was on the business that had been on the Committee from the last session to date. Possibly that business on the tea bonuses is not before the committee.

Perhaps, if there is a statement you have sought, he will be able to respond to that matter when the time comes. He could not respond to something that has not been finalised by the committee.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, in conclusion, I have seen in the statement that he has talked about the Kenya Tea Development Agency. Therefore, the issue of tea matters is in his statement that was presented today.

Additionally, our committees should take judicial notice of what is happening. I thought that has been the thumb rule of committees, although I know we have got a lot of expectations from the Chairperson of the Committee on Agriculture, Livestock and Fisheries.

I thank you.

The Deputy Speaker (Sen. Kathuri): We are almost concluding now on statements. I think that should be the end of that session by having Sen. Beth Syengo.

Sen. Beth Syengo: Asante sana, Bw. Naibu Spika. Ninasimama kuunga mkono taarifa iliyowasilishwa na Seneta wa Machakos, Sen. Kavindu Muthama, kuhusu miradi ambayo imekwama katika kaunti zetu.

Kwa hakika, miradi mingi imekwama na kutotimiza kazi ambayo ilianzishwa kufanya kwa sababu ya viongozi waliokuwa hapo awali. Kwa mfano, kama ni gavana, akipata mradi ambao ulianzishwa na gavana aliyemtangulia ama kama ni Mbunge au mwakilishi wadi, wanaacha hiyo miradi kwa sababu za kisiasa. Wanaona wakimaliza, atakaye pata sifa ni yule aliyetangulia kuaazisha huo mradi, ambayo ni makosa.

Jambo la pili ni kusema kwamba pesa za umma zinatumika kuanzisha hii miradi. Miradi hiyo isipokamilika ndio iwafaidi wananchi, basi pesa za umma zinapotea na kuwa *wasted*. Ni makosa sana kwa pesa za umma kupotea na kukosa kufaidi wananchi.

Bw. Naibu Spika, miradi ikianzishwa katika kaunti zetu na kukosa kukamilika au kutumika, basi inakuwa maendeleo yamesimama. Tujuavyo kama viongozi katika Seneti, sisi hutetea ukamilifu na ufanyakazi kwa ugatuzi. Kwa hivyo isipofanyika, basi inakuwa kwamba kazi yetu haijahalalishwa kikamilifu.

Wananchi wa Kenya wanapoteza pesa zao, maendeleo yanakosa kupatikana mashinani. Wananchi wanahangaika ilhali walipiga kura na wanalipa ushuru. Pesa ambazo wanatoa kwa kulipa ushuru zinapaswa kutimika kuleta maendeleo kwa wananchi. Kukosa maendeleo ni kupoteza pesa za wananchi jambo ambalo halistahili.

Bw. Naibu Spika, nitachangia kidogo kuhusu ripoti iliyoletwa na Mwenyekiti wa Kamati ya Kilimo, Ufugaji na Uvuvi.

Mimi ni mwanakamati wa Kamati ya Kilimo na Mifugo. Ni vibaya kwamba mgao wa fedha unaopaswa kuenda kwa Kamati ya Kilimo na Mifugo---

The Deputy Speaker (Sen. Kathuri): Can we now go to the next Order?

BILL*Second Reading*THE DIVISION OF REVENUE (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO.38 OF 2024)*(Sen. Cheruiyot on 8.8.2024)**(Resumption of debate interrupted on 19.9.2024)*

The Deputy Speaker (Sen. Kathuri): I am informed that Sen. Khalwale had a balance of 13 minutes on this Bill. Do you intend to proceed executing?

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I would like to proceed. I had barely started when my time was up. Therefore, I would like to use a bit of that time.

I thank you for allowing me. In the first five or so minutes when I spoke, I was able to go into the work we did as a committee. I want to use this opportunity to request colleagues Members of this Senate for support of our report on the fact that we do not remove even one shilling from the revenue that this House passed; that the Kshs400.16 billion in its entirety should go to our counties.

As I say this, I know counties are faced with serious problems of pending bills. The pressure is too much on Kakamega and Nairobi City County. I urge governors that as soon as they get this money, even if some of them do not respect us, let them make sure that the economies in our counties remain vibrant through settlement of pending bills. We have done our bit.

Saying this reminds me that according to the report of the CoB, Kakamega County had a whopping Kshs1.47 billion in pending bills. It took me a lot of interest and hard work to push the Governor to start paying these bills.

I thank this same committee, without which, Governor Barasa had refused to pay the people who gave credit to our county. He has now been able to pay Kshs751,800,000. I congratulate him for paying that money to our creditors.

I assure the remaining creditors who have not received their money due in pending bills worth Kshs718.2 million, to rest assured and know that for as long as God allows me to be the Senator for Kakamega County, before the end of this financial year, Gov. Barasa will have to pay this balance. I congratulate them. When we were doing our oversight conference at the Gulf Hotel, the information they gave us was very useful. We are using that information to make sure that they will be paid.

Gov. Barasa, we have summoned you to come to the Senate to demonstrate why you cannot pay this balance because you have no reason. We have given you the money as the Senate of Kenya.

Mr. Deputy Speaker, Sir, it is important that before I end the contribution on this very important Bill, we must speak to some of the bad manners by our governors. Some of them have serious bad manners. We must call them out. I have been watching some news on social media. I hope it is true. It shows unrest in Nandi and Kericho counties.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

(Applause)

Sen. Cherarkey: On a point of information, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): The Senator for Nandi wants to inform you. I do not know it is on what matters.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I am concerned about the unrest in Nandi County. They are my neighbours.

The Deputy Speaker (Sen. Kathuri): Would you wish to be informed.

Sen. (Dr.) Khalwale: Yes, on behalf of the Luhyas of Chesumei, who live and vote in Nandi County, I would love to be informed.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Cherarkey.

Sen. Cherarkey: I want to inform my good neighbour, *Omwami* the bullfighter, that as we talk, Nandi County Assembly is under siege. The people of Nandi are moving the Members of the County Assembly (MCAs) to commence impeachment proceedings against the inept governor, hon. Sang and remove him from office.

I assure you that there has also been some exchange of blows by MCAs. We must ensure devolution works by fire. I confirm that this House should be ready for an impeachment Motion against the Governor of Nandi County, Gov. Sang, in the next few weeks. From the intelligence I have---

The Deputy Speaker (Sen. Kathuri): What is the information that you wanted pass to Sen. (Dr.) Khalwale?

Sen. Cherarkey: I want to confirm to him that it is true there is unrest in Nandi County because people are tired of bad governance and corruption that is being perpetuated by the Governor of Nandi County, hon. Sang.

I thank you.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I am grateful. I was worried that somebody would shoot up and challenge me for quoting social media. Social media cannot stand in this House. So, the confirmation from the distinguished Senator for Nandi County that there is unrest in Nandi County, must be taken seriously, even more so by Sen. Osotsi and I because our cousins come from that county.

It is amazing that one of the voters in Nandi County gave me a copy of a payslip that showed a very close relative of the governor is drawing a salary of Kshs145,000 per month. I do not mind a governor's relative working in the county. Our relatives can work in our offices. They are entitled to jobs in counties. However, when those relatives are over 60 years old, then it calls into question why they could be drawing a salary for not earning that money because they are not in employment. They are ghost workers.

I call out our governors on bad manners of the cost of foreign travel. The bill of foreign travel in this country by governors is amazing. The most travelled governors is the Governor of Nairobi City County, the Governor of Kakamega County and the Governor of Nandi County. Shame on you. What are they doing? Imagine the Governor of Kakamega County spent Kshs418,640,000 to fly around. Gov. Sang spent Kshs310 million. Even if their friends are in here and are uncomfortable about this truth, we will call them out.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Mr. Deputy Speaker, Sir, the bad manners of refusing to digitalise revenue collection is because governors want manual collection, so that at the end of the day, they sit in the office with the finance people to share the daily collection like bank robbers. Can you imagine that a great young woman like Hon. Gladys Wanga, who comes from a very small county with the limited opportunities to raise her own source revenue, is leading from the front?

She is also doing a good job. I hear she is now the Chair of the Orange Democratic Movement (ODM). That is extremely attractive and that party is starting to look good. Very good indeed!

(Applause)

If the Chair can lead in the realization of own-source revenue, then ODM is doing very well. Gov. Gladys Wanga raised Kshs1.2 billion from a rural county. I also congratulate the Governor of Narok because he raised Kshs4.75 billion. That Narok where you see the Maasai in their 'white' *shukas*. They are able to contribute to their own-source revenue worth Kshs4.75 billion.

The Governor of Nairobi City County does a few bad things, but he also surprises me with a few good things. Like on own source revenue, he has done well. He has raised Kshs12 billion.

I also cannot fail to congratulate the Governor of Bungoma on own source revenue. Governor Lusaka found when hon. Wangamati was collecting a mere Kshs400 million, but the man who sat where you are, Mr. Deputy Speaker, Sir, and learnt the good manners of respecting public money from this House, has done wonders. From Kshs400 million, he has raised Kshs1.12 billion in Bungoma.

Mr. Deputy Speaker, Sir, it is a living shame to what is happening in Kakamega. Ooh Kakamega! Kakamega is the second biggest county in this country and it has some of the best resource raising points, which include the Kshs10 billion economy of Butali Sugar Company. This company pays taxes and cess.

There is West Kenya Sugar Company has an economy of Kshs15 billion per year and Mumias Sugar Company, with an economy of Kshs24 billion. This is before you mention other avenues of own source revenue collection. The Governor of Kakamega found when hon. Oparanya was doing well, but the collection of revenue has dipped. Right now, he is trailing according to the report of the CoB. I invite colleagues to read this report.

Kakamega, Bomet, Busia, Mandera and Migori counties are the bad boys on abuse of own source revenue. Gov. Barasa cannot be collecting money from our women at Khayega and our *boda bodas* from Malaba, Butere, Mumias, Malinya, Shinyalu, Lumakanda and Likuyani and abusing that money. We want that money to be banked.

Mr. Deputy Speaker, Sir, I will end by speaking again to the bad manners of governors - extravagance. I hear that some people are harassing the CoB because they think she is exposing them too much. National Assembly should give the CoB more money because she is doing a good job. She is calling out these people so that the Senate can deal with them.

She has found that the top abusers of expenditure, including the following counties: Kakamega, Nakuru, Bungoma, Tana River, Kitui, Mombasa, Machakos, Kwale and Nyeri. She is saying they are the ones who are abusing the revenues in their counties through collection.

Colleagues, now that she has brought this report, I am starting to wonder whether what I was seeing in the media last week regarding the Machakos Governor having problems in London was true. This could be the reason. She has been flagged out here and Machakos, has splashed---

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Boni Khalwale, just use the statistics from the CoB. Forget those from the media and the social media.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, these are from the CoB. I have taken a photograph.

The Deputy Speaker (Sen. Kathuri): Leave those London stories you read and stick to the CoB report. You were doing well.

Sen. (Dr.) Khalwale: According to the CoB, Machakos County splashed Kshs193.85 million on having fun and the CoB cannot understand why they are wasting this money. The number one abuser according to this report is FCPA Fernandes Barasa. He spent Kshs521 million - half a billion shillings - on buying *mandazi*, lunch, water and soda in the office. It is not possible to spend---

The Deputy Speaker (Sen. Kathuri): Give him 30 seconds to pronounce himself on his position.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, with those remarks, I oppose any attempt to reduce the money this House allocated to counties, Kshs415 billion.

The Deputy Speaker (Sen. Kathuri): Next is Sen. Sifuna Edwine.

Sen. Sifuna: Thank you, Mr. Deputy Speaker, Sir. I rise to oppose the proposal to review the division of revenue, the amount of money that this House allocated to county governments from the Kshs415 billion that we passed to Kshs380 billion.

I was listening to my brother, Sen. (Dr.) Khalwale, praising his Governor for paying pending bills of Kshs771 million. However, I was wondering whether he had seen that report he has mentioned it. That Kakamega County spent Kshs521 million on buying tea and *mandazi* for Fernandes Barasa and his friends. These are the governors who create justification for why the Government proposes such bills.

This bad behaviour that Sen. (Dr.) Khalwale is referring to is not widespread across the country. There are county governments that are doing their best, serving and delivering to their people. However, governors like Dr. Khalwale's Governor, hon. Fernandes Barasa, who spent half a billion shillings on tea and *mandazi* are the people who make it difficult for us to push for further resources to go to counties.

Mr. Deputy Speaker, Sir, I also have another Governor whom I will call my mother's Governor, the Governor of Bungoma. He went after the Senator for Bungoma, insulting this entire Senate, that we have no role in making sure that governors or county governments get the money they deserve, yet, it is us here today who have to stand up and defend devolution, saying that, not a shilling less from the Kshs415 billion we passed here in this House.

Where is the Governor of Bungoma now? Is he not depending on the Senator for Bungoma to make these arguments? Some of these governors make our lives very difficult. I remember when this matter was before the committee and I have never seen such a high attendance of governors before this House. All of them were here because it was a question discussing the revenue going to counties.

They make it difficult for this Senate to make these arguments. We make these arguments not because we like our governors, but because we swore to defend devolution. I understand the money I pass in this House does not go to Sakaja as an individual, but it goes to the people of Nairobi and the programmes of the people of Nairobi.

Mr. Deputy Speaker, Sir, the reason I oppose this is four-fold. Firstly, Section 2 of this Bill talks about the purpose of the Bill, which is to amend the Division of Revenue Act, 2024, so that you can have what the Bill strangely calls, equitable sharing of the shortfall in revenue.

Now, this is something that I have never heard of before because, in my reading of Article 202 of the Constitution, the only thing that is subject to equitable sharing is the national revenue that has been raised. There is no mention anywhere in the Constitution of sharing of shortfalls. Therefore, from the onset, you can see that the object of this Bill is unconstitutional.

Number two, my reading and understanding of the Constitution is that there is an annual division and allocation of revenue Bill. If you look at the Constitution's provisions, it only speaks about an annual Division of Revenue Bill. That means, every 12 months, Parliament is only allowed one Division of Revenue Bill. There is no way you can introduce a second one.

Mr. Deputy Speaker, Sir, once we have passed that Bill, it is my view that because the Constitution talks of an annual division of revenue, you cannot introduce a second one. It comes only once and it is provided for. You cannot have more than one annual Division of Revenue Bill.

In my view and interpretation of the Constitution, the annual revenue allocation Bill. It has been the tradition of previous Divisions of Revenue Bill to provide that the shortfall in revenue is to be borne by the national Government.

Curiously, this Bill proposes to amend Section 5 of the Bill that we passed here earlier this year, requiring that the shortfall be borne by both the national and county governments.

It even goes further to say that the shortfall to be borne by the national Government cannot exceed 15 per cent, which is why I want to come to the third reason why I strongly oppose this, Bill.

It is that limitation of the ceiling to which the national Government can bear the shortfall that has resulted in this Bill proposing an even smaller amount than the amount that we passed in this House for the last financial year.

What we want to agree on - and this is a debate we have had here with my colleagues in the Senate - is that whatever happens any financial year, we as a Senate cannot pass a Division of Revenue Bill that reduces the amount of money going to be allocated to the counties if compared to what we had passed in the previous financial year.

It is on record that last year, even after the Commission on Revenue Allocation had proposed that we, in this Senate, give counties Kshs415 billion, we only gave Kshs385 billion for the last financial year.

This Bill proposes a figure of Kshs380 billion, which is Kshs5 billion less than the amount sent to the counties last year. As the Democrats in the U.S. are now saying, we are not going back. We must push this journey of devolution forward. We cannot go back to Kshs380 billion because to do so. Next year, we will give them Kshs370 billion to counties because the enemies of devolution continue to gather.

At some point, Sen. (Dr.) Khalwale, if we are not careful, we will be told it is Kshs300 billion, then Kshs250 billion, then Kshs200 billion. Then, we will be told all these functions will be transferred back to the national Government.

As people sworn in to defend devolution; it is my view that as the pocket of devolution shrinks, even so, the role of this Senate and the role of Senators. If we expand the pocket of devolution, we, as Senators, will get a greater mandate because we are overseeing or oversighting greater resources.

Before I go to the disbursement schedule, this Kshs400 billion mark, those of you who have been in this House before me, know that it is a psychological mark that has been difficult to break.

Since the advent of devolution, this fourth Senate has breached that target of Kshs400 billion. We all took pride in the fact that we were the first Senators to be able to push the envelope of devolution beyond Kshs400 billion. For us to then sit again and reduce it is something that I believe we cannot allow.

In my view, the law already anticipates how to deal with shortfalls. I do not refuse that because of the Finance Act and the fact that the President had to return it; it has resulted in a shortfall in the provisions for the budget that we had this year.

Mr. Deputy Speaker, Sir, how do you justify going below the amount allocated in the previous financial year? We all know that with the collapse of Finance Bill 2024 or the Finance Act of 2024, we reverted to tax-raising measures of 2023, which supported the Kshs385 million. I want to hear a justification for why we would fall below the figure of Kshs385 to Kshs380 billion.

This morning, because I am a Member of the Senate Business Committee together with the Senate Majority Leader, we discussed the cuts in the Senate budgets. We did not complain. Even Sen. (Dr.) Khalwale did not complain when we were told that the budgets of the Senate were being cut by 20 per cent because of the revenue shortfalls in the projections in the Finance Act.

It is okay. We do not have a problem with cuts to the Senate or Parliament as an institution. Parliament as an institution has been told we have to cut Kshs3 billion. The figure is slightly over Kshs3.5 billion in our budget, which is okay. We can make do with that. However, we cannot afford to take a step back for the people waiting for services at the grassroots, in the counties.

I will give you an example. As the Senator of Nairobi City County, I was proud that, for the first time, the county would receive above Kshs20 billion in its shareable revenue.

We have a programme in Nairobi City County called a school feeding programme, which gobbles up almost 10 per cent of the entire amount we receive as equitable

revenue. Unfortunately, although that programme is expressed to cost nearly Kshs1.8 billion, it is sufficient to serve 30 per cent of the children of Nairobi, leaving a whopping 70 per cent of the children of Nairobi outside that programme.

Now, the promise by the governor is that he plans to expand it so that it can feed all the children of Nairobi by extending it to the so-called up-bed schools, informal schools that carry the majority of the school-going children in Nairobi. We need money. In Nairobi, we need money.

I know Sen. (Dr.) Khalwale has praised my governor for the revenue-raising measures that have been put in place. Still, we have come nowhere close to the potential of Nairobi as per the estimates from even the CoB herself. So, we need money in Nairobi City County.

The most heartbreaking thing for me when I came to this Senate was to discover that you can actually be allocated money in a budget, but receiving it is a different story altogether. We passed the disbursement schedule, which National Treasury has never honoured. What is the point of us passing things here that nobody ever follows?

The exchequer, money hitting the county government's account, is a hit-or-miss game. It is just *pata potea*. You can go for three, two or four months without money and you do not know when it will come. So, it has been disappointing for me to realise that we can put up this fight, and yet, at the end of the day, this money will not reach the grassroots level in the manner it is proposed to reach.

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

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

Mr. Temporary Speaker, Sir, my view is that, as a Senate, we should always try to fight to push the envelope for the basket of devolution, that any attempts to reduce that amount are something that is to be resisted here on the Floor of the Senate.

I understand all the discussions that we had. Sen. (Dr.) Khalwale has spoken about some of them, including the bad manners we see from the county governors. I pray that this Senate does not take out the bad manners of governors on the public themselves, the women who sell *njugu* at Khayega, *Omwami*, Sen. (Dr.) Khalwale, they have never offended you. They have never offended the public purse.

Mr. Temporary Speaker, Sir, we must find a way of dealing with some of these governors. I am looking forward to these two governors appearing before the Senate, the ones I have mentioned here. They are in the habit of addressing members of the Senate at funerals and even inciting some MCAs. You hear them insulting senators from morning to evening.

When they come here, you will think they are those *mtoto misa* we used to see when we were doing pastoral class. A governor came here and even tried to run away from the committee by saying that he had forgotten his glasses at home and could not see.

This is because he did not want to read a document that was incriminating. So, the same vigour that we fight for these resources, we must be there as Senators to protect those

resources when they get to our county governments and ensure that they benefit the people of the counties that we represent.

With those few remarks, I say categorically that I do not think that there is enough justification for this deduction beyond what was allocated last year. I would wish that every time we get an opportunity to vote for monies for the counties, we increase instead of decreasing.

I thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Mungatana?

Sen. Mungatana, MGH: Asante, Bw. Spika wa Muda kwa kunipa nafasi ya kuonge---

The Temporary Speaker (Sen. Wakili Sigei): Sorry, Sen. Mungatana. Just hold. Kindly resume your seat.

Let me allow Sen. (Dr.) Khalwale to first table that report, so that you can take the Floor.

(Interruption of debate on Bill)

PAPER LAID

REPORT ON THE DIVISION OF REVENUE BILL
(NATIONAL ASSEMBLY BILLS NO. 38 OF 2024)

Sen. (Dr.) Khalwale: Thank you, Mr. Temporary Speaker, Sir. My apologies on behalf of the Standing Committee on Finance and Budget of the Senate. The printout of this report has been slow. It is now available.

I now formally rise to beg to lay the following Paper on the Table of this Senate- Report of the Standing Committee on Finance and Budget on the Division of Revenue Bill (National Assembly Bills No. 38 of 2024).

I thank you and invite Members to collect their copies before they debate.

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

The Temporary Speaker (Sen. Wakili Sigei): Sen. Mungatana, you can now take the Floor and contribute to the Bill.

(Resumption of debate on Bill)

Sen. Mungatana, MGH: Asante Bw. Spika wa Muda, kwa kunipa nafasi nitoe maoni yangu kuhusu Mswada huu wa ugavi wa pesa kati ya Serikali kuu na serikali za kaunti. Jambo tunalolizungumzia leo linahusu kupunguzwa kwa huu mgao. Tulipitisha Serikali kuu itapata mgao wake na serikali za kaunti zitapata shilingi 400.1 bilioni. Sasa tunaletewa Mswada wa kupunguza hizi pesa za mgao wa serikali za kaunti kutoka Kshs400.1 bilioni.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Mimi kama Seneta wa Kaunti ya Tana River ninakataa na kupinga pendekezo la kujaribu kupunguza mgao wa serikali za kaunti. Hii ni kwa sababu, Katiba inasema tuko na Serikali katika viwango viwili. Kuna kiwango cha Serikali kuu na majukumu yake. Vile vile, tuko na kiwango cha serikali za kaunti na majukumu yake.

Ni makosa kwamba Serikali kuu iendeleo kuishi vizuri huku serikali za kaunti zikifinywa. Tukiendelesha mafikira kama haya na kuunga mkono Mswada kama huu, ni sawa na kuchukua mamlaka yetu kama Maseneta ya kupigania haki za kaunti na kuyatupa baharini.

Tunaomba Katiba na serikali za kaunti zieshimiwe. Kuna wengine wamesema kuna sehemu za kaunti zinatimia pesa vibaya. Wanajaribu kutimia fikira hizoo kupunguza pesa zinazoenda kwa kaunti zetu. Ningependa kujibu hivi. Mambo ya utumizi mbaya wa fedha yawekwe tofauti na mgao wa pesa zinazopaswa kwenda kwa kaunti.

Utumizi mbaya wa fedha uko na njia mwafaka wa kushughulikiwa. Kuna sheria inayopaswa kufuata. Wanaohusika watakatwa. Uchunguzi utafanywa na watakaopatikina na hatia watachukuliwa hatua za kisheria. Hivyo basi, swala hili la utumizi mbaya wa fedha za kaunti isiwe sababu ya kupunguza fedha zinazoenda kwa upande wa ugatuzi.

Ukiangalia ule mgao unaoenda kwa Serikali kuu pia uko na shida. Kila mtu anajua. Ripoti za Mdhibiti wa Bajeti zinasema shida ya ufujaji wa pesa pia uko katika Serikali kuu. Kwa hivyo, hakuna haki ya kutimia mawazo hiyo kupunguza mgao wa kaunti.

Ninajua Maseneta wote tulio hapa tunapigania kaunti zetu zipate mgao wao. Tumezungumza na kupitisha haya. Kwa hivyo, mtu yoyote, kamati, sheria au hoja yoyote itakayokuja nyuma kukiuka kile tulipitisha na kuwatangazia watu wetu kule mashinani. Tutawaambia nini?

Watu husema, jungu kuu halikosi ukoko. Kati ya serikali za kaunti na Serikali kuu, njungu kuu ni serikali kuu. Kama ingekuwa kuna mahali pa kupunguzwa pesa, zingefaa zipunguzwe kwa upande wa Serikali kuu na sio kwa mgao wa serikali za kaunti.

Magavana katika CoG siku zote wanalia kwamba hata ule mgao tunaopigania hapa hautoshi. Ni kweli serikali zetu za kaunti ziko na shida hata ya kulipa wafanyikazi. Mara nyingine, mishahara hukosa kulipwa kwa muda wa hata miezi miwili. Wafanyibiashara waliofanya na serikali za kaunti pia hawajalipwa.

Sasa kama hali ndio hiyo, itakuwaje tena turudishiwe Mswada huu tuambiwe tupunguze tena mgao tulioupitisha na tukakubaliana unakwenda kwa serikali za kaunti?

Hivyo basi, kama kuna kupunguza pesa kwa sehemu yoyote kwa hii bajeti kwa sababu ya shida zilizotokea, jungu kuu halikosi ukoko. Kwa hivyo, hii Serikali ya kuu ndio ingebeba huo msalaba na sio kupeleka kwa serikali za kaunti ambazo tayari mgao wao hautoshelezi mahitaji yaliyoko kwa hizi serikali 47.

Kwa hivyo, napinga kupunguzwa huu mgao. Nawaomba Maseneta wezangu kutoka kila sehemu ya gatuzi zote 47 tupinge na kusema ya kwamba, kama kuna kupunguzwa pesa zozote, mgao unaofaa kupunguzwa ni wa upande wa Serikali kuu.

Kwa hayo mengi, naupinga Mswada huu.

The Temporary Speaker (Sen. Wakili Sigei): Asante sana, Sen. Mungatana. Sen. Osotsi?

Sen. Osotsi: Thank you, Mr. Temporary Speaker, Sir, for this opportunity to also make my contribution to this Bill. I fully agree with my colleagues who have spoken before me that passing this Bill in the form it is in is actually taking away our powers as Senate. Article 96 of the Constitution gives us the powers to protect our counties and their governments.

This particular amendment threatens Article 96 of the Constitution because it means that the national Government will vary the equitable share within the fiscal year without making reference to Parliament, particularly the Senate. I join my colleagues who have opposed this Bill. I clearly state that I am opposed to this amendment trying to reduce the shareable revenue from Kshs415 billion to Kshs380 billion which is an issue that we should not take lightly.

Mr. Temporary Speaker, Sir, you know very well that we made a decision through the Standing Committee on Finance and Budget to give our counties Kshs415 billion. When we passed the Division of Revenue Act and it was taken to the National Assembly, we were ready to go through mediation process. However, we accepted a lower figure of Kshs400 billion shillings.

The reasons that made us accept a lower figure of Kshs400 billion, are the same reasons that they are stating such as the issues of shortfall in revenue. We cannot again go below the Kshs400 billion to Kshs385 billion. I say so because of the following reasons.

First, Sen. Sifuna has stated very clearly that we cannot do the process of sharing revenue twice or thrice in a year. The Constitution allows us to do it once and we already did that.

We cannot be brought back here to be told to go through the same process. Secondly, since the financial year 2014/2015, the percentage equitable share compared to the ordinary revenues has been going down. We started at 22 per cent. Now, we are at 16.8 per cent. This proposal will take it further down. We will be doing injustice to our counties as Senators if we agree to lower the percentage of equitable share further to the ordinary revenues that are raised nationally.

Mr. Temporary Speaker, Sir, we will also be creating an unpredictable situation in our counties in terms of revenue sources in the fiscal year. This could easily impact on the budget implementation in our counties. We will also be creating a channel for the National Treasury to vary the equitable share without reference to the Senate.

Basically, by passing this Bill, we are giving away our powers. We are saying that the Senators are no longer protecting counties and are in bed with the national Government. That is what it means.

Mr. Temporary Speaker, Sir, I am happy that we are in agreement with Senators from across the political divide, so far, that we should not go that route. I acknowledge the Standing Committee on Finance and Budget where my good friend, Sen. Tabitha Mutinda - the ever-smiling lady - is the Vice Chair. The Committee has stood firm and they have said they will not accept Kshs380 billion. I have looked at the report which is here and they have even amended the Bill to say they will stick with Kshs400 billion.

Let us allow it to go that route. We are ready to go into mediation. This time round, those who will be selected to sit on the mediation committee should not agree to go for a lower figure. We will stick with Kshs400 billion. Even as we seek to give our counties

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

more money, we must be very clear. The money that we are giving our counties must be accounted for and well utilised.

Mr. Temporary Speaker, Sir, we continue seeing a lot of issues as has been Auditor-General (AG) and the CoB, are not giving hope to the protectors of devolution, in this case the Senate. We would like to push for more money. However, at the same time, we want to see this money changing lives and being utilised well. We want to see corruption in our county ending.

If I approve this - I know my county will get more money - we would like them to invest this money in critical areas. It is saddening that even as we are grappling with the problem of the Wage Bill, most of the counties have gone beyond 35 per cent threshold. They are even doing 80 to 85 per cent to the budget. This is unacceptable.

I have been receiving reports that some counties are actually engaged in what I would call employment spree. They are employing many people, even though the AG has raised issues around wage bill. We want to tell governors, and the county governments, that even as we give them more money, they should look at the problem of wage bill. We cannot have a wage bill of over 60 per cent in our counties. What are we doing?

We have simply converted our counties into employment bureaus. That was not the spirit of the fathers of devolution in this country. Even as we give you more money, kindly utilize the human resources you have to deliver for your people. Do not use that money to employ more people and add on to the problem of the wage bill.

Mr. Temporary Speaker, Sir, we have talked about travel costs. It is unacceptable that travel costs in our counties are skyrocketing. It is very annoying when you hear that a county has spent Kshs400 or Kshs500 million on local travel. This is not just traveling, but another source of corruption. The money that is easily eaten is in the travel budget. We need to put safeguards. We need to ensure that we have set targets on how much can be spent in a county on travel costs. Critical devolved functions are almost collapsing in our counties.

The ECDEs and the Technical and Vocational Education and Training (TVET) are underfunded. Yet a lot of money is being used on things such as travel, that do not add value to our people.

Mr Temporary Speaker, Sir, even as we push for more money, we want more money to be appropriated towards critical functions such as ECDEs and TVETs. Matters of water provision and other services must also be prioritised.

I will not end this debate before I talk about the matter of disbursement of funds by the National Treasury. The Constitution is very clear that, at least 15 per cent of money raised nationally should be shared with the counties. What is happening is that the national Government is getting money and not prioritising disbursement to counties.

The Constitution is very clear; if you make one shilling, 15 cents out of that one shilling should go to the counties and 85 cents should go to the national Government. That is not what is happening. Why should people in the national Government be paid salaries on time while people in counties are living without salaries for months? This is unacceptable.

I have said this before that we, as a Senate, are failing our counties on this particular issue of disbursement of funds. Every year, we have approved a disbursement schedule,

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

with clear amounts of money and clear dates of when money should go to the counties. What then happens in the National Treasury? Junior officers in National Treasury discard all that and determine when to send money and how much.

Mr Temporary Speaker, Sir, as we are talking now, counties received the July disbursement just yesterday. They have not yet received the August and September disbursements. This is unacceptable. How do you even plan with this kind of disbursement?

I think we have a gap somewhere in this House. Whenever we have a delay in disbursement of funds to the counties, it is important that the Cabinet Secretary for National Treasury and Economic Planning appears before us; not just in the committee, but in the whole House. We want him to tell us why there is a disbursement delay and yet, the national Government is functioning properly. They are paying their salaries and everything else.

Mr. Temporary Speaker, Sir, I have a Motion on this. I presented it last year and up to now, your office has not processed it. We must be very careful not to gag legislative powers of Members such that when we make proposals for Motions, let them be approved so that Members can accept or reject them.

I have a Motion on this matter of late disbursement of funds, but no one is talking to me about it. I have been asking about it everyday and I am told that it is in the Speaker's office.

I am addressing your office as a deputy party leader of the ODM; a party that protects devolution. We are here to protect devolution and we get annoyed when we see our counties are not getting money. We know there are accountability issues, but let them get the money in time.

Mr. Temporary Speaker, Sir, when you retire from this Chamber, I want to see my Motion approved, so that it can come here, Members can debate it, accept it or reject it.

We must cover the gaps and ensure that whenever there is delayed disbursement of funds, the Cabinet Secretary for National Treasury and Economic Planning must appear in the Committee of the Whole House to tell us why there is that delay.

When I talk about own source revenue, the current report by the office of the CoB clearly indicates that our counties can do better. We have had counties that have been having problems with own source revenue generation, but they have improved. That tells you that our counties can do better.

Murang'a County has been doing very badly in terms of revenue collection. However, Gov. Irungu Kang'ata has improved that. He has gone beyond Kshs1 billion mark of revenue collection. That tells you that something is wrong in our counties in terms of revenue collection.

If this matter of own source revenue is handled, then we will be able to cover for a lot of challenges that we face in our counties, including the inability of our counties to function because of late disbursement of funds.

I am also informing this House that one major source of own source revenue is health centres and hospitals. In my Committee of County Public Investment Committee and Special Funds (CPICSF), we are now processing audited reports for these hospitals. I am happy that after our meeting with the Auditor General, I have seen that she has worked very hard to table a series of audited reports for our hospitals.

I am sure that if we review these reports, we will be able to identify the gaps and promote governance in our hospitals as one of the major own source revenues which will eventually lead to the growth of own source revenue in our counties.

Mr Temporary Speaker, Sir, with those remarks, I reject the Bill before us. I support the position of the Committee on Finance and Budget that we need to amend the Bill to stay at the figure of Kshs400 billion.

I reject and issue a party position on this matter; that the ODM party is not in support of reduction of the shareable revenue to our counties from Kshs415 billion to Kshs380 billion.

I reject the amendment.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Osotsi, you raised something with regard to a Motion that you tabled in the last Session. By practise and as a ranking Member who served in the National Assembly, you know that a Motion lapses with the Session. So, if your Motion was not concluded or not approved, then you have to refile it afresh for it to be processed accordingly.

Thank you very much.

Sen. (Dr.) Murango, James Kamau, proceed.

Sen. (Dr.) Murango: Asante sana, Bw. Spika wa Muda. Kwanza, nasimama kuunga mkono ripoti iliyoletwa na Kamati ya Fedha na Bajeti inayoashiria kwamba tusipunguze pesa zinazoenda kwenye gatuji zetu kutoka shilingi 400 bilioni mpaka shilingi 380 bilioni.

Lazima tutofautishe kati ya pesa ambazo tunapeleka kwa gatuji zetu za Kenya na yale ambayo yanakuja. Ndio maana tuko na kamati mbili; moja ikiwa ya County Public Accounts Committee (CPAC) na ingine ya PICSF za kuangalia kwamba kila kaunti inatumia pesa zake inavyostahili.

Siku ya leo, tumekuwa na ripoti nyingi. Nimekuwa na ripoti ambayo imetoka kwa Kamati ya CPAC na nikasoma kuhusu vile Kaunti ya Kirinyaga inatumia pesa na mahali wanafaa kurekebisha.

Kuna mambo mengi ambayo hayajafanyika katika gatuji zetu. Utapata barabara bado hazijatengenezwa na hospitali zetu hazina madawa. Kuna baadhi ya watoto wetu ambao hawajapata bursary wanavyopaswa kupata. Pia, malipo ya walimu wengi, sana sana wa shule za chekechea, ni duni katika gatuji zingine.

Kwa hivyo, Bunge la Taifa kusema kwamba tupunguze pesa za kaunti kutoka shilingi bilioni 400 hadi shilingi bilioni 380 ni makosa na dhuluma kwa kaunti zetu. Tunatarajia mambo yatakuwa mazuri, hasa upande wa kilimo na ndio maana tulipitisha Mswada wa kuongeza pesa hizo hadi shilingi bilioni 400.

Nilikuwa natarajia kwamba kutakuwa na mabadiliko ili kusaidia wakulima kwa sababu ya pembejeo. Pisa hizo zilifaa kuwasaidia wakulima wa ng'ombe wa maziwa na majani chai ili waweze kuendeleza kilimo chao. Kwa hivyo, tukipunguza, tutapatia kaunti zetu sababu za kusema kwa nini hawakuweza kufanya hivyo.

The Division of Revenue Act (DORA) inasema kwamba kunapokuwa na upungufu wakati wa kukadiria bajeti, Serikali kuu itawajibika kujaza pengo ambalo litakuwa limeachwa wakati wa bajeti ya ziada. Kwa hivyo, siyo haki kupunguza pesa za kaunti kwa kiwango hicho ambacho kinapendekezwa na Bunge la Taifa.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Kazi kubwa ya Seneti ni kulinda ugatuzi na ndio maana tuko hapa. Kulinda ugatuzi ni kuhakikisha kwamba fedha zinazokusudiwa kwenda katika kaunti zetu zinatumwa ipasavyo. Tushavalia njuga suala hili kwa sababu tuliketi na kupitisha. Kwa hivyo, naomba pesa ziende mashinani jinsi tulivyokuwa tumesema.

Bw. Spika wa Muda, napinga kupunguzwa kwa fedha ambazo zitaenda katika kaunti zetu. Naunga mkono ripoti ilioletwa hapa na Kamati ya Seneti ya Fedha na Bajeti kusema kwamba fedha zitakazoenda katika kaunti zetu zibaki shilingi bilioni 400 wala siyo shilingi bilioni 380.

Pesa hizo zinapoenda kule, tunaomba magavana wawajibike. Kama kuna watu waastarabu ni Maseneta. Tunatetea na kupitisha pesa za kwenda katika kaunti zetu ilhali hatuhusishwi katika kujua jinsi zinavyotumika. Heshima tunayoweza kupewa na kaunti zetu ni kuhakikisha kwamba wanatumia pesa tunazopigania kwa njia inayofaa kufikia “Wanjiku”.

Kikwetu, kuna msemo kuhusu anayekama na yule anayetoa kombamwiko kwenye maziwa ili watoto wanywe. Sisi Maseneta tushafanya kazi ya kukama. Magavana na Wawakilishi wa Wadi wanatoa tu kombamwiko kwenye maziwa ili wakazi wajivunie matunda ya ugatuzi na kupata huduma inavyopaswa.

Kwa hayo mengi, Bw. Spika wa Muda, naunga mkono ripoti ya Kamati ya Fedha na Bajeti.

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

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika wa Muda, kwa kunipa fursa hii kuchangia suala la ugavi wa pesa zitakazokwenda katika serikali za kaunti 47 katika nchi yetu ya Kenya.

Jambo la kusikitisha ni kwamba hapo awali, tulikuwa tumekubali kwamba kiwango tulichokuwa tumeweka cha shilingi bilioni 415 kingetoshwa vizuri.

Bw. Spika wa Muda, sisi tukakubaliana ya kwamba irejeshwe chini mpaka ifike shilingi bilioni 400. Limekuwa ni jambo la kusikitisha kuona ya kwamba kuna marekebisho zaidi ya kurudisha chini mpaka shilingi bilioni 350.

Nguzo za uchumi wa nchi yetu ya Kenya zinategemea serikali zetu za ugatuzi. Kwa sababu katika miaka mingi, tumekuwa katika Serikali ya Kitaifa na maendeleo yake yamekuwa nadra sana. Ninakumbuka katika Kaunti ya Kilifi, ilikuwa na ambulensi moja na ilikuwa inaharibika saa zote. Watu walikuwa hawawezi kupata maslahi yao ya kubebwa na ambulensi wanapokuwa wagonjwa. Sasa kuna ambulensi zaidi ya kama saba katika Kaunti ya Kilifi. Hivyo ni kumaanisha, serikali ya ugatuzi inafanya kazi yake vilivyo.

Bw. Spika wa Muda, tunakataa Mswada huu kwa sababu umetengenezwa kurejesha pesa chini ili serikali zetu za ugatuzi ziingie katika shida ya kufanya kazi ambayo wanatakikana kufanya. Inakuwa shida kubwa sana kwa gavana kujipanga. Ikiwa hapo awali alikuwa amejipanga kufanya jambo fulani na hivi sasa tunamwambia ya kwamba pesa hizo haziji mashinani, atafanya nini?

Seneti hii ndiyo Bunge ambalo linahusika na serikali za ugatuzi. Sisi ni kama wale watu wamevaa kiatu. Avaae kiatu, akisikia kina maumivu ama kinamuumiza, anajua pale ambapo kinaumiza. Sisi maseneta ndiyo tunajua ugonjwa wa kaunti uko wapi. Na kunazo sababu za kusema ni kwa nini kaunti zitenge pesa za maendeleo ya mahosipitali, madawa,

barabara, shule za chekechea na maendeleo kadha wa kadha wanayotakikana waendeleo nayo.

Ni sisi tunaoelewa shida ambayo zinakuba serikali za ugutuzi na kazi zetu tulizonazo hapa. Ikiwa nitakupa taarifa, niruhusu niseme kwamba Kipengele cha 96, sheria ya kwanza, inasema kuwa kazi kubwa ya Seneta ni kuwakilisha kaunti na pia kuleta mahitaji ya kaunti ya ugutuzi na kulinda maslahi hayo.

Hii ni kazi ambayo inahitaji uangalifu na udhalilifu wa hali ya juu sana kuona ya kwamba mahitaji haya yameweza kupatikana. Lakini cha muhimu zaidi kulingana na Mswada huu ambao upo mbele yetu, ni Kipengele cha 96(5) ambacho kinaongea juu ya taratibu za Seneti katika kazi zake

Seneti inaweza kujadili na kusaidia kuona ya kwamba imeongeza zile pesa ambazo zinatakiwa kutoka katika kitita cha hazina ya Serikali kuu na kinachopelekwa katika serikali za ugutuzi. Natuhakikishe pesa ambazo zinagawanywa, kila kaunti ipate haki yake na pesa hizo zitumiwe vyema. Hivi leo, tunaambiwa tupunguze pesa hizi mpaka zifike shilingi bilioni 350.

Mimi nimekuwa ndani ya Bunge hili tokea lianze. Ninasema kuwa kama taratibu ya Seneta ambaye anajua historia ya Seneti hii. Kitu cha kwanza unachostahili kufanya ukitaka hawa maseneta wote waende nyumbani ni kupinga kuongezwa kwa pesa zitakazokwenda katika serikali za mashinani.

Bw. Naibu Spika, hili ni onyo kubwa sana kwa sababu ukiangalia wote huweza kupoteza hiyo nafasi kwa sababu ya kitu kimoja tu, umekukosa kupeleka pesa nyumbani. Hivi sasa, kila Seneta hapa anajukumu lake la kuweza kuchukua nafasi hiyo kuonekana ya kwamba yeye amefanya bidii ndani ya Seneti na amepeleka hizo pesa nyumbani.

Jambo la kusikitisha ni kwamba ikiwa huu Mswada utapitishwa vile ulivyo na tunawatuma hawa wenzetu ambao watatuwakilisha pale katika majadiliano haya, kuona ya kwamba wamesita, wameweka miguu yao kisawasawa kwa kusimama kidete na wasikubali hizi pesa ziweze kupunguzwa. Zikipuunguzwa, hatari itakuwa kwa watu waliochaguliwa kama Maseneta hapa kwa sababu wana swali la kujibu kule wanapotoka katika serikali za ugutuzi.

Bw. Spika wa Muda, nataka kumalizia nikisema kwamba shida za serikali za ugutuzi ni nyingi sana. Hivi sasa tunaona ya kwamba hata mishahara katika serikali za ugutuzi haijalipwa.

Watu kule pia kama vile wafanyakazi wana haja za kulipa na kuna mengi ambayo wanatakiwa kufanya kama wafanyakazi. Majukumu yote yanafanywa na serikali za ugutuzi. Kulipwa mishahara ni haki ya wafanyakazi.

Hivi sasa utaona wako wasichana na wavulana ambao wameachishwa shule. Wengine wameshidwa kuenda vyuo vikuu kwa sababu baba zao bado hawajalipwa pesa. Ikiwa sasa hawajalipwa, itakuwaje sasa ikiwa hizi pesa zitapunguzwa?

Hii ni kwamba sasa, hata kwa familia kama mtu mmoja alikuwa haendi shule, basi watoto wengine pia watafuata hiyo kauli. Hii ni kwa sababu hakuna pesa katika familia na lazima wao pia wakae nyumbani wasiende shule.

Jambo ambalo nataka kusesitiza zaidi ni kwamba tusirudi nyuma. Tuangalie safari ya kuenda mbele. Tabia hii ya kuletewa Mswada na wale wenzetu na kusema kwamba

tumepitisha pesa za juu, sisi tumesema tunataka shilingi bilioni 400 ziende katika serikali za ugatuzi.

Naunga mkono kamati yetu iliyoifanya kazi njema. Nawatakia kila la heri waweze kusimama kidete pale pale waliposimama.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Madzayo. Proceed, Sen. Tabitha Mutinda.

Sen. Tabitha Mutinda: Thank you, Mr. Temporary Speaker, Sir. I appreciate the Senators who have spoken before me because as the Vice-Chairperson of the Committee on Finance and Budget, we have unanimously agreed to reject the amendments. The sentiments that have been made by my colleagues are the same and we appreciate that.

I recall in the beginning of this 13th Senate, there was much forth and back in the arguments of the Division of Revenue. I am happy today the discussion is unanimous on being on the same page of agreeing to retain the equitable share to the counties at Kshs401 billion.

Mr. Temporary Speaker, Sir, on the same, I do appreciate all the stakeholders that we walk a journey with. More specifically, I appreciate the CoG. I have seen this time round how the CoG have appeared before the Committee.

We have been on the same page unlike at the begin whereby the never used to appear or bother. This time round they have been at the forefront which is good, so that it can be a win-win for all of us.

I would like you to note that the figures have been reducing from the financial year 2014/2015. They started with about 21.7 per cent, which is about 22 per cent rounding off. In the financial year 2023/2024, the percentage was about 16.8 per cent.

If we allow this figure to keep on going down, then this percentage will definitely keep on reducing. The bigger question would be, why are we here? Secondly, what justifies these figures going down every time.

Mr. Temporary Speaker, Sir, last financial year when the equitable share of revenue allocated to counties was at Kshs385 billion, we were coming from a previous allocation of Kshs370 billion. We were able to bring it to Kshs385 billion through a mediation process. When our deliberation started as a committee, our proposal was Kshs415 billion. It came to this House and that was adopted, but because the figures were different, we still went to mediation. We stood firm and that is how we retained the Kshs401 billion.

I appreciate the committee that went for mediation. It is very important for this House to note how we agreed and settled with an increment of Kshs16 billion to Kshs401 billion. It is because of the different parameters and policies that are already in place.

As a committee, we went further to look at the issues that are in place because if they are not addressed, we will be killing devolution. What are the issues and the concerns that we looked at? One of the key issues was the County Aggregation and Industrial Parks (CAIPs) that have already been adopted by the county governments.

This requires a 50-50 per cent share from both the national and county governments. Some of these projects have been launched. For the counties to be able to achieve the provisions for CAIPs, they require Kshs11.7 billion. Where will this money come from?

When we went further, there was the issue Community Health Promotes (CHPs). The formula that is in place talks about a 50-50 contribution from the national and the county government. The amount is Kshs3.23 billion. If this reduction is made, then it means our CHPs will go unpaid. Nairobi City County is leading with the highest number of CHPs among other counties. We know how much input and impact they have today. If we reduce these amounts, does it mean that our CHPs will go unpaid?

There is the other issue of the National Social Security Fund (NSSF) contribution. With the new policies, these amounts have changed. This is a recurrent cost that needs to be taken care of by the county governments. It amounts to another Kshs3 billion. Where is this money supposed to come from? These are policies that cut across nationally which affect the employees at the county levels.

There is the other issue of the Affordable Housing Levy. The outstanding amount that the counties will be required to pay is over Kshs4 billion. These are policies that need to be adhered to. We cannot forget the salary annual increment for employees. At the county level, it will be about Kshs6.2 billion. Where are counties supposed to get all these funds to sustain all these recurrent and developmental expenditures?

Mr. Temporary Speaker, Sir, as I stated earlier, some of them are policies that are in place and they need to be supported and paid. Not just paid, but paid on time. If this is not considered, where does it leave the counties in terms of development and the employees at the county level?

These amendments are coming from the National Treasury and when the Cabinet Secretary appeared here last week but one, before our Committee, our greatest concern was what simulation was used to reduce the figure of over Kshs400 to Kshs380 billion. That is a whopping Kshs20 billion. What mathematical formula was used to arrive at Kshs380 billion and why not Kshs399 billion? Why not remove Kshs300 billion and be left with Kshs100 billion then if figures need to be removed without a justifiable explanation as to why budgets need to be cut?

Mr. Temporary Speaker, Sir, the explanation was not substantiated enough to justify the deduction of the Kshs20 billion. This means that these deductions have just been done. After keenly looking at Clause 3 which had proposed to amend Section 5 of DORA and which was providing the shortfall as per Article 219, it stated that:

“A county's share of revenue raised by the national government shall be transferred into the county without undue delay and without deduction, except when the transfer has been stopped under Article 235.”

If we were to allow this amendment to take place, it will then mean the Cabinet Secretary for National Treasury and Economic Planning will have room to change or to amend the equitable share to counties without referring to Parliament.

If there is no justification for the Kshs20 billion, then tomorrow if another Kshs10 billion is deducted because there is room and we have given room as per Clause 3, we would then be leaving the counties very exposed. This scenario is one of the most unique scenarios because this has never happened before.

Mr. Temporary Speaker, Sir, the total shareable revenue is Kshs2.6 trillion. The national Government share stands at Kshs2.23 trillion and the counties at Kshs401 billion as per the previous allocation. Instead of removing the Kshs20 billion from the counties,

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

what they should do according to our proposal, is remove that Kshs20 billion from the national Government's share. That is a manageable amount such that, when it cuts across different Ministries, it will be minimal and could even range between Kshs1.5 billion to Kshs2 billion reduction, unlike removing a whopping Kshs20 billion from the county governments.

The remaining amount of about Kshs2.2 trillion will be enough to cut across, looking at the other factors I had mentioned earlier like the CHPs, NSSF contributions, annual increment and all others. However, with this reduction, counties will be affected massively.

Mr. Temporary Speaker, Sir, earlier on, we heard the statement by Sen. Kavindu with regard to stalled projects. I rose and stated that the issue of stalled projects cuts across all the 47 counties. It is not only one county. What brings these issues?

It is where we are, where budgets have been made and where these projects have already started and kicked off. These projects end up stalling. First, there is no value for money. At the same time, people cannot enjoy the project or the developments within that particular region.

Issues of pending bills now crop up because investors have put their money, they cannot be paid fully, and the project is halfway. Also, issues are right, left and centre because monies are insufficient or have been adjusted. The county assemblies do have budgets; they have budget challenges and they face problems.

Yes, I agree we have a big thorn in terms of the pending bills, but not all counties are experiencing the same. I know and acknowledge that Nairobi City County has the biggest pending bills. In this additional allocation, Nairobi City County was to receive Kshs20 billion more.

The pending bills are about Kshs100 billion. Since we have seen an increase in their own source revenue and allocation to counties, they would probably focus on reducing their pending bills if the money is not reduced.

Mr. Temporary, Speaker, Sir, as I finish, in the Senate Business Committee today where I do sit. We looked at the Cabinet Secretaries appearing before this House next week. If I am not wrong, I am happy because the Cabinet Secretary for Finance will appear to respond to some of the questions.

The former Cabinet Secretary was active in the committee, but never appeared in the House. I look forward to the current Cabinet Secretary's appearance. As a new Cabinet Secretary, he will understand this Senate and address most of the issues we have always raised in his Ministry.

One of those key issues is the delayed disbursements to the counties. The last time he appeared, as I have said earlier, we raised the concern of Regulation 134 of the Public Finance Management (PFM) Act, which allows the National Treasury to disburse 50 per cent of the equitable share revenue when we are in the situation we are in.

Division of Revenue Bill was passed, but we are now at the amendment stage.

The law is clear. He communicated that he would consult with the Attorney General to advise the Committee if that could take place.

I am so happy because today, we, as a Committee, have received a response that has also been shared with the committee on the response and the advice of the current

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Attorney General, Madam Dorcas Oduor, who has advised straightforwardly that in the absence of the County Allocation of Revenue Act, the disbursement will be held up to 50 per cent of the total equitable share allocated.

The Cabinet Secretary has confirmed that he will disburse Kshs32 billion to the counties before the end of this month. When he appears before this House, I will ask and request colleagues to also affirm that, so that our counties receive their share.

Emphasis on ensuring timely disbursements is in place. At the same time, our people, the staff working at the counties, will receive their salaries on time. This issue of employees not having salaries within more than two or three months is sickening because then how do we avoid corruption?

How can you be seated transacting huge sums, millions of monies, and you cannot be paid? This is where then some of these issues start taking place.

As we conclude these amendments to this discussion for the Division of Revenue Bill, the colleagues that will sit in the mediation committee will support the Kshs401 billion.

We have explained in detail. I am happy that the first time when the Senate Majority Leader was tabling this, he said that the committees are always best suited because they interact deeply with the Bill. They look at the nitty-gritty of the issues. That is why we rejected those amendments.

We hope that the mediation committee will respect and understand that. Otherwise then, will be killing devolution.

Thank you.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Faki.

Sen. Faki: Asante, Bw. Spika wa Muda, kwa kunipa fursa hii nichangie Mswada wa marekebisho ya sheria ya DORA. Kwanza kabisa naunga mkono ripoti ya Kamati ya Fedha na Bajeti ya Bunge hili kuhusiana na kuangalia kwao kwa Mswada huo wa marekebisho ya DORA.

Sheria ya DORA ilipitishwa mapema mwaka huu. Kiwango cha pesa zinazotakikana kwenda kwa kaunti zetu kwa mwaka huu wa 2024/2025 ni shilingi bilioni 400.1. Lakini kutokana na kuondolewa kwa Mswada wa Fedha wa 2024/2025 katika Bunge la Kitaifa, imebidi kufanywe marekebisho ili zile pesa zingekwenda kwa kaunti zetu zipunguzwe kulingana na ukweli kwamba Serikali haitaweza kukusanya pesa kama vile walivyokuwa wanatarajia.

Mswada huu basi unataka kupunguza pesa kutoka shilingi bilioni 400.1 hadi shilingi bilioni 380. Mwaka uliopita, Bunge hili pamoja na Bunge la Kitaifa lilipitisha shilingi 385.45 bilioni kama pesa zilizotakikana kwenda katika kaunti zetu.

Ni Masikitiko ya kwamba pesa zilizofika kwa kaunti zetu zilikuwa shilingi bilioni 355 pekee. Shilingi bilioni 30 hazikufika kwa kaunti zetu. Mpaka sasa, Serikali haijatoa maelezo ya kwa nini haikupeleka pesa hizo.

Jambo lingine la kusikitisha ni kwamba kutoka mwezi wa sita mwaka huu, kaunti zetu hazijapata hata ndururu kutoka kwa Serikali kuu. Nimesikia Seneta aliyetangulia akisema kufikia mwisho wa mwezi watapelekewa shilingi bilioni 32. Pindi pesa zinapochelewa, serikali za kaunti zinapata shida ya kukithi mahitaji yao.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Inasikitisha kwamba jana daktari mmoja alijitoa uhai kwa sababu ya kucheleweshwa mishahara. Hivyo basi, hangeweza kukithi mahitaji yake ya kibinadamu. Mambo haya ya kucheleweshwa kwa fedha yanachangia pakubwa malimbikizi ya madeni katika kaunti zetu.

Tukiangalia kimsingi, fedha zinazokwenda katika kaunti, hazipaswi kupunguzwa kwa namna yoyote. Serikali ya kuu iko na uwezo wa kukopa katika soko la hisa hapa nchini na vile vile nje. Lakini, kaunti zetu hazina fursa kama hiyo ya kukopa. Kukopa kunahitaji udhamini wa Serikali kuu. Udhamini huo hauwezi kupatikana kwa sababu Serikali kuu iko na madeni kupita kiasi. Imepitisha kiwango cha deni kiliyowekwa ya asilimia 55 ya pato la kitaifa.

Pesa zinacheleweshwa kutoka kwa Serikali kuu kwenda kwa serikali za kaunti. Hata zile wanatarajia baada ya kupitishwa kwa disbursement schedule, vilevile haziwezi kufika kwa wakati.

Kwa hivyo, haiwezekani kwamba fedha za serikali za kaunti zipunguzwe wakati serikali kuu ina uwezo wa kukopa na kukusanya fedha zaidi ya zile zinazohitajika kukusanywa kwa ule mwaka unaofuata.

Bw. Spika wa Muda, jambo la tatu ni kwamba tunapozungumzia asilimia ya fedha zinazoenda kwa kaunti, tunatumia hesabu za miaka minne nyuma. Kwa sasa, tunatumia mwaka wa 2020/2021 kugawa fedha zilizokusanywa mwaka huu wa 2024/2025. Hiyo inatoa taswira mbaya kwa sababu fedha ambazo tunazungumzia ni zile zitakusanywa mwaka huu, sio zile zilizokusanywa miaka minne iliyopita.

Kwa hivyo, hii ni taswira mbovu kabisa. Serikali inatarajia shililingi trilioni 2.6 kwa sasa. Kwanza, ilikuwa inatarajia shilingi trilioni 2.9 lakini iliporekebishwa ikafika shilingi trilioni 2.6, ilhali zile *accounts* zinazotumika kwa mipango hii ni za 2020/2021 wakati ambapo mapato ya serikali ilikuwa shilingi trilioni 1.9.

Bw. Spika wa Muda, kwa hivyo, ipo haja ya kurekebisha Katiba ili ile asilimia inayotumika iwe ya mapato ya mwaka wa sasa. Hii ni kwa sababu serikali imenuia kukusanya hizi pesa katika kaunti. Kwa hivyo, hatuoni sababu ya takwimu za mwaka huu kutotumika kuhakikisha kwamba pesa zinapatikana.

Tukiangalie zile sheria ambazo serikali kuu ilipitisha kupitia Bunge hili na Bunge la Kitaifa, utapata kwamba zimeongeza gharama katika kaunti zetu. Kwa mfano; sheria ya afya, Social Health Insurance Fund (SHIF) inaongeza gharama kwa serikali za kaunti kwa sababu mfanyakazi analipiwa na vile vile, pia kaunti inachangia katika pesa zile.

Tukiangalia pia sheria ya National Social Security Fund (NSSF), pia inaongeza gharama kwa sababu, tajiri na pia mfanyakazi wanalipa. Kwa hivyo, itabidi serikali za kaunti ziingie mifukoni zaidi ili walipie hizo tofauti zinazotakiwa kulipwa kwa wafanyakazi wao.

Tukiangali masuala ya wafanyakazi wa afya ya umma, Community Health Promoters (CHPs), ni jambo ambalo serikali imetilia mkazo. Kwamba, kaunti zetu ziajiri hawa watu ili wapate ajira na wasimamie hii sheria mpya ya afya. Kwa hivyo, hii pia ni gharama inayo ongezeka bali na ile nyongeza ya mishahara ambayo iko katika makubaliano kati ya vyama vya wafanyakazi wa kaunti na serikali za kaunti.

Kwa hivyo, hatuwezi enda na mfumo kwamba hizi pesa zipunguzwe. Hii ni kwa sababu zikipunguzwa, mambo mengi ambayo yamepangwa kufanyika katika kaunti zetu hayatafanyika.

Kwa sasa, kaunti nyingi zinatumia asilimia kubwa; karibu asilimia 50 ya mapato ya kaunti zetu ya fedha kwa mambo ya matumizi ambayo sio ya maendeleo, yaani, *recurrent expenditure*.

Ikiwa hakuna fedha za kutosha zinazoenda katika miradi ya maendeleo ina maanisha kwamba hatutakuwa na miradi yoyote ya maendeleo ambayo itafanyika katika kaunti zetu. Hivyo basi, tutakuwa siku zote tunatumia pesa kwa mambo ya *recurrent expenditure* kuliko kutumia kwa maendeleo katika kaunti zetu.

Bw. Spika wa Muda, ningependa tu kugusia mambo mawili ambayo yameangaziwa leo katika vyombo vya habari. Pesa nyingi zinatumika kwa mambo mengi ambayo siyo ya msingi kimaendeleo katika kaunti zetu.

Tumeambiwa, kwa mfano, Kaunti ya Kakamega, chai na mandazi na mambo mengine yasiyo muhimu, yametumia karibu shilingi milioni 522; Kaunti ya Nakuru imetumia shilingi milioni 400 na Bungoma vilevile. Ijapokuwa sikuiona ya Mombasa County labda sisi hatutumii mahamri sana.

Jambo la msingi ni kwamba pesa nyingi zinatumika katika mambo ambayo hayaleti maendeleo katika kaunti zetu. Pesa nyingi zinatumika katika safari ambazo hazileti wateja. Pesa nyingi zinaenda kwa mikutano ambayo haileti maendeleo katika kaunti zetu. Kwa hivyo, kuna haja ya kaunti zetu kupunguza matumizi ambayo siyo muhimu.

Tumeambiwa katika muongozo wa serikalini kwamba kutakuwa na ukazaji wa mishipi lakini tunaona bado kuna matumizi ambayo hayana msingi wowote kisheria. Kwa hivyo, kaunti zinadorora kihuduma.

Kaunti zinadorora pia katika masuala ya afya. Ule mpango wa Medical Equipment Services (MES)---

(Loud consultations)

Bw. Spika wa Muda ningependa unilinde na haya mazungumzo yanayoendelea hapa. Ninaona Sen. Orwoba amesimama karibu na jukwaa. Sen. (Dr.) Murango na Sen. Wamatinga ambao ni wenyekiti--- Nasikitika pia---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Faki, allow the Chair to keep them in order so that you can proceed. Sen. Veronica Maina and Sen. Wamatinga, if you are consulting, kindly do so, in low tones. Order, Sen. Tabitha Mutinda.

Proceed Sen. Faki.

Sen. Faki: Asante, Bw. Spika wa Muda. Ningependa pia Sen. Orwoba aweze kuchukua kiti chake.

(Sen. Orwoba took her seat)

Thank you. Tukiangalia mambo ya msingi ambayo kaunti zetu zinafaa kufanya kwa sasa yamewekwa nyuma na wanafanya mambo ambayo sio ya msingi.

Kwa mfano, utapata katika kaunti nyingi, hospitali au zahanati, hazina madawa. Madaktari wanachelewa kulipwa mishahara yao. Wale CHPs ambao wameajiriwa ili wasaidie kupeleka huduma za afya mashinani hawalipwi mishahara yao kwa wakati unaofaa. Hii inamaanisha kwamba huduma zinadorora katika kaunti zetu.

Hakuna soko mpya ama ECDE ambazo zinajengwa. Haya yote yanatuonyesha kwamba ugatuzi unapungua kasi kuliko ulivyotarajiwa kukuwa kutoka mwaka wa 2013 mpaka 2022. Kupunguza hizi fedha ambazo zitatarajiwa kuja kwa kaunti zetu zitachangia pakubwa kudorora zaidi kwa huduma katika kaunti zile.

Tumezungumzia masuala ya MES. Mradi huu ulikuwa mzuri. Lakini vile vifaa vyote ambavyo vilinunuliwa vinakaribia kufika ukingoni na haviwezi kutoa huduma baada ya miaka kumi kutoka mradi huu uzinduliwe. Hivyo basi, kuna haja ya kubadilisha vifaa vipya. Kwa mfano, sehemu ambazo mashine za dialysis zilikuwa zinatumika zinafaa kupewa mashine mpya kwa sababu miaka kumi inaenda kuisha.

Pia zile software zinazotumika katika mashine hizo zimebadilika kutokana na mambo mapya kuingia katika mitindo ya kuziendesha. Wanafaa kuwekeza kwenye mashine mpya ili ziendeleo kutoa huduma kwa wananchi katika sehemu zile. Iwapo hizi fedha zitapunguzwa ina maana kwamba miradi yote ambayo inatarajiwa kufanywa na kaunti zile itakoma. Hivyo basi, wananchi watakosa huduma muhimu katika kaunti zetu.

Serikali ilisema kwamba itapunguza ubadhirifu. Hata hivyo, tabia hiyo bado ipo. Bado kuna safari za nje kwa Mawaziri na ofisi zingine kubwa za Serikali. Fedha zinapotea kiholela katika mashirika na Wizara ambazo the Ethics and Anti-Corruption Commission (EACC) inachukua muda kuwapeleka mahakamani wanaohusika katika ubadhirifu wa fedha.

Sio sawa kupunguza fedha ambazo zitapelikwa katika kaunti zetu. Lazima Serikali ijifunge kibwebwe na kuhakikisha kwamba inakusanya shilingi trilioni 2.6 kama ilivyoniua. Wahakikishe kwamba hakuna fedha zinazopangwa kwenda katika kaunti zetu zinapunguzwa.

Wakati Wanakamati walipokuwa wanachunguza Mswada huu, tulipata maoni kutoka mashirika mengi ikiwemo Baraza la Magavana, yani CoG. Wengi walikataa kupunguzwa kwa fedha hizo kwa sababu inamaanisha kwamba huduma katika kaunti zetu zitadorora.

Bw. Spika wa Muda, napinga Mswada huu wa kurekebisha the DORA. Vilevile, wamesema kwamba Bunge lina uwezo wa kubadilisha the DORA. Hatukatai kwamba sheria zinazopitishwa zinaweza kubadilishwa na Bunge hili na Bunge la Taifa.

Iwapo kaunti zetu zitafanya mipango yao ya mwaka na bajeti kusomwa na kupitishwa, haitakuwa vizuri Mswada wa kupunguza fedha zitakazokwenda katika kaunti zetu kuletwa katikati ya mwaka. Iwapo kuna marekebisho yoyote, yanafaa kufanywa kabla ya the DORA pamoja na the County Allocation of Revenue Act (CARA) kupitishwa katika Seneti.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Faki. Next is Sen. Wahome Wamatinga.

Sen. Wamatinga: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to also weigh in and contribute to the recommendations by the Committee on Finance and Budget.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Indeed, we, as the Senate, have the responsibility and obligation to the voters to ensure that we do not only protect devolution, but also promote it. The only way to do so is by ensuring that counties get their allocations on time and that all the functions that are devolved are followed by resources.

The recommendations by the Committee on Finance and Budget to reject the reduction of the monies allocated to the counties is not only welcome, but also an important step. While we Senators are trying to ensure that devolution succeeds, we must also ensure that money is allocated to the counties, just like it is done to the national Government.

As said by my colleagues, it is sad that most counties are still suffering the burden of huge pending bills. This is as a result of many counties overestimating their own source revenue. Governors want to appear like they are performing well whereas they know well that they do not meet targets.

As we fight and ask the national Government to increase the allocation to county governments, we must also push governors to ensure that transparency, accountability and governance issues that go with it are also taken into consideration.

We know that many county governments have problems of huge pending bills. It is not because contractors or suppliers did not supply, but because their priorities are upside-down such that successive governors who come to office fail to honour.

Mr. Temporary Speaker, Sir, as Senators, as we keep on fighting for this allocation. However, we must also set in motion a mechanism that will ensure that all those counties that have pending bills are made in line with the law to ensure that the first charge of their allocation goes to the pending bills.

Indeed, looking at the number of Kenyans who have worked for the counties, be it as contractors, or those who supply goods, suffer the same way as the county employees who do not get paid on time.

Another area that we must address and look at is health. Health services have suffered for a very long time because many governors and county governments have not prioritized the provision of health services. It is not a priority for many of them.

It may surprise you to see a county governor allocating empowerment programmes to different groups, but also ensuring that those groups cannot get any medication from the hospitals in the county because it does not give enough resources.

We, therefore, must put a mechanism in place to ensure that as the counties get allocation, as the budgets are fixed, they are not changed mid-term because we know that there is a common practice where they will get allocation and only end up paying those who look after them.

Unless we address the issues of transparency, accountability and poor governance, even getting the huge allocation will still be left with very little to see.

Mr. Temporary Speaker, Sir, do you remember when we went to the Senate Mashinani in Turkana County? There was, indeed, a chance and opportunity to visit various projects that have been undertaken by the county government. We were left wondering how Kshs120 billion down the line, people of that specific county cannot get enough water.

There are counties that have done extremely well with the allocation and with the money that they have received. There are others who, 10 years down the line, have nothing to show.

I do remember the allocation of Kshs401 billion was historic. A billion past the Kshs400 billion mark. However, as we pass this historic mark, we must also come strongly and put mechanisms in place that ensure that money does not go to waste.

It is the role of this House; it is the responsibility of this House, as much as we are denied adequate resources to ensure that we do effective oversight. We must condemn the things that these governors are doing.

Today in the morning, I read an article about counties that have blown hundreds of millions of shillings with foreign travel. You are left wondering, what is the similarity between our counties and the country of Singapore that every county government insists on taking MCAs to benchmark?

It is time we are called to be rational spenders. As much as we know that we raise this money through revenue collected from the taxpayers, we must stand for our people so that they can get value for money.

It is high time that this House started to name and shame those counties that are blowing billions of shillings with foreign travel. Those who are blowing millions of shillings through tea and mandazis, as has been said by my colleague. It is time we shame and name them.

It is time that as we push through with austerity measures, it must go down to the county governments. Why would someone want to take a whole county assembly to Arusha, Tanzania, to do training, when they can get that training here locally?

As I sit down, I want to urge my colleagues and as we push for Kshs401 allocation to our counties, let us open our eyes and move with speed, so that we ensure that we leave a mark as the Senate that ensured prudent utilisation of public resources. We must ensure this is done in a way that will be effective, especially in the health, agriculture and other sectors, so that we leave a mark and a huge footprint in this country.

I want to commend the Standing Committee on Finance for a job well done. It is time that we stand for what is right. This country must stand for what is right. As we do so, Senators must put their best foot forward and say that we protect devolution as much as we protect the implementation and utilization of the resources that are allocated to the county governments.

I support the amendments as proposed by the committee.

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

Sen. Orwoba: Thank you, Mr. Temporary Speaker, Sir. I rise to add my voice on the Division of Revenue (Amendment) Bill from the National Assembly.

I have read and seen the numbers. I am of the opinion that we are living in different times where we should have transparency, proper oversight and live within our means.

I know that this is the first time that we have gone down in terms of allocation. Maybe that is the pushback that you are seeing from the Senate, which is supposed to protect devolution and fight for counties to get enough resources.

Mr. Temporary Speaker, Sir, I feel that we must start accounting for all the monies we sent down to the counties. We are in several committees where we engage with the county assemblies and the county governors. We see a lot of wastage and resources being used for projects that are not impactful.

I agree with the National Assembly that indeed it is time we lived within our means and have a budget cut, all the way to the county assemblies. Earlier this afternoon, we even heard Sen. Sifuna saying that all institutions have to cut the budget so that we can live within our means. This does not mean that the county governments should not be subjected to this.

I understand that my role at the Senate is to support devolution and to ensure that county governments have enough resources, but I also understand that comes with the responsibility. We always urge our county governments to generate more own source revenue.

There are so many county governments that up to date are 95 per cent dependent on this allocation, yet they have a lot of economic activities on the ground which they cannot show in terms of own source revenue.

We also want to get to a point where we are encouraging the Chief Executive Officers (CEOs) of these counties; that is the governors, to go out and seek Public Private Partnerships (PPPs). They should go out and fundraise for the different projects and activities that they have in the counties. They can then become self-reliant from the national Government to the county governments.

I concur with the National Assembly for the figures that they have put. This is 2024. This is not just any other time when we are talking about the division of revenue. We have seen what has been happening and the call for austerity measures to be placed everywhere. I believe that the county governments should not be left aside in ensuring we live within our means.

I support that indeed all of us must take a cut and that includes all institutions in government, whether it is the devolved governments or the national Government.

I do not want to support the committee's report where we are saying we have to push for more resources. I stand to support the National Assembly in the recommendations they have put to cut on the resources, until we are able to get the proper oversight and allocations of what this money is doing.

Additionally, it is to encourage that these county governments push their own source revenue; go out and also fundraise for their projects. I, therefore, do not support the committee report.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, let us rise.

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, it is now 6.30 p.m., time to adjourn. The Senate, therefore, stands adjourned until tomorrow, Wednesday 25th September, 2024 at 9.30 a.m.

The Senate rose at 6.30 p.m.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*