

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

Tuesday, 15<sup>th</sup> October, 2024

#### Afternoon Sitting

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

*(The Quorum Bell was rung)*

Order, hon. Senators, we do have quorum now. Clerk, you may proceed to call the first Order.

#### COMMUNICATION FROM THE CHAIR

#### VISITING DELEGATION FROM THE PARLIAMENT OF UGANDA

**The Speaker** (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence in the Speakers Gallery this afternoon, of a visiting delegation from the Parliament of Uganda. The Hon. Members also serve in the Network of African Women Ministers Caucus (NAWM) under the Health and Budget Committee.

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

(1) Hon. (Dr.) Bukonya Michael, MP

(2) Hon. Mukhaye Miriam, MP.

I extend a warm welcome to the delegation and on behalf of the Senate and my own behalf, wish them a fruitful visit.

---

**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 will allow the Senate Majority Leader and Sen. Hamida, thereafter to extend a word of welcome, in under one minute, in that order.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, on behalf of our colleagues, I welcome the visiting delegation from the Parliament of Uganda, a very friendly neighbour that we have a long-standing, deep relationship with.

Not that bias is allowed, but Ugandans and Kenyans have a deep-seated friendship that is tested many times by many things, but has stood the test of time over the years. Therefore, if there was a definition of good neighbourliness, Uganda fits the bill, and we celebrate these colleagues of ours.

If you noticed, when I was walking in, I walked in with a spring because we have practiced this time. In the East African Parliamentary Games, the only team that we have not beaten in football for the last few years is Uganda. However, this year, I would like to send these Members to my good friends, Hon. Nsereko, Hon. Panadol, Hon. Mbwatekamwa, Minister Ogwang; tell them this time in Mombasa, Uganda will see fire.

*(Applause)*

**Sen. Kibwana:** Thank you, Mr. Speaker, Sir, for giving me this opportunity. *Olyootya kale, Olyootya Nyabo, Ssebo.* Welcome to Kenya. Kenya is your country and we all enjoy the border. Everything that is in Uganda is in Kenya, except the *matoke*.

*(An hon. Member spoke off record)*

**Sen. Kibwana:** Yes, we have *matoke*, but you cannot compare with the one in Uganda.

We welcome you to Parliament. The Senate is a House of peace and they always call us the 'Upper House'. We enjoy the tranquillity. I hope you will enjoy our Session here. We wish you all the best.

Kindly send our regards to our colleagues on the other side. Thank you and welcome, once more.

**The Speaker** (Hon. Kingi): Next Order.

## PAPER LAID

ANNUAL CORPORATE REPORT OF THE  
AUDITOR-GENERAL FOR FY2023/2024

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Tuesday, 15<sup>th</sup> of October, 2024.

The Office of the Auditor-General Annual Corporate Report for the FY2023/2024.

I beg to lay.

*(Sen. Cheruiyot laid the document on the Table)*

---

**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 Speaker** (Hon. Kingi): Next Order.

## QUESTIONS AND STATEMENTS

### STATEMENT

**The Speaker** (Hon. Kingi): Statement pursuant to Standing Order No.53(1), by Sen. Crystal Asige. Please proceed.

#### RECOGNITION AND RESPECT FOR WHITE CANE USERS ON KENYAN ROADS

**Sen. Crystal Asige:** Thank you, Mr. Speaker, Sir. First, I would like to wish you, fellow Senators, as well as the blind and visually impaired community listening in Kenya, a happy International White Cane Safety Day, which is commemorated today.

International White Cane Safety Day is celebrated annually on 15<sup>th</sup> of October, where the White Cane, also known as a guide cane, is recognized as an important mobility tool for blind and visually impaired people. It is a symbol of safety, independence and respect for the inherent dignity of the blind and low vision community.

Mr. Speaker, Sir, Article 54 of the Constitution, as you know, on accessible environments for Persons with Disabilities (PwDs), and Articles 3, 9 and 20 of the principles enshrined in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), also stipulate the obligation on the inclusion of accessible spaces for white cane users.

Sustainable Development Goal No.11 on accessible cities and human settlements, further buttress these principles. The International Whites Canes Safety Day is cognizant of the lack of proper regard by motorists and other road users for the role that the white cane represents, and in a bid to support and better promote awareness of the needs and challenges faced by us, white cane users in Kenya, it is necessary for certain actions to be taken.

Mr. Speaker, Sir, to this end, it has become imperative that the National Transport and Safety Authority (NTSA), the National Construction Authority (NCA) and the Kenya Roads Board (KRB) fully adopt universal design standards and principles in our transport systems and across the built environments.

In this Statement, the Committee should-

(1) Explain any measures taken by the Ministry of Roads and Transport and the KRB, to facilitate the development and enforcement of globally universal design regulations across Kenya's roads networks to provide essential safety for blind and visually impaired persons.

(2) Outline any steps taken by KRB and NCA to ensure the construction of tactile markers, consistency in working streetlights, sonic traffic lights, drop curbs across the country, safe crossing points on our roads, frequency in clear disabled parking slots and

---

**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.*

universally designed walkways that facilitate the safe use of white cane users countrywide.

(3) State the strategies the Ministry has put in place to sensitize and train motorists to yield the right of way to every white cane user and to further develop adequate awareness programmes on the white cane as a form of non-motorized transport (NMT) within the national driving training curriculum, and to ensure all motorists and traffic authorities adhere to traffic rules to keep blind and visually impaired persons safe on the roads.

I thank you.

**The Speaker** (Hon. Kingi): The Chairperson of the Standing Committee on Devolution and Intergovernmental Relations, you had a report to lay on the Table. You may proceed to lay the report.

Sen. Abass, are you ready to lay the Paper?

**Sen. Abass:** I am ready.

**The Speaker** (Hon. Kingi): Please proceed.

### PAPERS LAID

#### REPORT ON THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL, 2024 (SENATE BILLS NO.12 OF 2024)

**Sen. Abass:** Thank you, Hon. Speaker, Sir. I beg to lay the following Paper on the table of the Senate, today, Tuesday, 15<sup>th</sup> October, 2024-

Report of the Intergovernmental Relations (Amendment) Bill, 2024, Senate Bills No12 of 2024.

*(Sen. Abass laid the document on the Table)*

**The Speaker** (Hon. Kingi): Next Order, Clerk.

### MOTION

#### NOTING OF REPORTS ON THE 147<sup>TH</sup> AND 148<sup>TH</sup> ASSEMBLY OF IPU AND RELATED MEETINGS HELD IN LUANDA, ANGOLA AND GENEVA

THAT, the Senate notes the reports of the Kenya delegation to the 147<sup>th</sup> and 148<sup>th</sup> Assemblies of the Inter-Parliamentary Union (IPU) and related meetings in Luanda and the one in Geneva.

*(Sen. Mumma on 9.10.2024 - Morning Sitting)*

*(Resumption of Debate interrupted on 9.10.2024 - Morning Sitting)*

---

**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 Speaker** (Hon. Kingi): Order Hon. Senators! For those of you who are standing, please take your seats.

Clerk, before I put the question, kindly confirm that, indeed, we have the requisite quorum pursuant to Standing Order No.42.

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

Hon. Senators, I will proceed to put the question.

*(Question put and agreed to)*

Senator for Nandi, you cannot vote both ways.

*(Laughter)*

Next Order.

### **BILL**

*Second Reading*

THE POLITICAL PARTIES (AMENDMENT) (NO.2) BILL  
(SENATE BILLS NO.26 OF 2024)

**The Speaker** (Hon. Kingi): This Order is deferred.

*(Bill deferred)*

Next Order.

### **BILL**

*Second Reading*

THE ELECTIONS OFFENCES (AMENDMENT) (NO.2) BILL  
(SENATE BILLS NO.28 OF 2024)

**The Speaker** (Hon. Kingi): Senate Majority Leader, kindly approach the Chair.

*(Sen. Cheruiyot approached the Chair)*

*(Bill deferred)*

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**

CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO  
THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS  
BILL (SENATE BILLS NO.19 OF 2024)

**The Speaker** (Hon. Kingi): Do we have the Chairperson Standing Committee on Finance and Budget?

Sen. Boni, you may proceed to move.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir. On behalf of the Chairperson of the Standing Committee on Finance and Budget, I beg to move the following Motion - THAT, the National Assembly amendments to the County Governments Additional Allocations Bill (Senate Bills No.19 of 2024) be now considered.

Mr. Speaker, Sir, we were seized of this matter and we have been able to go through all the steps in accordance with our mandate. I would like to thank all the nine Members of the Committee for the commitment to the work that was before us.

In view of what is going on, the minds of many of my colleagues have now been switched to the forthcoming Motion on the impeachment of the Deputy President of Kenya. Therefore, I would like to take this opportunity to make it light for everybody by requesting all of them to familiarize themselves with this report and if possible, to agree with the Committee and pass it without proposals for any amendment.

Mr. Speaker, Sir, I invite the distinguished Senator for Mombasa, Sen. Wakili Faki to second my Motion.

**Sen. Faki:** Bw. Spika, asante kwa kunipa fursa hii kuiunga mkono Ripoti ya Kamati ya Fedha na Bajeti ya Bunge hili kuhusiana na sheria ya County Governments Additional Allocations Bill (Senate Bills No.19 of 2024).

Kamati ilianguka marekebisho iliyokuwa imependekwa na Bunge la Kitaifa kuhusiana na Mswada huu wa sheria. Tuliona kwamba Bunge la Kitaifa lilifanya makosa kuhusiana na maswala hayo. Kwanza, walipunguza fedha zinazotoka katika Serikali ya kitaifa kuja katika serikali za kaunti.

La pili ni kuwa hata zile fedha ambazo wanakusanya kwa niaba ya kaunti zetu zimepunguzwa, kwa mfano, faini zinazolipwa kwa makosa inayohusiana na sheria za kaunti ambazo zinakusanywa na mahakama. Fedha hizi zinastahili kuenda katika mfuko wa serikali zetu za kaunti, zile ziko na mahakama. Kwa mfano, Kaunti za Mombasa na Nairobi ambazo ziko na mahakama ambayo husimamia mashtaka yanayofanyika kuhusiana na sheria za kaunti. Kwa mfano, mtu kujenga nyumba bila kibali cha kaunti au wafanyi biashara kuendeleza biashara bila leseni.

Bw. Spika, pesa hizo zinatakikana zije moja kwa moja katika kaunti zetu ila zimezuiliwa na Serikali kuu. Hivyo basi, pesa hizo haziwezi kuja katika kaunti zetu.

Bw. Spika, kuna malumbukizi ya pesa hizi. Kwa hivyo, wakikataa na kusema ya kwamba pesa hizo ziondolewe katika orodha ya fedha zinazokuja katika kaunti zetu, inakuwa ni makosa na kaunti zetu hazitaweza kutekeleza majukumu 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.*

Bw. Spika, ninaunga mkono ripoti hii na ningeomba Bunge hili liweze kuikubali na kuipitisha kwa sababu inatoa mwelekeo kuhusiana na vile ambavyo kaunti zetu zitaweza kupata fedha. Kwa sasa, karibu kwa zaidi ya miezi nne, serikali zetu za kaunti hazijaweza kupata fedha kwa sababu Mswada wa Fedha wa Mwaka 2024/2025 ulifutiliwa mbali.

Sheria hii ambayo tulikuwa tumeipitisha ingesaidia pakubwa kuhakikisha ya kwamba zile fedha ndogo ndogo ambazo zilikuwa zimepangwa kupelekwa katika kaunti zimepelekwa.

Asante, kwa kunipa fursa hii.

*(Sen. Osotsi stood up in his place)*

**The Speaker** (Hon. Kingi): Sen. Ososti, kindly take your seat.  
Hon. Senators, I will now propose the Question.

*(Question proposed)*

**The Speaker** (Hon. Kingi): Hon. Senators, the Floor is now open.

Sen. Olekina, you have the Floor

**Sen. Olekina:** Thank you, Mr. Speaker, Sir. Let me begin by saying that this House shall fight for devolution. It is a bit hypocritical that in this era, we are talking about devolution, devolving funds to our counties and accountability---

*(Sen. Cherarkey consulted loudly)*

**The Speaker** (Hon. Kingi): Senator for Nandi County, may Sen. Olekina be heard in silence.

**Sen. Olekina:** Mr. Speaker, Sir, it seems as though the national Government, perpetuated by the National Assembly is eager to make sure that they deny county governments money.

The distinguished Senator from Mandera County and his Committee have continuously reminded this House that when it comes to the issues of resources, all of us must stand firm and reject, in totality, the work that is done by the National Assembly.

Our county governments have got feeder roads. I want us to look at Narok County as an example. Narok County is one of the counties that feeds this nation. It produces almost 80 per cent of wheat in this country yet its feeder roads are dilapidated. The National Assembly has now come in and decided that those additional grants are not worth it. Seriously!

Somebody has to drill some sense into the minds of our colleagues in the National Assembly who are negating their role of representation. It does not matter whether you represent citizens from the National Assembly or the county. Ultimately, the county governments are the ones that will develop this nation.

So, I want to beseech all of us that the Road Maintenance Levy Fund (RMLF) is very important. This is a fund that has continued to help our communities. All of us, who

---

**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.*

are sitting here, need to remember Article 123 of our Constitution, which states that you vote as a delegation. You need to remember that. If you come here and do not think about your county, your county will continue suffering.

As long as I am here and God has given me air to breathe, I will always make sure that I fight for more monies to go to my county. I want to see roads from Mau Narok being repaired. When you go to the counties, they will tell you that we have no money to fix these roads because the National Assembly has removed the RMLF.

This is the time for us to now redefine devolution. What is devolution? Every time we sit here and lament, and when a Motion comes from the National Assembly, we are quick to pass it. This is an opportunity for us to put our foot down. Those who will go into mediation should put their feet down. I say that because I want to persuade all of us here to reject those amendments in totality. If we cannot fix our county governments' roads, then what else are we doing?

Mr. Speaker, Sir, some counties are still struggling to build their county headquarters. There were grants there to support those counties to complete these county headquarters. I remember Sen. Faki came here, we moved a Motion and agreed to allocate Mombasa County a few more resources in order for them to build their sports complex.

When we concentrate everything at the national Government, what impact will it have on the communities? We talk about all funds. When it comes into the issue of revenue share, they want to reduce that and even the Division of Revenue. I have never seen a situation where we have had to talk about amendments when there is a law that is in existence. Our counties are now crying because they have no money for anything.

Sometimes, the doctors go on strike and when you follow up with the governors, they will tell you that they have no money to pay them. So, if we are not diligent and careful in our work, we will be sitting here and warming our chairs.

From today, I beseech all of you to consider a Bill coming from the National Assembly and has got to do with resources as a problem. Remember that you have a hammer and such a Bill should be considered as a nail. All you need to do is to hammer it down in order for them to know that moving forward, these distinguished men and women will fight for their counties. If we do not fight for our counties, the future generations will laugh at us. They will wonder what all those old men were doing there. They will be pointing at the bullfighter and saying; "bullfighter, what were you fighting for if you were not able to help me get a road?"

Yesterday, I saw statistics of the number of houses built out of mud in this country. I was very sad to learn that in my County of Narok, 60 per cent of homesteads are built out of mud. When will we be able to leapfrog and do away with stone age issues? Our forefathers lived in mud houses and now, in the 21st Century, we are wearing good designer suits and everything yet our people are living in mud houses. Come on! There is a ripple effect. If the road is bad, then it means that there is no development in that area. If there is no money to build county headquarters, people will just live there and not think of how to develop.

In a few words, it is imperative that all of us here, especially the head of delegations, should have a clear picture of your county even as you sit here. You should

---

**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.*

have a spatial plan for all your urban areas as you sit here. You should ask yourself; what does my county look like? How many buildings are there? How many roads are there?

If you go to your sub-counties, you also need to ask yourself a few questions. You need to know how many feeder roads are there in those sub-counties. That is when you will know that it behooves you to fight hard, so that not a single penny is deducted from those funds. You cannot remove those funds.

Recently, we were told that our colleagues, who are in the Budget Committee of the National Assembly, make sure that their constituencies get a lot of money and they actually fight for it. I am sure my sister, Sen. Tobiko, who was a Member of Parliament at the National Assembly would wish to be in that Budget Committee so as to make sure that some money goes to Kajiado County. Unfortunately for her, she is now here, in the Senate. Those people will still want money for themselves. The question is; what will happen to you? Those Members will deduct the little money that is supposed to go to the counties.

Unless we are all cognizant of the fact that we are here to fight for our counties, we will end up being a laughing stock. This is the time when we break the protocol and come up with hats and I am willing to sponsor that.

Finally, I want to remind those that I believe will eventually go to the mediation committee that they have a duty. You are lucky that you drive a Sports Utility Vehicle (SUV) when going back home. There are people who are stuck in a Probox or *boda boda* in a dilapidated road. Your SUV will be able to go through, but think of that person who has been bundled up in a Probox or three or four people on a motorbike going through bumpy roads. Think about their generations, if there will be any.

Thank you. I reject the amendments.

**The Speaker** (Hon. Kingi): Sen. Ali Roba, proceed.

**Sen. Ali Roba:** Thank you very much, Mr. Speaker, Sir. Receive my apologies for coming in a bit late. I take this opportunity for the purpose of making sure that hon. Senators are on the same page on the County Governments Additional Allocation Bill (Senate Bills No.19 of 2024) and why we have to reject the Bill as amended by the National Assembly.

Hon. Senators, what gives us the moral authority to criticise our county governments is, if we do our sworn responsibilities of protecting devolution at all costs. That is the only time we will be able to have the moral authority to criticise what the governor has done or not.

The Road Maintenance Levy Fund (RMLF) is collected by the Kenya Roads Board (KRB). It is supposed to maintain national truck roads and county roads. Now, the entire Kshs10.5 billion has been removed from the County Governments Additional Allocation Bill (Senate Bills No.19 of 2024). This is the first time it is happening. About two years ago, that money was erroneously lumped up into the Division of Revenue Act (DORA) and alleged that it is part of Act. The Senate as well as the Council of Governors (COG) fought very hard to indicate that this is a fund appropriated by an Act of Parliament and it cannot be lumped up under the DORA.

An allocation of Kshs10.5 billion was done under the County Governments Additional Allocation Bill (Senate Bills No.19 of 2024) as it has been for the last 11

---

**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.*

years. Counties are not getting revenue and there is no additional allocation. The inflation rate in county governments is very high. What they are getting as additional allocation every year in DORA is not even able to cater for the inflationary percentage of about six per cent that comes automatically without anything being done. The National Assembly has now gone ahead to remove the entire RMLF of Kshs10.5 billion.

They have again moved further in reducing funds for a project initiated by the national Government. That is the Community Health Promoters (CHP), which was allocated Kshs3.2 billion. Staff have already been recruited and have a payroll number. The Kshs3.2 billion has been reduced to Kshs2.58 billion. That will be able to only cater for 86,133 CHP as opposed to 107,831 that are already working in our county governments.

Mr. Speaker, Sir, and hon. Senators, there are funds that have already been realised like funds for the transfer of museum function, where funds follow functions. The functions have been transferred, but the funds are left. The Kshs30.1 million has been removed. Even more absurd is the court fines. A collection has already taken place. It has realised money and not projected revenue. The courts have already collected fines as a result of county legislation. However, these funds have been removed from the County Governments Additional Allocation Bill.

What logical reason can we give as a Senate to rationalise the fact that money already collected on behalf of the county government by the courts has been removed? How can we start talking about austerity measures and such other issues? It cannot work. There are issues to do with mineral royalties, which are realised funds collected on behalf of county governments amounting to Kshs1.1 billion. That money has also been removed. This is supposed to be appropriated in percentages in line with the law, but it has been removed.

Hon. Senators, this Senate has worked extremely hard over the last one year in consultation with every critical stakeholder on the issue of supplementary budget for county headquarters for five counties. Eventually, in consultation with the Cabinet Secretary for the National Treasury and Economic Planning, we were able to arbitrate the situation. The five counties were promised that the national Government will finance them to construct their county headquarters. This project has stalled for over eight years.

The five governors wrote to the Senate and requested if they can get a little allocation from the national Government transferred to them, and then they top up and finish their county headquarters. That process took us eight months. Eventually, the National Treasury, the Intergovernmental Relations Technical Committee (IGRTC), the State Department of Public Works, the governors and the Senate agreed and the transfer was done to enable these five counties to complete their county headquarters.

There is an allocation of Kshs528 million that was in the previous and the current County Governments Additional Allocation Bill that the governors had already signed and accepted they will top up whatever is missing for them to finish their county headquarters. That has now been insensitively removed, so that that project remains stalled for additional years without any consideration.

Mr. Speaker, Sir, and hon. Senators, those are the critical issues that I felt this honourable Senate needs to know on why we should reject this Bill as it heads to mediation. That is what I wanted to present to you.

Thank you very much. I submit.

**The Speaker** (Hon. Kingi): Senator for Nairobi City County, Sen. Sifuna, proceed.

**Sen. Sifuna:** Mr. Speaker, Sir, I increasingly grow proud of our Standing Committee on Finance and Budget.

*(Applause)*

The Members need to keep calm because I do not think they will be very happy with what is about to come next. I was a bit worried at the beginning of the term of this Parliament that we had departed from our constitutional duty to be the protectors of counties and their governments as stipulated under Article 96 of the Constitution.

Hon. Speaker, let me borrow the words of the Minority Whip that, in fact, this Senate must at every single opportunity stand up to protect devolution and devolved units. That every step that has been made in advancing the cause of devolution must be protected and no single step back must be allowed.

I stand to support the Report that has come from the Committee that is ably chaired by Sen. Ali Roba. The National Assembly has tried to reduce a total of Kshs45 billion from the additional allocation to county governments in the amendments to this Bill. The hon. Senators who have spoken before me have spoken about the reduction in RMLF of Kshs10.5 billion.

If you look at the totality of the reductions, there are some things that I am sure even Members of the National Assembly would not be able to justify. For instance, they have cut Kshs7.4 million from court fines. Some of our county governments run city courts to enforce local authority laws. This money is collected from the residents of those areas. For example, in Nairobi City, we have our own city court and there can be no justification for why that money should be retained at the national level.

Mr. Speaker, Sir, the second one that has caught my eye is a reduction of Kshs1.1 billion on mineral royalties. This is something that is in the law that counties are entitled to a small percentage of the mineral wealth that is exploited in the areas and, therefore, this is something that we cannot support as a House.

The most interesting one is the reduction of the allocation to county health promoters from Kshs3.2 billion to Kshs2.5 billion. This is a programme that was launched with much fanfare at Uhuru Park, by none other than the President. How will he explain, because as the Committee rightfully notes, the Kshs2.5 billion is only enough for 86,133 community health Promoters (CHPs) and we have a total of 107,831 of CHPs.

What that tells you is that 22,000 CHPs will have no pay for the next financial year and this is something that we cannot countenance. This is a step that we had already taken and there are serious players in the attainment of universal health care and therefore, we cannot support this.

---

**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. Speaker, Sir, on behalf of the CHPs of Nairobi, I will vote to oppose any reduction in the monies that was allocated for them.

The Road Maintenance Levy Fund (RMLF) reduction of Kshs10.5 billion is, as the Committee rightfully notes, a contravention of the Constitution. This is because if under Schedule 4, a role is defined to be a county role, then it follows the constitutional principle requires that, that role be financed. For you to remove the entire RMLF allocation for county roles under Schedule 4 is a contravention of the Constitution.

Mr. Speaker, Sir, in the Financial Year 2023/2024, counties had been allocated Kshs4.5 billion for industrial parks. Of course, they were launched with a lot of fanfare. I remember receiving a phone call from my mother in the village, that right across from her house, the President was there launching an industrial park and that she was going to have - in her own words - a place to sell her milk and chicken.

For all that the counties were supposed to benefit from these industrial parks, they only received a total of Kshs1.12 billion, even despite the allocation of Kshs4.5 billion. So, counties that were expecting Kshs250 million for industrial parks received only Kshs62 million.

Mr. Speaker, Sir, if you allow me, I have a photo on my phone that my mother sent me this afternoon of that site where the President launched with much fanfare, across from her house. Everything has stalled and there is no hope for either getting a market for her chicken or the milk.

*(Sen. Cheruiyot spoke off record)*

Mr. Speaker, Sir, protect me from the Senate Majority Leader.

*(Sen. Cherarkey spoke off record)*

**The Speaker** (Hon. Kingi): Order. Senator for Nandi, allow hon. Sen. Sifuna to conclude

**Sen. Sifuna:** Mr. Speaker, Sir, I am surprised the Senator for Nandi wants to insert himself in the communications between my mother and I.

Therefore, we as a House must in totality take the position that there is absolutely no justification for these things. As I said even during the debate on the Division of Revenue, the practice has always been that any shortfall in revenue must be borne by the national Government.

These programmes are critical and if you are going to tell 22,000 CHPs that they are no longer going to earn the Kshs5,000 they are supposed to earn, it is going to be something akin to a mountain to climb. How do you select the ones to earn and the ones not to earn, the ones to be cut from the programme and the ones to be retained?

Therefore, I agree totally with the proposal that has come from the Committee on Budget and Finance, that we must reject in total any attempts to reduce the basket of devolution as has been proposed by the National Assembly.

I thank you.

---

**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 Senate Majority Leader** (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. I join my colleagues in appreciating the very diligent work of our Budget and Finance Committee. I have not hidden from this House my admiration of the work done by this Committee that I served in my formative years as a legislator. I continue to appreciate the diligence with which they execute the various critical responsibilities bestowed upon them by the Constitution and our Standing Orders.

This Committee has proven over the last few sessions of this Senate, that when called upon to stand up for devolution, they do so with much zest. I appreciate the members of this Committee and all those that make the Committee sittings while Sen. Sifuna was a bit more generous with his platitudes, celebrating the Committee.

As the Senate Majority Leader, I am always keen to see the Members who sign the reports and I always look through the Committee on Budget and Finance. It gives you an idea of who is present in those meetings. You will consistently note that it is almost all or about the same people, about five or six out of the nine that are members of this Committee that do this work. I celebrate those members under the leadership of Capt. Ali Roba.

Mr. Speaker, Sir, I will go straight to the recommendations because I do not need to repeat many of the brilliant things that have been said by colleagues who have spoken ahead of me. I can only appreciate the findings of this Committee, which are quite impressive and they have been able to pinpoint the exact pressure points for our counties.

You know, even without the fight of saying we need to add money here and there, you need to first identify allocations that are already set out in law and are already specified that X amount of money go to our counties; like the mineral royalties defined in law. Therefore, there is nothing to fight about.

Mr. Speaker, Sir, sometimes you look at the Bills that come from the National Assembly and wonder. I know that for a fact because I served as Chair of the Staff Welfare Committee, that Parliament is made up of the most competent personnel and human resource you can find in this Republic and even beyond. So, what happens when you serve in the National Assembly because I know our staff are diligent?

When I served in committees, there were many things we would wish to insert into the Bills, but our clerks and the legal personnel that served with us in those committees would expressly guide us; helping us appreciate that this was outright unconstitutional or against the provisions of the law.

Therefore, you find a reduction to royalties that have already been collected, Kshs1.06 billion, proposed, and it passes, and that Committee that considered this Bill has a lawyer, a legislative drafter and a clerk, who understand all these things. I am not focused on the political class because I know what happens in committees sometimes, but I am thinking through provisions of law that are already set out.

It is important that Members appreciate the County Government's Additional Allocations Bill is the brainchild of this House, about two years ago. Previously we used to do one Division of Revenue Act (DORA) and you would have separate divisions for additional allocation. However, we felt that it was important because some of these allocations come midway through the year, that we have a stand-alone Bill that helps Senate and institutions of oversight to have a clearer view of both conditional and

---

**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.*

unconditional grants to our counties that we felt were getting lost in between the other broad county governments' allocation to our counties, where there was a better focus.

Mr. Speaker, Sir, pointing out the very glaring errors in this Bill, like the one I have spoken to, justifies the thinking that went into doing a separate Bill by the Senate. This is because, if we were still doing one DORA that has both the shareable revenue and the conditional and unconditional allocation, as was the case previously, then it would be difficult to pinpoint some of these errors.

However, the Senate made a wise decision, and reading through this Report, you will appreciate actually why it was important for us to have this separate distinction between shareable revenue and this conditional and unconditional grants to our counties.

It is only when we begin to deal with this item by item that you can pinpoint the shortfalls and point out specifically that we pass a law that will, for instance, set out that once we have made a decision, we are setting up these Community Health Promoters, it is defined and known that this is a human resource. These are human beings. They are people with families. They have genuine expectations. They believe that they have a job. They go around our villages treating.

Much as we do not remunerate the Community Health Promoters as well as we should, I can give testimony that those I know in various villages in our communities do more work than some of the medical professionals since they are visiting the hundred households that were allocated to them.

Therefore, because their salary is already known and the numbers of the Community Health Promoters per county are well defined, their allocation should be rather obvious after factoring in all the other additional costs that come with having them at their place of work. This is part of the lack of fluency in the drafting of some of these Bills. I will continue to point out and challenge staffers and Members of Parliament, like yours truly, who serve in these Committees not to make our work so difficult. These are things that are already specified, and they are known.

Therefore, they should not form a basis for argument because we know the exact number of these people, and we should conclude them. It has taken this Committee to point out and remind the whole country that when we made the decision in 2015 to build county headquarters for five counties, I think Isiolo, Lamu, Nyandarua, and two others, we were clear about how much we were going to give them.

At that particular time, there was a general understanding amongst all of us who served in the Budget and Finance Committee that because these counties did not have provincial, divisional, or district headquarters at that particular time, we were going to give them a boost. However, we were not going to turn the whole country into sponsors for them as such if you are unable to conclude on building this project, like I have seen a case in a county which I do not want to mention, because as Senate Majority Leader, people may interpret that I have something against that specific county.

However, that county is listed here, and I like that the Committee has pointed out that this county has taken more than their projected share, and we cannot give them the Kshs78 million that is being projected. Let them find within their resources because the rest of the other four counties, that is, Lamu, Isiolo, and the rest, have concluded with the

allocation that we gave to them at that particular time and that we should avoid this temptation.

It points out to even the drafters and the people that go into drafting some of this legislation, that perhaps either out of corruption or because of the fact that you come from a particular county, we just want to obviously violate the law.

If you read the Report of the Budget and Finance Committee of 2015, I know what we appended and the allocation that was given to each county. If you have exhausted your quota, that is it. There is no reason why we should be burdening the rest of the country to complete our headquarters for you more than 10 years down the line after the advent of devolution.

Therefore, I agree with the proposal that this Committee is making to deny that allocation to that particular county. For these specific programmes, I wish Sen. M. Kajwang' was here, but I know Members of the Public Accounts Committee are here. Sen. Osotsi, your committee looks into these special funds. These so-called donor-funded projects in our counties, the Danish International Development Agency (DANIDA) Financing Locally-Led Climate Action (FLOCA) Program and the Kenya Climate Smart Agriculture Project (KCSAP) are increasing by the day.

If there is an avenue where public finances are being lost, in our counties, it is these particular projects. Therefore, Sen. Osotsi, if you and Sen. M. Kajwang' do not lead us into establishing a mechanism through which we can ensure that citizens get value for money out of these loans, then we need to disband those committees of yours.

I do not know of a Senator who cannot go back to their county today and point out - under these funds of either FLOCA, DANIDA, and funds for counties that have urban settings - where this money is not wasted. You find a kilometre of the road is being built for more than Kshs50 million or Kshs60 million by a county government. What nonsense are we allowing as a country?

I really hope that by the time we get to the next session of the Senate, Sen. Osotsi, Sen. M. Kajwang', your committees will lead us into ensuring that we have specific ways through which we ensure that these donor-funded projects in our county, citizens get value for money.

*(Sen. (Prof.) Tom Ojienda consulted loudly)*

**The Speaker** (Hon. Kingi): Order, hon. Senators. Sen. (Prof.) Tom Ojienda, may the Senate Majority Leader be heard in silence, please.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, I like what the Finance and Budget Committee is pointing us towards. The latest project is the Kenya Agricultural Business Development project. The one for putting together community projects for young people in agriculture. These things have been there since I was a youth. I do not think I am a good example. The project has probably been there since Sen. (Dr.) Oburu was a young person. If these interventions in agriculture achieved the desired results, we would carry on.

The problem is that, as a Senate, we are not involved in the design of this project. Yet, we are brought in as rubber stamps at the tail end of the programme, where we are

---

**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.*

supposed to append our signatures to indicate that a programme has been put together so that we could send funds to the counties.

If you ask many of the Senators here to give an account of their experience of these projects, the way they have been conceptualized and designed, there would be more value for money in some of these grants despite the fact that they are specific to the projects they are supposed to do.

You will find the climate funds are part of the money that many of our governors continue to run projects, similar to what used to be known in the national Government as *kazi kwa vijana*, where they get their supporters and bloggers. The people used to insult Senators, walk with a slasher for two or three days, and disappear with Kshs5,000 or Kshs10,000 per day; open blatant corruption, yet we account for these funds, colleague Senators.

It is time we become cautious about donor-funded projects. The so-called Treasury mandarins are intelligent. They know when to splash catchphrases like “World Bank, International Monetary Fund (IMF) funded projects.” I do not know why they do this. Is it because of neocolonialism or whatever the issue is? We get easily excited and say, “if it is the World Bank, perhaps this project would have been properly thought about, and we should approve the funds.”

I believe that it is possible for the Senate of the Republic of Kenya first to put a stop to these conditional and unconditional grants until we see a feasibility report for these projects across our counties. These are the monies we will pay for. This is not free lunch, but billions of shillings that eventually accumulate and stockpile as part of our national debt, yet if you compare how that money is being used, you know for a fact that the money is wasted.

Sen. Ali Roba, while I agree with the proposal to top up the funds, there must be better accountability mechanisms for these projects. Up to and including not just necessarily the amounts of money that are being disbursed, but also the conceptualization of the projects. I know what is best for the people of Kericho County. This is why they elected me to represent them here as their Senator, and this applies to all the Senators that are here.

I do not see how somebody can sit in Washington and design a project that we are supposed to implement as a turnkey project and expect it will work miracles for my people. The Senate of the Republic of Kenya must have a better voice on this project, including its conceptualization and costing.

Lastly, I have a concern. I will proceed to the specific Clause. This is part (h) of the Committee’s recommendation of the Report, where the Committee is proposing that we amend Clauses 5 and 6 to provide that all additional allocations to county governments under Clauses 5(1)(2)(3) and (4) shall be transferred to the respective County Revenue Fund (CRF) per the disbursement schedule approved according to Section 17 of the Public Finance Management (PFM) Act, CAP 412A.

I was curious about this because I thought that this is already provided for in law. However, I have been in this House long enough to know that there is nothing that makes its way into legislation out of idle venture. Are there, perhaps, specific counties where these funds or these additional allocations are directed to without benefit to the rest of all

---

**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 47 county governments? Is that the reason why Sen. Ali Roba and his team would wish that we provide this amendment to Clauses 5 and 6 to ensure that there is a direct transfer to the specific CRF of a particular county?

I thought there was a general application. Maybe, I should have asked the Chairperson of this Committee in private but help me to wonder aloud with the rest of the Senators so that they appreciate it also. It will be important for Senators to know that before the advent of this particular Bill, it was the National Treasury that was to determine the counties that were to benefit from the Conditional Grants and we only had specific counties benefitting from this particular project.

We felt that it was unfair to the rest of the devolution family because we believe in the principle of equity. We believe that all 47 distinct county governments are equal before the law.

That is why we moved the House and it agreed with us that this House should be the principal organ that does the distribution of resources. Today, if we are to run a project in five counties, we can justify to the rest of our colleagues that the other 42 have missed out, but somehow, they will be beneficiaries in the next Financial Year.

That never used to be the case. It is for that reason that I get concerned when we have this amendment. I hope Sen. Ali Roba can convince me before we take the vote on why it has to be specified into the CRF account of the specific counties without listing those particular counties.

With those very many remarks, I beg to support our Committee and appreciate them for the very good work that they have done.

Thank you.

**The Speaker** (Hon. Kingi): Thank you. Now, hon. Senators, the youngest Member of the House, turns 81 years old today.

*(Applause)*

He is none other than the Senator for Siaya County, the Hon. Sen. (Dr.) Oburu Oginga. Happy birthday, Sen. (Dr.) Oburu.

*(Hon. Senators stood up in their places and sang a happy birthday song to Sen. (Dr.) Oburu)*

Thank you. Order, Hon. Senators.

Sen. (Dr.) Oburu, the Floor is yours.

**Sen. (Dr.) Oburu:** Mr. Speaker, Sir, I thank you profusely for recognizing me as the youngest Member of this House. I have turned 81 years old and I feel as if I am 40 years old.

*(Applause)*

I also want to take this opportunity to contribute to the Report of our Committee, the Committee on Finance and Budget that is chaired by our very competent leader from

---

**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.*

Mandera County, Sen. Ali Roba. This is a very important Bill. I think it is one of the cardinal functions of our Senate because our Senate is there to protect devolution. I was a Member of Parliament when there was no Constituencies Development Fund (CDF).

At that time, we had the Local Government Fund (LGF). Later on, we had something called the Rural Development Fund (RDF), which was very small amount of money and it was mainly from donors. We used to sit long hours as Members of Parliament in the District Development Committees to determine where the money would go.

We were the ones who brought the CDF. Hon. Sen. (Eng.) Muriuki Karue brought the proposals and we all supported and created the CDF. It appears to me that the CDF has made our Members of the National Assembly to think that devolution does not matter.

To them, whatever goes to the devolved units does not matter as long as they are getting access to that money. They forget that they are getting access to that money illegally. This is because the courts have determined, severally, that the CDF is illegal but they always arm twist things and find a way to bring it back.

There is also the Rural Roads Funds (RRF). I do not know how the Members of the National Assembly managed to twist it in order for them to control that Fund. I think that those funds are the reason they forget the allocation to the counties. They have recklessly reduced the county allocation as if they do not live in the counties. There is no Member of Parliament who does dwell in a particular county. They know what the counties are supposed to do.

Apart from protecting the counties, we do oversight but we cannot oversight what is not there. We can only oversight monies which are there. So, the first thing that has to be done is to allocate money. You will remember that the Commission on Revenue Allocation (CRA) recommended that the counties should get Kshs412 billion and we approved it, but when it went to the National Assembly, they reduced it to Kshs398 billion and said that they had increased it.

The truth is that they did not increase anything because an increase from Kshs396 billion to Kshs398 only gives us Kshs2 billion increment. That little increment only covers a little more or a little less than the inflation, which is more than 8 to 9 per cent. The deductions they have made are part of what they are calling austerity measures. These deductions are done arbitrarily without thinking of how they will affect the people at home.

Think of the Community Health Promoters who were not being paid anything at the beginning. They were at the mercy of the governors who would give them some little allowance at will yet they performed the most important function at the grassroots. They are the ones who treat people before they go to any dispensary when they fall sick at home. They have been working tirelessly with the communities at the grassroots without being paid or even being given a token.

This was a God-sent opportunity and the Members of Parliament should appreciate the work that these people do. For the first time, there is an official allocation in the budget to cater for their pay yet the Members of the National Assembly do not see its importance. When they want to reduce monies due to austerity measures, they should

---

**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.*

know where to do it. It should mainly affect the national Government budget and not the county government budget.

I used to work in the National Treasury and we had a knife which used to cut allocations to Ministries. However, there was a misunderstanding because some Ministries used to throw big figures outside the ceilings they were given because they knew that the National Treasury would reduce them. They used to give big figures so that if they are reduced, it would come to what they wanted.

The National Treasury used to give everything requested as long as they were within their ceilings. If you inflated, we did not know where to cut. Sometimes we could reduce some of the most essential ones.

That is what Members of the National Assembly are doing. They are cutting the most essential ones. They are attacking roads, industrial parks, and community health workers. These are areas which should be no-go zones when it comes to reduction by the National Assembly. These are areas which should be protected and they should not touch.

Some of them do not even understand what industrial parks mean. Industrial parks are going to create a revolution in terms of employment of the youth in rural areas. When they are established, it should be the duty of every leader to protect them and make sure that the money is ringfenced. It should not be touched as a result of austerity measures leading to reduction in allocations.

Mr. Speaker, Sir, I do not want to speak more because mine was only to support the recommendations of the committee. They have done a good job and we will continue to support them.

I used to be the Chairman of Finance and National Planning Committee before Budget and Appropriations Committee was created. We are the ones who created it. I really appreciate the work being done by Sen. Ali Roba and his Committee.

I thank you for the opportunity.

*(An. hon. Senator spoke off record)*

**The Speaker** (Hon. Kingi): You have whispered it to me. So, you need not to take it to the Floor.

Hon. Senators, we had deferred two Orders because we did not have the requisite delegations to go to division. Now we do. So, allow me to rearrange today's Order Paper pursuant to Standing Order No.45(2).

We will handle Order Nos.9 and 10. Thereafter, we will go back to the debate on additional allocation of revenue. It will take us less than 10 minutes.

Clerk, please, proceed to call those two Orders.

## BILL

### *Second Reading*

#### THE POLITICAL PARTIES (AMENDMENT) (NO.2) BILL (SENATE BILLS NO.26 OF 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.*

*(Sen. Cheruiyot on 4.7.2024)*

*(Resumption of debate interrupted on 8.10.2024)*

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

*(The Division Bell was rung)*

Serjeant-at-Arms, you may now proceed to close the doors and draw the Bar.

*(The doors were closed and the Bar drawn)*

Hon. Senators, we will start with Order No.9. It has already been called out by the Clerk. Therefore---

*(Loud consultations)*

**The Speaker** (Hon. Kingi): Order, hon. Senators. I will proceed to put the question, which is that The Political Parties (Amendment) (No.2) Bill (Senate Bills No.26 of 2024) be now read a Second Time.

We are going to vote electronically. So, hon. Senators, at this juncture, I will ask you to pull your cards out of the delegates units.

Serjeant-at-Arms, kindly collect unattended cards to forestall ghost voting. Hon. Senators, you may now log in again and proceed to vote.

*(The Senators proceeded to vote)*

## DIVISION

### ELECTRONIC VOTING

THE POLITICAL PARTIES (AMENDMENT) (NO.2)  
BILL (SENATE BILLS NO.26 OF 2024)

*(Question, that The Political Parties (Amendment) (No.2)  
Bill (Senate Bills No.26 of 2024) be now read a Second  
Time put, and the Senate proceeded to vote by  
County Delegations)*

**AYES:** Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Boy, Kwale County; Sen. Cheptumo, Baringo County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen.

---

**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.*

Githuku, Lamu County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kavindu Muthama, Machakos County; Sen. Lomenen, Turkana County; Sen. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. Mbugua, ; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu 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. Sifuna, Nairobi County; Sen. (Prof.) Tom Ojienda Odhiambo, SC, Kisumu County; and, Sen. Wafula, Bungoma County.

**NOES:** Nil

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

**AYES:** 30

**NOES:** Nil

**ABSTENTIONS:** 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)*

## **BILL**

### *Second Reading*

THE ELECTION OFFENCES (AMENDMENT) (No.2) BILL  
(SENATE BILLS NO.28 OF 2024)

*(Sen. Cheruiyot on 17.4.2024 – Afternoon Sitting)*

*(Resumption of debate interrupted on 9.10.2024)*

## **DIVISION**

### **ELECTRONIC VOTING**

*(Question, that the Elections Offences (Amendment) (No.2) Bill (Senate Bills No.28 of 2024) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Boy, Kwale County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County;

**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. Faki, Mombasa County; Sen. Githuku, Lamu County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Lomenen, Turkana County; Sen. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. Methu, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu 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. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi County; Sen. (Prof.) Tom Ojienda, SC, Kisumu County; Sen. Wafula, Bungoma County; and Sen. Wambua, Kitui County.

**NOES:** Nil

**The Speaker** (Hon. Kingi): Hon. senators, the result of the division is as follows.

**AYES:**33

**NOES:** 0

**ABSTENTION:** 0.

The "Ayes" have it.

*(Question carried by 33 votes to Nil)*

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

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

*(The Bars were withdrawn and the Doors opened)*

Hon. Senators, before we resume debate on Order No.11, allow me to make the following Communication.

### **COMMUNICATION FROM THE CHAIR**

FAILURE OF THE GOVERNOR OF ISIOLO COUNTY,  
HON. ABDI IBRAHIM HASSAN, TO APPEAR  
BEFORE SENATE COMMITTEES

**The Speaker** (Hon. Kingi): Hon. Senators, at the sitting of the Senate held on Wednesday, 9<sup>th</sup> October, 2024, Sen. Fatuma Dullo brought it to the attention of this House that the Governor of Isiolo County, Hon. Abdi Ibrahim Hassan, had on several occasions failed to appear before various committees of the Senate, in response to either an invitation to appear or summons.

Indeed, the following instances serve as an illustration of the instances where the governor, without justifiable reason, has failed to appear.

---

**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) Invitation by the County Public Accounts Committee; where the Governor had been invited severally but had declined to appear. Thus, summons dated 12<sup>th</sup> April, 2024 were issued by the Committee.

(b) Invitation by the Standing Committee on Labour and Social Welfare; where the Governor had been invited severally but had declined to appear. Thus, a summons was issued.

(c) Invitation by the Standing Committee on Finance and Budget, where the Governor had failed to respond to Committee's requests for information and thus summons dated 31<sup>st</sup> July, 2024 were issued by the committee. The governor failed to appear in response to the summons and the Committee issued further summons dated 30<sup>th</sup> September, 2024.

(d) Invitation by the County Public Investments and Special Funds Committee; where the Governor appeared and used demeaning language and insulted Members of that Committee.

(e) The governor failed to appear before the Standing Committee on Health pursuant to summons dated 21<sup>st</sup> May, 2024. The governor obtained conservatory orders prohibiting the Director of Public Prosecutions from implementing the resolution of the Committee to have the governor prosecuted for breach of Section 271A of the Parliamentary Powers and Privileges.

(f) Invitation by the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration; where the governor has declined to appear before the Committee.

(g) An Invitation by the Standing Committee on Devolution and Intergovernmental Relations, where the governor did not appear.

Hon. Senators, it would be prudent to consider the issues raised by Sen. Dullo in the context of the law and judicial pronouncements that govern the issuance of summons by Parliament or its committees. Article 125 of the Constitution provides as follows:

“(1) Either House of Parliament, and any of its committees, has power to summon any person to appear before it for the purpose of giving evidence or providing information.

(2) For the purposes of Section (1), a House of Parliament and any of its committees has the same powers as that of the High Court –

(a) to enforce the attendance of witnesses and examine them on oath, affirmation or otherwise;

(b) to compel the production of documents; and,

(c) to issue a commission or request to examine witnesses abroad.”

To give further effect to the powers under Article 125 of the Constitution, Section 18(1) of the Parliamentary Powers and Privileges Act, provides that:

“Parliament or its committees may invite or summon any person to appear before it for the purpose of giving evidence or providing any information, paper, book, record or document in the possession or under the control of that person and, in this respect, Parliament and its committees shall have the same powers as the High Court as specified under Article 125 of the Constitution.”

Further, Section 19 of the Act provides 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.*

“(1) Where a witness summoned does not appear, or appears but fails to satisfy the relevant House of Parliament or committee, the relevant House or Committee may impose upon the witness such fine, not exceeding five hundred thousand shillings, having regard to the witness’ condition in life and all the circumstances of the case.

(2) A person may pay the fine under subsection (1) to the Clerk of the relevant House

(3) Parliament or its committee may order the arrest of a person who fails to honour a summons.”

Additionally, Section 27(1) (a) of the Act provides that:

“A person commits an offence where the person-

(a) having been duly summoned in terms of Section 18 fails, without sufficient cause to-

- (i) attend at the time and place specified in the summons; or
- (ii) remain in attendance until excused from further attendance by the person presiding at the inquiry

Under Section 27(2):

“A person who commits an offence under subsection (1) is liable, on conviction, to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.”

Hon. Senators, the exercise of the powers under Article 125 of the Constitution by Parliament, has been the subject of judicial consideration. For instance, in *International Legal Consultants Group versus the Senate*, 2014 eKLR, the Court held *inter alia*, it is not in doubt that the Senate is conferred with the powers to summon any person to appear before it to give evidence or to provide information within its constitutional and statutory mandate. The powers to summon by the committees are equivalent to those of the High Court.

In the same decision, the court found that the constitutional power to summon, must be respected by all public officials at all times. The court further stated that summons should be a remedy of the last resort after attempts, consultation or mediation have failed and where it is clear that a county governor and all county officials have declined an invitation by the Senate or its committees to answer to matters of oversight of county funds.

Hon. Senators, from the foregoing, we may observe that Article 125 of the Constitution, as read together with Section 18(1) of the Powers and Privileges Act, Parliament and its committees have the power to summon any person to appear before it for the purpose of giving evidence or any information. In this respect, Parliament has the same powers as the High Court to enforce the attendance of witnesses and examine them on oath, affirmation or otherwise.

Although the courts have held that the power to summon under Article 125 of the Constitution should not be exercised in an arbitrary or capricious manner and should be preceded by attempts at consultation and mediation, it is clear that the various committees of the Senate have made several attempts to invite the governor to appear before issuing

the summons. In both instances, the governor has failed to appear in a clear disregard of the Senate's power under the Constitution.

This conduct of the governor not only undermines the rule of law but obstructs the Senate from discharging its role as the protector of counties under Article 96(1) of the Constitution and the primary organ of oversight on the use of public funds by county governments under Article 96(3) of the Constitution. This is not acceptable. It cannot be allowed to continue.

Hon. Senators, in light of this, I therefore guide all committees which had issued summons to the governor of Isiolo to appear and in which the governor failed to appear to liaise with the Inspector-General of Police as a matter of urgency and require the Inspector-General of Police to produce the governor before the respective committees at a determined date and time.

*(Applause)*

This is not a favour that the Senate or its committees are asking of the Inspector-General of Police. The defiance displayed by the governor of Isiolo in respect to invitations and summons of the Senate cannot persist.

The Inspector-General of Police must, in exercise of his mandate pursuant to Article 245(2)(b) of the Constitution, extend the necessary support to the committees in order to secure the appearance of the governor.

It is also expected that if recourse to the courts becomes necessary, such action will robustly be pursued in courts as well. It is also open to the Hon. Senator for Isiolo and, indeed, any other Senator to use the legislative mechanisms available under our Standing Orders, including a censure Motion to deal with the errant conduct of the governor of Isiolo.

I thank you.

*(Applause)*

I will allow limited comments on this communication, starting with Sen. Olekina.

**Sen. Olekina:** Mr. Speaker, Sir, let me, first of all, acknowledge the good work that Sen. Dullo has been doing for the people of Isiolo County. If it was not for her diligence in ensuring that those people get their services - that those hospitals which are now shut are opened so that the people get services - we would not be discussing this matter.

This is unprecedented. This is the first time that your Chair has almost censured a sitting governor. This House protects devolution. The framers of the Constitution gave this House powers to ensure accountability, a fiduciary responsibility on those who are given that responsibility by the citizens.

I sit in the Committee on County Public Investments and Special Funds (CPIC). It is quite sad because our job is very simple, to ensure that we take these governors to task in ensuring that they use the resources wisely.

---

**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. Speaker, Sir, I have listened to your Communication and I do not intend to vary your Communication. It is well thought out, but I think we have got the powers in this House.

Article 125 of the Constitution and our Parliamentary Powers and Privileges Act, Section 18 and 19 gives us that power. We have fined this governor Kshs1 million, I think twice now and we want to know whether he has paid that to the Clerk of the House.

We have a police station which is domiciled in the precincts of Parliament. Why can we not authorize that? I know the law does not allow us to direct the Inspector-General of Police, but I believe that the powers given to us by Article 125 of the Constitution, that when we sit, we sit like a High Court; we can be able to compel that witness to appear.

In the last Parliament, we worked closely with the Ministry of Finance and we were able to stop certain funds from going to a particular county. I think that with the position of the Speaker and the powers given to this House, we can be able to take the same direction.

Article 225, lays out the procedure on which the Cabinet Secretary can stop funds but this time around, we have got to think outside the box. We have got to be unorthodox in our thinking in order to defend devolution.

We have to find a way to stop those funds and whoever is protecting this individual - because he boasts around and says that he is untouchable - must also take judicial notice that in this country, in this Senate, we will demand accountability.

The only way that we can be able to ensure the people of Isiolo get their services is if we all suspend any other business today and we deal with this matter. We can censure that governor even if he is not sitting here.

We talk about the separation of powers between the three arms of Government. I believe, with the spirit of cooperation, that we can be able to engage these other two arms of Government; the Executive and the Judiciary to come up with a methodology in which we can be able to demand that this individual is brought to this House, this individual is penalized and the people of Isiolo can get their services.

Yesterday, I was watching a video of a young lady in Isiolo who was taken to hospital. She was in the Intensive Care Unit for 25 days and she was asked to go home because the hospital was closed. Seriously? We can sit here as Senators and allow devolution to die, allow people to thumb chest and say that they are untouchable? I think it is about time that we remind these governors that power is transient. Today, you are so powerful, tomorrow you are nothing; literally nothing.

Just to use a Swahili word, “*Hii ni dhuluma.*” This guy is so drunk with power, that he is humiliating his citizens. He was not elected to go there and make people suffer.

We must remind these people that power is transient and that this Senate is powerful. We have been reminded so many times that we are powerful. We are going to be sitting here tomorrow discussing the issue and impeachment of a Deputy President and you still say that we do not have power?

Let us use this police station which is domiciled in Parliament. We should not just see police here, trying to protect Parliament. The only way you can protect devolution is by making sure that you call these people to account.

---

**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.*

Finally, I want to request the Inspector-General of Police, who I believe is a fine gentleman, who I believe is someone who is committed to ensuring that there is discipline in this country; to expeditiously go and make sure that that Governor is taken to jail.

You cannot violate Section 19 of the Parliamentary Power and Privileges Act. You cannot violate someone from this Senate and you continue there and yet this is the same Senate that is fighting for you to get money. Seriously! That is completely ludicrous.

I hope that everyone here and today, let us not talk about anything else. Let us censure this person and make sure that we use all the powers that we have to make sure that the people of Isiolo get what is rightfully theirs.

I thank you.

**Sen. Wamatinga:** Thank you very much, Mr. Speaker, Sir. I also rise to support the Communication that you have just made.

It is, indeed, a very sad affair that we are chosen by the electorate---

**The Speaker** (Hon. Kingi): What is so disorderly about Sen. Wamatinga, Senate Majority Leader?

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, apologies to Sen. Wamatinga. I just wanted to request if you could guide us, given that this is a matter that many Senators will want to speak to. If you could provide guidance on time so that we give as many of our colleagues a chance to speak to it.

**The Speaker** (Hon. Kingi): Okay. Hon. Senators, we need not go on a vote on this. We can agree on a consensus. Three minutes? Three minutes? Three minutes it is.

Sen. Wamatinga, your time starts running from now.

**Sen. Wamatinga:** Thank you very much, Mr. Speaker, Sir, for giving me this opportunity. Indeed, when we campaign in this country, we promise all kinds of good things to our electorate. Unfortunately, when some of us get into office, they forget the very same things that they promised.

I have heard from my neighbor here, the Senator of Isiolo County, about his frustration with the Governor of Isiolo County. He has issued many invitations, but none of them have been honoured.

We are elected as leaders to sit down and listen to one another. At times, the issues that cause us to invite governors and other officials to appear before our committees are not intended to serve our interests, but the interests of the community and the society of Kenya.

It is quite important that when we address such issues, we put mechanisms in place to ensure that such persons who do not honor the invitations of committees or the summons and that has happened quite several times.

Some of them are known to be quite extreme because they perceive themselves to be demigods. It is imperative that this House acts and behaves in such a way to show such leaders that they are not demigods.

Mr. Speaker, Sir, the minute that we realize we have been elected to serve Kenyans, that is the time that we will embrace servant leadership. It is quite unfortunate

that a governor who has been elected by the electorate of Isiolo and who had promised to deliver cannot even sit down with the Senator.

This is the only way to ensure that we deliver services to our people through a collaborative participatory approach that requires the leaders to sit down together, listen to each other and come up with an amicable working solution that addresses the issue of our people.

As a House, we can only be able to execute our mandate of oversight if we put instruments in place that will ensure that we do not remain toothless.

It is quite unfortunate and sad that in the 21<sup>st</sup> Century, somebody who promised that he is going to deliver services cannot appear before this House. It is not that he is being asked personal questions, but issues of Isiolo County on governance, accountability and transparency.

Mr. Speaker Sir, it is the high time that we show the world and the country that the Senators of this country mean business. We want to ensure that services are delivered to them. The only way to do that is to bite very hard. You have been saying that we can request the Inspector-General of the National Police Service (NPS) to bring such a person before the Committee. We must do it because if we fail to, the role that this House has been given by the Constitution of Kenya will remain unexecuted just because we have arrogant people---

**The Speaker** (Hon. Kingi): Sen. Osotsi, proceed.

**Sen. Osotsi:** Thank you Mr. Speaker, Sir. It is very unfortunate sitting here and listening to the level of impunity by a governor who has refused to attend several Committee invitation. This governor appeared before the County Public Investments and Special Funds Committee and the kind of conduct he exhibited when he appeared was the most unbecoming conduct from a governor. He almost exchanged with some of the Members who are asking valid questions on matters of governance in Isiolo County.

Mr. Speaker, Sir, you remember that in this House, I sponsored a Bill; an amendment to the Powers and Privileges Act, where I said that we need to enhance the fine from Kshs500,000 to Kshs2 million and also put in provisions on how the arrest can be executed. That Bill was passed by this House and is lying in the National Assembly. At this point, I wish the National Assembly can speed up the passage of that Bill so that we can deal with matters like this.

Some governors take it like a crime if we invite them to appear before the Senate. They think that we are punishing them. We are simply doing our oversight role as per Article 96 of the Constitution. I thank those governors who have honoured our invitations in our various committees, appeared and answered questions affecting their counties. However, there are others who when invited, try and use all manner of excuses not to appear. That is against devolution, which this House, under Article 96 exist to protect.

As Sen. Olekina has said, it is high time we have Censure Motions on some of these governors. It should go beyond your Communication so that we have a censure Motion to discuss the conduct of this governor and any other governor who will run away from our summons.

Mr. Speaker, Sir, two weeks ago, we summoned the former governor of Kitui County, Hon. Charity Ngilu, over the matter of Kitui County Textile Centre (KICOTEC),

---

**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.*

where millions of money was embezzled. The former governor did not even respond to our request---

**The Speaker** (Hon. Kingi): Senate Majority Leader, proceed.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, I will not finish the three minutes. I have one thing to say. Your communication is very well reasoned. The only thing I expected that your ruling fell short of is that you should have ordered the IG of the NPS to search and produce the governor, whether he is in Isiolo, Dubai or whichever part of the world. I believe it is out of the abundance of caution not to be taken as usurping the powers that belong to the chairpersons of our committees. However, given that this is a matter that is presently before various committees, then I agree with your wisdom.

I expect that at the next sitting of any of these committees that the governor has defied, the chairpersons alongside the Members will draft the summons and ask the IG of NPS to produce that governor and ensure that he is in safe custody until the next sitting of that Committee. We have a very good police station here at Parliament. It is for dealing with errant members of society, which include governors who fail to honour summons.

Therefore, I want to hear that a certain Senate Committee has ordered the IG of NPS to arrest, detain, and produce governor Guyo before the next sitting of the Committee for failure to honour summons before, until he learns to respect Parliament.

I thank you.

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

**Sen. Wambua:** Thank you, Mr. Speaker, Sir. I associate myself with the comments by the Senate Majority Leader, but with some amendments. A lot will be said by Senators, but this governor has disobeyed invitations and summons by various committees. Requiring that each Committee then contact the IG of the NPS to produce the governor before them may be a bit of a tall order. If it were possible, there are two options: One is that a Motion is brought before this House so that we pass a resolution requiring the IG of the NPS to arrest and produce the governor. Alternatively, the Chairman of the Liaison Committee, where all the chairmen of committees sit, takes up the matter with the IG of the NPS on behalf of the Senate.

Mr. Speaker, Sir, the governor of Isiolo County has shown contempt of the first degree, not against the committees, but the Senate of the Republic of Kenya. As you have heard from Sen. Osoiti, once that example is set, it becomes very popular with other governors.

At the end of the day, what will happen is that when governors are asked to appear before the Senate, they will decide whether to come or not. In this case, let this Senate ensure that the governor of Isiolo County is physically arrested and locked up in the cells in the Parliament Police Station and produced before a Plenary sitting of the Senate. This will serve as an example to other governors who are also wayward, who have no respect and do not honour summons and invitations by Committees of the Senate.

Article 125 (2) (a) of the Constitution is very clear that a House of Parliament or any of its committees can enforce the---

**The Speaker** (Hon. Kingi): Sen. Mungatana, proceed.

---

**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. Mungatana, MGH:** Mr. Speaker, Sir, my note was on Order No. 11, so I will pass.

**The Speaker** (Hon. Kingi): Sen. (Dr.) Khalwale, proceed.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir. I appreciate and congratulate you for that Communication. My contribution is in two parts. I request governors to realise that devolution did not just happen in this country. Men and women of this Republic made sacrifices, people lost their limbs, properties and lives.

My second comment is that, whereas I agree with you on the how, I want to draw your attention to Article 245 of the Constitution of Kenya, which establishes the National Police Service.

Mr. Speaker, Sir, in this article, there is part four, which says that the Cabinet Secretary responsible for police services may lawfully give a direction to the Inspector General (IG) with respect to any matter of policy for the national state, but no person may give direction to the IG in respect of investigation and enforcement matters.

I was thinking that we should have taken the right route; by asking the Cabinet Secretary to do what the Constitution gives him in the section that I have read. Failure to that, we shall have contravened sub-section four, which does not allow any other person other than the Cabinet Secretary.

I support your communication.

**The Speaker** (Hon. Kingi): Hon. Boni, read the powers of the High Court. Those are the powers that are in your hands.

The Senator for Kilifi?

**The Senate Minority Leader** (Sen. Madzayo): Asante, Bw. Spika. Kwanza, ninamsifu dada yetu, Fatuma Dullo, Seneta wa Isiolo, kwa kuleta malalamishi kama haya mbele ya Bunge la Seneti. Ni jambo la kusikitisha sana kuona gavana aliyeitwa kwa Bunge la Seneti aje ama gavana ameitwa na Kamati ya Seneti ajitokeze na akose kuitika.

Ni jambo pia la kusikitisha kwamba, yeye kama kiongozi wa gatuzi la Isiolo, ni lazima azingatie sheria na ajue kwamba, Bunge la Seneti ndio linalomshugulikia na kumtafutia pesa ili atumie na kufanya maendeleo ndani ya Isiolo.

Ule uamuzi, Bw. Spika, umeutoa hivi sasa kwamba yeye aitwe tena mbele ya Kamati, kupitia kwa Jenerali Mkuu wa polisi ni jambo nzuri. Kwa sababu, kuanzia hivi sasa, kutakuwa na heshima, itakayopeanwa kwa Maseneta wetu na Bunge la Seneti. Usipokuja Seneti, tunaweza kutumia nguvu zetu hapa Bunge la Seneti na tukamwambia Jenerali Mkuu wa Polisi ukamatwe na uletwe mbele ya Seneti au Kamati ya Seneti ili ujibu yale maswali.

Tutafanya hivyo tukitumia njia hiyo na itakuvunjia heshima wewe kama gavana. Maanake, ukishikwa, utatiwa ndani korokoroni halafu siku ya pili au baada ya wikendi, utaletwa mbele ya Kamati ya Seneti ili ujibu ni kwa nini hauwezi kuja hapa.

Bw. Spika, hatutaki uhusiano kama huo wa kutojitokeza wakati inapotakikana kwa serikali ya ugatuzi. Hivi sasa, tunapigania wapate pesa na hatutaki zipunguzwe na wao wanafanya tabia kama hizo. Sisi tumeona hilo si jambo nzuri.

Mwisho, gavana Guyo anafaa aelewe kwamba Isiolo ni mojawapo ya serikali gatuzi na Isiolo si kipochi chake wala si nyumba yake. Anafaa aelewe kwamba Isiolo ni

gatuzi la watu wa Isiolo na akiitwa na Isiolo au Kamati ya Seneti, ni lazima afike hapo. Asipofanya hivyo, hatua itachukuliwa.

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

*[The Temporary Speaker (Sen. Abdul Haji) in the Chair]*

**The Temporary Speaker** (Sen. Abdul Haji): Hon. Senators, we seem to have a problem with our system. If there are other Senators wishing to contribute to the allegations, by show of hands, we will start with the Commissioner.

**Sen. Kinyua:**Asante, Bw. Spika wa Muda, kwa kunipa fursa hii. Kwanza kabisa ninamshukuru Seneta wa Isiolo, Sen. Fatuma Dullo, kwa swali aliuliza ili tupate mwelekeo, na tumeupata.

Ninamshukuru Sen. Dullo sababu amekuwa mzoefu na amekuwa kwa Seneti hii kwa muda mrefu. Swali alilouliza ni swali nzuri kwa sababu, gavana Guyo anahitajika kuja hapa katika Seneti au Kamati ya Seneti hii na kujibu maswali. Si maswali ya Seneta, ni maswali ambayo watu wa Isiolo wanataka. Wangetaka huduma na hayo ndio maswali yanayoulizwa.

Bw. Spika wa Muda, imenivunja moyo sana kusikia gavana anakuja mbele ya Kamati na hakuna jambo anafanya, ila kuleta dharau katika Kamati. Nimemsikiza Seneta wa Vihiga, Sen. Osotsi, mwenyekiti wa Kamati ya CPIC akisema yule gavana, hata baada ya kufika kwa ile Kamati, alionyesha dharau. Ni kama hawafai.

Maseneta, hata siku ya leo, tumekuwa tukisema kwamba pesa ambazo zinaenda kaunti zetu, ni mpaka ziongezeke. Nimemsikiza Sen. Dullo akiuliza, inawezekanaje, sisi kupigania pesa ziende gatuzi ya Isiolo, lakini gavana hawezi kuja kujibu maswali? Ninakubaliana na uamuzi uliotolewa na Spika siku ya leo, mia kwa mia. Huu mwongozo utapea wale magavana wengine wako na zile nia au tabia.

Tunavyofanya katika Seneti hii ni kuwakilisha wananchi wa Kenya, katika gatuzi tulizochaguliwa. Sioni kwa nini gavana anaogopa kuja kujibu maswali, kwa sababu maswali yanayoulizwa ni kuhusu utendaji kazi wake katika kaunti yake. Kwa hivyo, asipokuja, inaonekana ni madharau na ninakubaliana na Bw. Spika, vile alivyosema kwamba, atafutwe mahali alipo, na wakati wowote Kamati itapokua ikiketi, atolewe.

Hii ni kwa sababu, zile faini wamekuwa wakitozwa, kwake ni mzaha, atatoa zile pesa kwa akaunti za gatuzi zetu na alipe. Anatoa mkono huu na kuweka kwa huo mkono mwingine.

Ninampongeza tena Sen. Dullo kwa kazi nzuri amefanya na ametupa mwongozo. Asante.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. M. Kajwang’.

**Sen. M. Kajwang’:** Mr. Temporary Speaker, Sir, I would like to congratulate you for that Communication that you have made. I also congratulate Sen. Dullo for escalating this matter to the Plenary. As a chair of a Committee, I have been seized of this matter and I am one of those chairs or the leaders of those committees that have gone to Isiolo County to carry out our constitutional mandate.

When the County Public Accounts Committee (PAC) landed in Isiolo, we were scheduled to have our meetings at the Isiolo County Assembly. The Speaker of Isiolo County Assembly and the entire Membership of the Assembly disappeared, including the Clerk. We were only left with the Serjeant-at-Arms. The governor, whom we had given notice that the Senate would be coming to Isiolo, was a no-show.

Mr. Temporary Speaker, Sir, we could not get access to even the projects that the Committee had gone to inspect as part of its constitutional mandate. One of the projects was a market and the county headquarters. The project manager is the Ministry of Public Works. Even the project manager could not get access to those facilities.

It must go on record that when we do what we do in committees, it is not vendetta and it is not pursuit for personal glory or any personal gratification. We are doing it because the Constitution requires us to oversight public resources that have been assigned to county governments.

I want to say that having visited Isiolo, that the people of Isiolo deserve proper medical services, just like the people of Homa Bay. The people of Isiolo deserve representation at the County Assembly, just like the people of Kiambu, Murang'a or any other county.

Mr. Temporary Speaker, Sir, it is obvious that those things are not happening. However, we cannot be a House that laments. I do not agree that this House should be considering a Censure Motion against a governor, because we have the power to impeach a governor and so, we cannot initiate the process that will lead to that impeachment. For posterity, the secretariat should advise Senators on the concept of contempt of Parliament.

Mr. Temporary Speaker, Sir, the directions that Parliament gives in the event of contempt are still subject to judicial review yet contempt of court is not subject to any other review. Contempt of the executive is met with dire consequences.

We have put ourselves in a position of weakness by subjecting issues of contempt of Parliament to review by other bodies of judicial review. In other jurisdictions, subpoenas are issued, and the Inspector-General or the head of the police has a responsibility to execute them. Let us not lament; the Inspector-General of Police was vetted by this House.

*(Loud Consultations)*

**The Temporary Speaker** (Sen. Abdul Haji): Order, Senators. Let us listen to Sen. M. Kajwang'. Sen. M. Kajwang', you have one minute to conclude.

**Sen. M. Kajwang'**: Mr. Temporary Speaker, Sir, the Inspector-General of Police was vetted by this House. Someone who is an appointee of the Senate cannot then have the guts to defy legitimate instructions and directions of the Senate.

Sen. (Dr.) Khalwale, the Senator for Kakamega, has gone down in history as having led a match to the Office of the Inspector-General of Police. We should never appear helpless.

Finally, I want to encourage the citizens of Isiolo to go to the County Government's Act and push for a Motion for suspension of that county government

---

**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.*

because the activities of the governor and the ruling class in Isiolo are contrary to the common good of the people of Isiolo County. However, this conversation should not be localized to one governor or one county. We are seeing this problem across several other counties in the 47 county governments, and we need a solution. We need to strengthen the consequences for contempt of Parliament without subjecting them to judicial review.

Thank you.

**The Temporary Speaker** (Sen. Abdul Haji): Thank you, Senator. Sen. Ali Roba, proceed.

**Sen. Ali Roba:** Thank you, Mr. Temporary Speaker, Sir. I stand here as a governor who has served 10 years and who has appeared before various committees, including that of Sen. M. Kajwang', severally.

As a governor from my region of northern Kenya, it is a bit embarrassing when various committees invite you and you consistently fail to appear, including the Committee I chair.

The role of oversight committees of the Senate is to vindicate you from wrongdoing if you appear and explain the state of expenditure or issues of concern that have been shared.

My worry is what the governor would tell the people of Isiolo County as the reason for failing to appear before various committees of the Senate. What is it that the governor is hiding so much that he cannot appear before the Parliament's oversight committees? What is unique about this one governor of Isiolo County, governor Guyo, is that all the other governors having their second term and first term appear before various committees. However, governor Guyo finds it impossible to appear before various Senate committees.

It should be a question that the public of Isiolo County needs to ask themselves. What is our governor hiding? Why is it that our governor cannot appear as other governors are appearing before oversight committees of the Senate? The opportunity to be able to appear and explain issues of concern that have been raised on behalf of the public of Isiolo County is an opportunity that any leader with a sound mind at this level of a governor should take that opportunity to freely come without being persuaded to come. Unless there is something serious that he is hiding or he cannot appear because he is ill-prepared to appear.

You are leading a county, and consistently, you are being discussed for failing to appear before various Senate committees, which puts you in an embarrassing situation.

The Speaker's direction is sound, and all of us need to take advantage of it to ensure that this is enforced on behalf of the people of Isiolo County.

I submit.

**The Temporary Speaker** (Sen. Abdul Haji): Thank you. Sen. Oketch Gicheru, proceed.

*(Sen. Chimera consulted loudly)*

**Sen. Oketch Gicheru:** Thank you, Mr. Temporary Speaker, Sir. I do not know why Sen. Chimera is so excited today. He is a nominated Senator from Kwale. However, that is fine; he must be excited because the governor of Isiolo County has frustrated the House for many years.

From the Committee on Public Investments and Special Funds, I have witnessed the governor, first of all, being reluctant to appear before the Committee. However, when he eventually appeared, he appeared as if the work that we were doing in that Committee was not important to the extent that it became a bad exchange.

However, having said that, whenever we invite the governors, we start with the invitation to governors to appear before the committees of the House. Even if you further this by a summons, most of the time, these invitations are about audit queries.

If you look at all the audit queries that we have had, they are there to protect the people of our respective counties from any exploitation of Article 43.

If a governor does not show up and disrespects House committees, then this is the best definition of a crime. I was expecting guidance from the chairpersons of the respective Committees that they recommend the prosecution of such a governor.

Having the Inspector-General of Police bring a governor who is rogue, who is exploiting his people, who is not performing for his people, who is wasting his people's resources, and you want someone to appear before us and not show up does not help the people get their services.

Let the chairpersons of these respective committees recommend prosecutions and let those recommendations come in the form of a report to this House. Let us ratify those reports through the process of debate and consideration in this House, and forward the recommendations to the Directorate of Public Prosecutions and recommend a prosecution.

I hope that the Governor of Isiolo County will be the first one to face the wrath of a House of Parliament that protects the people against such exploitation. Let us recommend the prosecution of this governor.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Orwoba, proceed.

**Sen. Orwoba:** Thank you, Mr. Temporary Speaker, Sir. Allow me first to raise a point of concern on our systems. We need to figure out how to deal with this issue in our systems because we are facing an important issue tomorrow. If it happens that every time we are queuing to speak, and suddenly the system drops, and then we are subjected to either not of our views, we will not be doing justice to the people that we present.

I do not know what plans the Secretariat; the Clerk's office, or the people in charge have for tomorrow. However, it can definitely not be that when we are ready to speak, the systems drop. It looks a little bit awkward.

On the issue of the governor of Isiolo, as a Member of the Committee on Labour and Social Welfare, we summoned him. This is because he has allegedly employed over 45 advisors, contrary to what is allowed by law. You can see the level of impunity.

If it is true that he has employed over 45 advisors and has refused to appear before the Committee on Labour and Social Welfare, we are 100 per cent sure that there is a lot of other monkey business going on in Isiolo County.

---

**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.*

When we issued the summons of arrest from the Committee on Labour and Social Welfare, it was in the interest of the people of Isiolo County. If we, as a Senate committee, cannot trace where the governor is, the people of Isiolo will definitely have no clue.

In future, if we amend the Standing Orders, it should be imperative that at the point that the first committee has issued the arrest, a letter from the Speaker's office should just initiate that the culprit be arrested on the spot.

We are looking forward to some action so that we can be accountable to the people of Isiolo County.

**The Temporary Speaker** (Sen. Abdul Haji): Proceed, Sen. (Dr.) Murango.

**Sen. (Dr) Murango:** Asante sana, Mstahiki Spika wa Muda, kwa kunipa hii nafasi. Kwanza kabisa, ni jambo la aibu kwa sababu aliye gavana wa Kaunti ya Isiolo, mhe. Abdi Guyo alikuwa Mwakilishi Wadi ya Matopeni. Wakati huo nilikuwa Mwakilishi Wadi wa Kerugoya. Mhe. Guyo, pia alikuwa Kiongozi wa Wengi kama mimi. Nilipokuja Seneti, yeye naye alifanikiwa kuwa gavana wa Kaunti ya Isiolo.

Tunaamini kwamba ukifanikiwa kupanda ngazi kutoka Mbunge wa Bunge la Kaunti hadi kuwa gavana, huwa umesoma mambo mengi. Ni vibaya na aibu kuona wanaofanikiwa kupanda cheo kutoka kuwa waakilishi wadi hadi kuwa magavana, ndio wanavyunja sheria. Hiyo ni kutuharibia sifa hata sisi.

Pili, Seneti sio tingatinga linalotumika kutengeneza barabara mahali palipo na mawe na miti na pindi tu linapomaliza, linawekwa kando lisiharibu barabara. Tunapokuja huku kupitisha pesa zinazotumiwa na magavana, lazima wajue tutafuatilia jinsi hizo pesa zinavyotumika kufanya kazi mashinani.

Kwa hivyo, gavana anapolarifiwa anafaa kufika mbele ya kamati ya Seneti, anafaa afike kwa mapema ili kujieleza. Hii sasa inaonekana kuwa kinaya na pia kukosea Seneti heshima kwa kutaa kuja hizo siku zote.

Niliangalia wakati kulipokuwa na kikao cha CPISFC ambapo gavana Guyo alimtusi Seneta wa Narok. Hili sio jambo la mzaha au kufurahia. Ni tabia inayoonyesha ya kwamba, iwapo sisi hatuwezi tetea watu wa Isiolo, watatetewa na nani dhidi ya gavana anaye mtusi Seneta katika kikao cha kamati?

Hivyo basi, achukuliwe hatua zifaazo. Aletwe mbele ya kamati zote anazofaa kuwajibika. Ikiwezekana, atiwe mbaroni na awe anatolewa korokoroni kuhudhuria vikao vya kamati za Seneti na kurudishwa humo hadi atakapomaliza vikao vyote. Hii ni kwa sababu hatujui kama akiachiliwa huru atahudhuria vikao vya kamati za Seneti au atatoroka.

Asante sana.

**The Temporary Speaker** (Sen. Abdul Haji): Alexander Mundigi.

**Sen. Munyi Mundigi:** Asante sana, Bw. Spika wa Muda. Naunga mkono vile Maseneta 47 wa kaunti zote wanavyoongea. Nikiwa mwanachama wa Kamati ya Leba na Ustawi wa Jamii, tumekuwa na vikao vitatu ambavyo pia vimehudhuriwa na Seneta wa Isiolo, Sen. Dullo. Kumekuwa na shida sana kwa sababu tumekuwa tukimtaka gavana wa Isiolo afike mbele ya kamati yetu aeleze vile ameajiri na kuwalipa wafanyikazi pasipo mafanikio.

---

**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.*

Nakumbuka jana tulikubaliana kuwa kama gavana huyu hatafika mbele ya kamati, atozwe faini ya Kshs500,000. Hivyo basi, naunga mkono kuwa Mkuu wa Polisi aje mbele ya Bunge hili na atueleze kwa nini hajafanikiwa kumtia mbaroni gavana Guyo ili aweze kuja mbele ya kamati za Seneti.

Mhe. Rais wa Kenya kila mwaka huja kwa Bunge na kuhutubia taifa. Kila siku ya Jumatano, Mawaziri huja kujibu maswali Bungeni. Gavana wale wengine wote huja mbele ya kamati za Seneti. Iweje sasa gavana wa Kaunti ya Isiolo peke yake hawezi kuwajibika?

Napendekeza wenyeviti wote wa kamati zote husika ambazo gavana wa Kaunti ya Isiolo amedinda kuhudhuria vikao waorodheshe pamoja mashtaka dhidi ya gavana Guyo. Atakapokamatwa na Generali Mkuu wa Polisi, afikishwe hapa Seneti mbele ya Maseneta wote 67 na kusomewa mashtaka haya yote kwa pamoja.

Sisi tumekuwa hapa kila mara tukiongea masuala ya ugatuzi, fedha za hospitali, shida za wafanyikazi, fedha za kuimarisha barabara zetu na miradi mingine ya maendeleo. Iwapo wakati wote tunatetea ugatuzi, basi gavana wa Kaunti ya Isiolo anapaswa kuwajibika na kuyajibu maswali yote ya katika kaunti yake. Ni jambo la kuhuzunisha sana kuona haajibiki vilivyo.

Hivyo, basi, kama Seneta wa Kaunti ya Embu, naunga mkono Hoja ya kumleta gavana wa Kaunti ya Isiolo mbele ya Seneti ili achukuliwe hatua kali.

Naunga mkono.

**The Temporary Speaker** (Sen. Abdul Haji): Proceed, Sen. Chimera.

**Sen. Chimera:** Asante sana, Bw. Spika wa Muda, kwa fursa hii. Naomba nikupongeze kwa Hoja hii muhimu sana kwa uendeshaji wa shughuli za Seneti. Mienendo ya gavana wa Isiolo sasa imekuwa donda ndugu.

Mimi ni mwanachama wa Kamati ya Kudumu ya Uwiano wa Kitaifa, Usawa na Ushirikiano wa Kanda. Bunge hili katika Hoja yake ya hali halisi ya taifa baada ya maandamano ya vijana wa Gen Z tulipewa jukumu kuwaita magavana wote ili kutathmini hatua walizochukua kuhakikisha vijana wanapata nafasi za kazi na ajira katika kaunti zetu.

Jambo la kusikitisha ni kwamba gavana huyu wa Isiolo mhe. Guyo amekataa katakata kufika mbele ya Kamati hii. Pia nasikia amekataa kufika mbele ya kamati zingine za Seneti. Hivyo basi, Maseneta wanafaa kutoa ilani kali kwa huyu gavana na wale wengine walio na nia ya kutoheshimu amri za Seneti.

Seneti kwa mara ya kwanza imepata hadhi yake na sifa zake kedekede za kufuata sheria ya kufanikisha ugatuzi katika kaunti zetu. Niwaonye wale magavana walio na nia ya kufuata nyayo za gavana wa Isiolo, hatutazembea kazini yetu.

Tutahakikisha wewe kama gavana unayepata pesa za umma ili kumhudumia mwananchi umewajibika. Ni lazima ufike kwa kamati zetu za Seneti ili ujieleze. Sio kwamba tunakushtumu. Sielewi kwa nini gavana huyu anaogopa kuja mbele ya Seneti. Ni nini anachokificha kiasi ya kwamba hawezi kuja kukieleza?

Naomba hatua kali zichukuliwe dhidi yake kando na yale uliyoyasema katika ujumbe wako. Gavana huyu akamatwe ikiwezekana hata leo ili afikishwe mbele ya Bunge ajieleze tujue ni nini hasa anachokificha katika Kaunti ya Isiolo.

Naunga mkono.

---

**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 Temporary Speaker** (Sen. Abdul Haji): Proceed, Sen. Mo Fire.

**Sen. Gataya Mo Fire:** Thank you, Mr. Temporary Speaker, Sir. I support the Motion by the Senator of Isiolo. I have been around for the last close to two years now. I serve in various committees, including being the Chairperson of the Committee on Delegated Legislation in the Senate

I have observed with a lot of dismay that there is purported and imagined overrated rivalry between governors and Senators for no apparent reason. Oversight is a constitutional obligation. For that matter, Sen. Dullo is not pursuing her interests; she is doing what is exactly enshrined in the Constitution.

The rivalry is not between the governor and the Senator. The rivalry is between what the Constitution dictates. The governor has to obey the summonses and the invitation from various Senate committees.

I have observed that several people who have served as Members of National Assembly, Senators and Members of the County Assembly (MCAs) are very defiant and rogue when it comes to appearing before the Senate committees. I do not know for what reasons.

I think it is important for us, as a House, to make some very serious regulations on that matter. We need to tame these governors. Sadly, even some of us are making a lot of lamentations in this House today, tomorrow you will become a governor. I will not be surprised to see that quite a number of us who might be governor's tomorrow might follow the same path. When invited to these committees, they will just defy because they know so-and-so who has been their colleague maybe in the previous regime, is the chairperson of that committee.

So, let us not run away from making sure these things are individual. It is about the Constitution. The governor for Isiolo County must be compelled to make sure that he appears in every committee in this House. We have a committee known as the National Cohesion and Integration Committee chaired by the Senator of Marsabit, Sen. Chute.

I remember that we have in the file, several invitations for the governor of Isiolo County, which have not been observed. He has defied all those invitations.

Mr. Temporary Speaker, Sir, it is important to stamp our authority over these invitations so that we do not dilute the essence and best interests of devolution and the interests of our people in our relevant counties.

I support.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Tabitha Mutinda, proceed.

**Sen. Tabitha Mutinda:** Thank you, Mr. Temporary Speaker, Sir. Let me start by appreciating Senator for Isiolo County, Sen. Dullo, for bringing this important Motion before this House.

In the Committee on Finance and Budget that I sit and serve as Vice-Chairperson, we have dealt with the issue of the pending bills for Isiolo County. When the Senator for Isiolo County asked the committee about the issue of pending bills for her county, the committee, through the secretariat, did the needful and wrote to Isiolo County. That has been over one year ago and up to date, but is has never responded to this.

As a committee, we summoned the governor and he gave an excuse indicating that he was hosting a function for the county which was combined with Marsabit County, among others and that it was much of priority unlike appearing before the committee.

As I speak, the committee has summoned the same governor. He is supposed to appear next week on 22<sup>nd</sup> October, 2024, on the same response, and we await. Chances are he might not appear. It is good we are having this discussion because we have other matters we want to prosecute.

I also sit in the County Public Investments and Special Funds Committee (CPISFC). It is true there was an exchange between the same governor and Sen. Olekina. This was a big disappointment. After that exchange, his team members, I presume went ahead to put some of the Members of the committee on social media, claiming that the Senator of Isiolo County was just attacking the governor and we seemed to be condoning it. This was an issue that shocked us as Members because we do not participate in such matters.

Mr. Temporary Speaker, Sir, it would be prudent for the governor to appear before this House to answer queries because it seems that he has chosen not to appear before all the committees. The best solution even before he appears to other committees should be for him to appear before this House to answer why he has decided to disrespect this House.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Githuku, do you want to contribute to the allegations made at Isiolo County or the next Motion?

**Sen. Githuku:** Mr. Temporary Speaker, Sir, this one for Isiolo County.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Omogeni, do you want to contribute to the allegations or is it the next Motion? Okay just one moment.

Sen. Githuku go ahead.

**Sen. Githuku:** Thank you, Mr. Temporary Speaker, Sir. I wish to congratulate the Senator of Isiolo County for bringing this very important matter before this House.

I also join my colleagues, hon. Senators, in condemning the act done by the governor of Isiolo County who has decided not to appear before the different committees that he has been invited to severally.

This House is mandated by the Constitution to take care of devolution and its governments. It is absurd to see that the governor has deliberately decided not to appear before these committees that he has been summoned to so that he can answer to issues affecting the people of Isiolo.

I sometimes fail to understand what he is thinking. This is because the moment he starts to avoid Senators who are mandated by the Constitution to take care of devolution, then it shows that he is not even aware of what he is doing.

I would wish that this House takes very serious measures against him. The moment we allow this, other governors who have the same attitude like him, will one day also try to avoid the invitation by the Senators. I am of the opinion that this House takes a very serious measure and discipline this governor who has deliberately decided not to appear before various committees of this House.

I sit in the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration. I am a witness that we have been inviting him to appear, but he has

---

**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.*

deliberately refused to appear to answer to issues that affect the people of Isiolo County. Therefore, I support and urge this House to see to it that he serves as an example to other governors who have the same attitude like him.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Omogeni proceed.

**Sen. Omogeni:** Thank you, Mr. Temporary Speaker, Sir. We are facing a very bad crisis. This afternoon a Senate of the Republic of Kenya is discussing a conduct of a governor who has refused to respond to summons issued by the Senate. Even in the most advanced democracies, you can never refuse to respond to summons of a House, more so a Senate.

If you look at history, you will know what brought down President Richard Nixon. He was given summons by the Senate that was looking into his impeachment. The Senate ordered him to produce tapes that had some information on the Watergate scandal. He refused, went to court and waived immunity. The court sided with the Senate and directed him to tender those tapes to the Senate. It is the incriminating evidence in those tapes that made Richard Nixon to resign.

If a President of a superpower like the United States of America (USA) can respect summons issued by an equivalent House - the Senate of the USA - what about this person called governor Guyo? We must rein in this character. We cannot accept the power and authority of this House to be whittled down. Sen. Cherarkey is a lawyer and he knows it.

In fact, if you read the American Constitution, they do not have the kind of powers that we have as the Senate of the Republic of Kenya. The Constitution does not mention that the Senate of the USA is like a high court, like the way ours does. If need be, this person should be arrested and be brought here by none other than the Inspector-General of police.

Mr. Temporary Speaker, Sir, when you summon a governor, it is not a play game. We want to see some documents, information and records. How then can it be said we are a body that can oversight counties if we cannot have the privilege of asking for documents and they are brought to us? I am speaking with a lot of pain because this should not happen in a democracy, more so with a very progressive Constitution like the one we have.

I hope we will go a little bit further and summon the Inspector-General of Police to appear here and tell us why he cannot arrest this governor and bring him before this House. We must show that we have teeth. We are not a toothless bulldog. We must demonstrate to governors, more so this governor Guyo of Isiolo County, that this House has got teeth and the powers equivalent to the High Court.

Mr. Temporary Speaker, Sir, if I get summons from the High Court, I will even skip tomorrow's session. If I am summoned to appear before the High Court tomorrow, I will go running. That is what happens in the USA. When you receive subpoenas in the USA, you stop everything and respond, first, to the Senate. In fact, it is worse not to go, than receiving summons.

I support that we need to do something. I support the passion with which the Senator of Isiolo County has fought to ensure that there is transparency. That she also

does her role of oversight effectively against a governor who thinks that he is a law unto himself.

I support.

**The Temporary Speaker** (Sen. Abdul Haji): Thank you, Senators.

Let us proceed to the next Order, Clerk.

*(Resumption of debate on Motion)*

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Cherarkey, please proceed.

**Sen. Cherarkey:** Thank you, Mr. Temporary Speaker, Sir, for this opportunity.

I would like to support the Senate Standing Committee on Finance and Budget for this report. I agree with them that they should reject the amendments from the National Assembly.

Mr. Temporary Speaker, Sir, I always get impressed by the Senate Standing Committee on Finance and Budget. I can see a number of Members in the House. This is authority. The last time they were supposed to cut down the money from Kshs401 billion to Kshs380 billion, they brought us a rejection that the counties should get Ksh401 billion.

I support the Finance and Budget Committee. That the amendments that were done by the National Assembly are not in good faith. If the National Assembly had good faith, they should have cut their National Government Constituencies Development Fund (NG-CDF) money because it is unconstitutional and illegal. Even the Supreme Court has ruled it out.

Mr. Temporary Speaker, Sir, in fact, it is in my constitutional amendment of 2024, that I am trying to salvage the hanging on of the NG-CDF allocation under the budget. The upshot of this is in Article 202 of the Constitution of the Republic of Kenya where, you are trying to allocate additional funds to counties. Apart from equitable shareable revenue, there is additional funds and own-source revenue. We must agree as a nation that what the Finance and Budget Committee has done is impressive. We should support them.

If you look at the Financial Year 2024/2025, counties were supposed to get additional funds of Kshs61.9 billion. However, the National Assembly cut that down to Kshs46.5 billion.

Counties will lose almost Kshs15.4 billion which is very unfortunate because it will affect many programmes. Instead, we should be cut foreign travel, *chai*, *mandazi*, flowers and newspapers in our offices, then reallocate those funds to the counties.

Mr. Temporary Speaker, Sir, if, for example, the counties were to lose Kshs15.4 billion, if they cut it to Kshs46.5 billion, counties like the one we were discussing in Isiolo, Elgeyo, Marakwet, Nyamira, Tharaka Nithi, will lose Kshs528.1 million that was supposed to be used to support the construction of county headquarters. The reasoning behind the Senate was that these counties received the lowest allocation through shareable revenue. Therefore, we thought by giving them additional funds of Kshs528 million would assist them to build county headquarters.

---

**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 remember we did visit Isiolo County. The construction of the headquarters was stopped. We went to Nyamira County, with Sen. Okong'o Omogeni - I wish he was listening. He was my lawyer when I was struggling in those days and he defended me.

He took us to Nyamira County headquarters when governor Amos Nyaribo - may his soul rest in peace - was still the governor. We went there under the Devolution Committee.

*(An Hon. Senator spoke off record)*

**Sen. Cherarkey:** I am sorry, Mr. Temporary Speaker, Sir. I meant the late Nyagarama who was the governor, but passed on. My apologies, it was not intentional, but a slip of the tongue. Even yesterday, in the charges of a certain matter, there was also confusion on which door to get into.

In reference to the mineral royalties, for example, in Nandi County, we have mining in Karebe Gold Mines. We have mining across Nandi County. The allocation of Kshs1.1 billion mining royalties, would have been significant. There is destruction of environment and pollution. We should have allowed Kshs1.1 billion allocation.

Another important issue is the Road Maintenance Levy Fund, of Kshs10.5 billion.

Mr. Temporary Speaker, Sir, are you aware---

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Beatrice, what is your point of order?

**Sen. Ogola:** Hon. Temporary Speaker, Sir, my point of order is on Standing Order No.41, on the Quorum during the proceedings of the Senate. Do we have a quorum to proceed?

## QUORUM

**The Temporary Speaker** (Sen. Abdul Haji): Hon. Senators, it seems we do not have a quorum. Serjeant-At-Arms, please ring the Bell for 10 minutes.

*(Quorum Bell was rung)*

## ADJOURNMENT

**The Temporary Speaker** (Sen. Abdul Haji): Hon. Senators, having failed to attain quorum at the expiry of 10 minutes, the Senate stands adjourned pursuant to Standing Order No.41(2)(a) until tomorrow, 16<sup>th</sup> October, 2024 at 9.00 a.m.

The Senate rose at 5.36 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.*