

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

Wednesday, 4<sup>th</sup> December, 2024

#### Morning Sitting

*The House met in the Senate Chamber,  
Parliament Buildings at 9.30 a.m.*

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

#### PRAYER

#### DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

**The Deputy Speaker** (Hon. Kingi): Clerk, do we have a quorum? Serjeant-at-Arms, Kindly ring the Quorum Bell for 10 minutes.

*(The Quorum Bell was rung)*

*(Sen. Cheruiyot moved to the Dispatch Box and picked up the Mace)*

**The Deputy Speaker** (Hon. Kingi): Senate Majority Leader, you are out of order. That is unusual. I will throw you out. The session is still on until we adjourn if we do not achieve the quorum. The Mace is the symbol of authority.

*(Sen. Cheruiyot placed the Mace back to its place)*

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

*(The Quorum Bell was rung)*

We have quorum now. Clerk, read the first Order.

**PAPERS LAID**

**The Deputy Speaker** (Sen. Kathuri): Senate Majority Leader, proceed to lay the Papers.

LEGAL NOTICES FOR VARIOUS REGULATIONS  
ON PEST CONTROL PRODUCTS

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I beg to lay the following Papers on the Table of the Senate, today, Wednesday, 4<sup>th</sup> December, 2024 -

The Pest Control Products (Import and Export) Regulations, Legal Notice No. 190 of 2024.

The Pest Control Products (Disposal) Regulations, Legal Notice No. 191 of 2024.

The Pest Control Products (Fees and Other Charges) Regulations, Legal Notice No. 192 of 2024.

The Pest Control Products (Inspection and Certification) Regulations, Legal Notice No. 193 of 2024.

The Pest Control Products (Labelling, Advertisement and Packaging) Regulations, Legal Notice No. 194 of 2024.

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

Next Order.

*(Several Senators stood up in their places while Sen. Onyonka, Sen. Mumma and Sen. Wafula remained seated in their places)*

We are proceeding to the Committee of the Whole. Senators, you know what happens when that Order is read. The Speaker does not need to say anything; Senators should stand up.

*(Sen. Onyonka, Sen. Mumma and Sen. Wafula stood up in their places)*

When you come to the Chamber, concentrate on what is happening around you.

**COMMITTEE OF THE WHOLE**

*(Order for the Committee read)*

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

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**IN THE COMMITTEE**

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

THE COUNTY ALLOCATION OF REVENUE BILL  
(SENATE BILLS NO.25 OF 2024)

*(Consideration of His Excellency the  
President's recommendations)*

*(Loud consultations)*

**The Temporary Chairperson** (Sen. Mumma): Order, hon Senators. Can we settle down? Sen. (Dr.) Khalwale, will you kindly help in whipping the Members?

Hon. Senators, we are now in the Committee of the Whole for the consideration of the President's Memoranda on the County Allocation of Revenue Bill (Senate Bills No.25 of 2024).

*First Schedule*

**Sen. Ali Roba:** Madam Temporary Chairperson, I beg to move-  
THAT the Bill be amended by deleting the First Schedule and replacing it with the following new Schedule: -

**FIRST SCHEDULE**

*(s. 4(1))*

**Revised Allocation for Each County Government's Equitable Share of Revenue  
Raised Nationally in the Financial Year 2024/2025**

S/N o.	County	2023/2024				Total equitabl e share	2024/2025				
		0.5 (Allocation ratio)		(Equitable share-0.5 Allocation ratio *(Formula)			0.5 (Allocation ratio*)		(Equitable share** -0.5 Allocation ratio) *(Formula***)		Total equitabl e share**
		Allo catio n ratio	Equitabl e share	Allo catio n ratio	Equitabl e share		Allo catio n ratio	Equitabl e share	Allo catio n ratio	Equitabl e share	
		Colu mn A	Column B	Colu mn C	Column D		Column E = B + D	Colu mn F	Column G	Colu mn H	Column I
1.	Baringo	1.61	2,547,8 25,000	1.80 4755	4,099,9 45,283	6,647,7 70,283	1.61	2,547,8 25,000	1.805 755	4,002,0 44,213	6,549,8 69,213
2.	Bomet	1.74	2,753,5 50,000	1.85 9527	4,224,3 73,365	6,977,9 23,365	1.74	2,753,5 50,000	1.859 527	4,123,5 01,123	6,877,0 51,123
3.	Bungom a	2.81	4,446,8 25,000	2.93 3936	6,665,1 57,910	11,111,9 82,910	2.81	4,446,8 25,000	2.933 936	6,506,0 03,080	10,952, 828,080
4.	Busia	1.9	3,006,7 50,000	1.96 7137	4,468,8 35,972	7,475,5 85,972	1.9	3,006,7 50,000	1.967 137	4,362,1 26,298	7,368,8 76,298
5.	Elgeyo/ Marakw	1.22	1,930,6 50,000	1.26 3699	2,870,8 03,380	4,801,4 53,380	1.22	1,930,6 50,000	1.263 699	2,802,2 52,533	4,732,9 02,533

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	et										
6.	Embu	1.36	2,152,200,000	1.40 4035	3,189,611,152	5,341,811,152	1.36	2,152,200,000	1.404 035	3,113,447,613	5,265,647,613
7.	Garissa	2.22	3,513,150,000	2.08 4563	4,735,598,039	8,248,748,039	2.22	3,513,150,000	2.084 563	4,622,518,453	8,135,668,453
8.	Homa Bay	2.13	3,370,725,000	2.09 4275	4,757,661,238	8,128,386,238	2.13	3,370,725,000	2.094 275	4,644,054,813	8,014,779,813
9.	Isiolo	1.34	2,120,550,000	1.22 3064	2,778,490,974	4,899,040,974	1.34	2,120,550,000	1.223 064	2,712,144,420	4,832,694,420
10.	Kajiado	2.03	3,212,475,000	2.23 9572	5,087,739,143	8,300,214,143	2.03	3,212,475,000	2.239 572	4,966,250,910	8,178,725,910
11.	Kakamega	3.29	5,206,425,000	3.39 2202	7,706,221,946	12,912,646,946	3.29	5,206,425,000	3.392 202	7,522,207,935	12,728,632,935
12.	Kericho	1.7	2,690,250,000	1.76 643	4,012,880,610	6,703,130,610	1.7	2,690,250,000	1.766 43	3,917,058,525	6,607,308,525
13.	Kiambu	2.98	4,715,850,000	3.30 6576	7,511,701,407	12,227,551,407	2.98	4,715,850,000	3.306 576	7,332,332,280	12,048,182,280
14.	Kilifi	3.3	5,222,250,000	3.03 1567	6,886,950,761	12,109,200,761	3.3	5,222,250,000	3.031 567	6,722,499,823	11,944,749,823
15.	Kirinyaga	1.34	2,120,550,000	1.45 2481	3,299,668,168	5,420,218,168	1.34	2,120,550,000	1.452 481	3,220,876,618	5,341,426,618
16.	Kisii	2.46	3,892,950,000	2.36 1901	5,365,639,582	9,258,589,582	2.46	3,892,950,000	2.361 901	5,237,515,468	9,130,465,468
17.	Kisumu	2.16	3,418,200,000	2.17 6122	4,943,596,848	8,361,796,848	2.16	3,418,200,000	2.176 122	4,825,550,535	8,243,750,535
18.	Kitui	2.79	4,415,175,000	2.82 3516	6,414,311,696	10,829,486,696	2.79	4,415,175,000	2.823 516	6,261,146,730	10,676,321,730
19.	Kwale	2.46	3,892,950,000	2.06 4999	4,691,153,597	8,584,103,597	2.46	3,892,950,000	2.064 999	4,759,135,283	8,742,085,283
20.	Laikipia	1.32	2,088,900,000	1.43 9134	3,269,347,172	5,358,247,172	1.32	2,088,900,000	1.439 134	3,191,279,645	5,280,179,645
21.	Lamu	0.82	1,297,650,000	0.85 3837	1,939,700,946	3,237,350,946	0.82	1,297,650,000	0.853 837	1,893,548	3,191,033,548
22.	Machakos	2.45	3,877,125,000	2.49 5952	5,670,169,429	9,547,294,429	2.45	3,877,125,000	2.495 952	5,534,773,560	9,411,898,560
23.	Makueni	2.34	3,703,050,000	2.09 1964	4,752,411,232	8,455,461,232	2.34	3,703,050,000	2.091 964	4,638,930,170	8,341,980,170
24.	Mandera	3.23	5,111,475,000	2.87 0795	6,521,717,584	11,633,192,584	3.23	5,111,475,000	2.870 795	6,365,987,913	11,477,462,913
25.	Marsabit	2.14	3,386,550,000	1.83 7286	4,173,847,458	7,560,397,458	2.14	3,386,550,000	1.837 286	4,074,181,705	7,460,731,705
26.	Meru	2.54	4,019,550,000	2.58 5269	5,873,074,983	9,892,624,983	2.54	4,019,550,000	2.585 269	5,732,834,008	9,752,384,008
27.	Migori	2.14	3,386,550,000	2.18 1096	4,954,896,513	8,341,446,513	2.14	3,386,550,000	2.181 096	4,836,580,380	8,223,130,380
28.	Mombasa	2.23	3,528,975,000	1.90 7145	4,332,549,375	7,861,524,375	2.23	3,528,975,000	1.907 145	4,229,094,038	7,758,069,038
29.	Murang'a	1.99	3,149,175,000	1.90 3651	4,324,611,893	7,473,786,893	1.99	3,149,175,000	1.903 651	4,221,346,093	7,370,521,093
30.	Nairobi	5.03	7,959,975,000	5.33 1619	12,112,085,113	20,072,060,113	5.03	7,959,975,000	5.331 619	11,822,865,133	19,782,840,133
31.	Nakuru	3.31	5,238,075,000	3.67 7942	8,355,350,700	13,593,425,700	3.31	5,238,075,000	3.677 942	8,155,836,385	13,393,911,385
32.	Nandi	1.69	2,764,425,000	2.03 8462	4,630,868,268	7,305,293,268	1.69	2,764,425,000	2.038 462	4,520,289,485	7,194,714,485
33.	Narok	2.54	4,019,550,000	2.27 8744	5,176,727,984	9,196,277,984	2.54	4,019,550,000	2.278 744	5,053,148,820	9,072,664,820
34.	Nyamira	1.52	2,405,4	1.28	2,928,7	5,334,1	1.52	2,405,4	1.289	2,858,8	5,264,2-

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			00,000	9228	98,788	98,788		00,000	228	63,090	63,090
35.	Nyandarua	1.54	2,437,050,000	1.52 6987	3,468,926,889	5,905,976,889	1.54	2,437,050,000	1.526 987	3,386,093,673	5,823,143,673
36.	Nyeri	1.71	2,706,075,000	1.66 3591	3,779,256,505	6,485,331,505	1.71	2,706,075,000	1.663 591	3,689,03,043	6,395,088,043
37.	Samburu	1.46	2,310,450,000	1.44 5524	3,283,863,630	5,594,313,630	1.46	2,310,450,000	1.445 524	3,205,49,470	5,515,899,470
38.	Siaya	1.83	2,895,975,000	1.92 2329	4,367,043,569	7,263,018,569	1.83	2,895,975,000	1.922 329	4,262,764,558	7,158,739,558
39.	Taita/Taveta	1.34	2,120,550,000	1.28 5301	2,919,877,641	5,040,427,641	1.34	2,120,550,000	1.285 301	2,850,154,968	4,970,704,968
40.	Tana River	1.85	2,927,625,000	1.70 0488	3,863,077,124	6,790,702,124	1.85	2,927,625,000	1.700 488	3,770,832,140	6,698,457,140
41.	Tharaka-Nithi	1.24	1,962,300,00	1.06 347	2,415,933,913	4,378,233,913	1.24	1,962,300,00	1.063 47	2,358,244,725	4,320,544,725
42.	Trans Nzoia	1.82	2,880,150,000	2.03 3534	4,619,673,103	7,499,823,103	1.82	2,880,150,000	2.033 534	4,509,361,645	7,389,511,645
43.	Turkana	3.33	5,269,725,000	3.46 6154	7,874,222,120	13,143,947,120	3.33	5,269,725,000	3.466 154	7,686,196,495	12,955,921,495
44.	Uasin Gishu	2	3,165,000,000	2.31 5872	5,261,073,377	8,426,073,377	2	3,165,000,000	2.315 872	5,135,446,160	8,300,446,160
45.	Vihiga	1.47	2,326,275,000	1.29 449	2,940,752,717	5,267,027,717	1.47	2,326,275,000	1.294 49	2,870,531,570	5,196,806,575
46.	Wajir	2.7	4,272,750,000	2.45 6659	5,580,905,707	9,585,365,707	2.7	4,272,750,000	2.456 659	5,447,641,333	9,720,391,333
47.	West Pokot	1.58	2,500,350,000	1.79 3121	4,073,515,788	6,573,865,788	1.58	2,500,350,000	1.793 121	3,976,245,818	6,476,595,818
	<b>Total</b>	<b>100</b>	<b>158,250,000,000</b>	<b>100</b>	<b>227,174,618,319</b>	<b>385,424,618,319</b>	<b>100</b>	<b>158,250,000,000</b>	<b>100.0000</b>	<b>221,750,000,000</b>	<b>380,000,000,000</b>
					<b>227,174,620,590</b>	<b>385,424,620,590</b>				<b>221,750,002,218</b>	<b>380,000,002,218</b>

Madam Temporary Chairperson, this is necessitated by the Presidential Memorandum containing recommendations to reduce the Division of Revenue to Kshs380 billion but that position was not approved by both Houses.

A mediated position of Kshs387,425,000,000 was approved. The County Allocation of Revenue Act (CARA) is a subset of Division of Revenue Allocation (DORA), thus, necessitating the Schedules to be amended in order to reflect not only the Presidential Memorandum, but also the CARA as passed by both Houses. The Schedules were based on the allocation of the Kshs400.01 billion as passed by both Houses.

With the amendment and reduction from Kshs400.01 billion, we could not accommodate the Presidential Recommendation of Kshs380 billion. A mediated position of Kshs387,425,000,000 necessitated the changes. That is still a reduction because the Schedule that was sent with the Presidential Memorandum contained Kshs400.01 billion.

**The Temporary Chairperson** (Sen. Mumma): Hon. Senators, I determine that the nature of this amendment does not fully accommodate the President's Memorandum to the County Allocation of Revenue (Senate Bills No.25 of 2024).

*(Question of the amendment proposed)*

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Sen. Cherarkey, proceed.

**Sen. Cherarkey:** Madam Temporary Chairperson, I agree with the---

*(Sen. Oketch Gicheru spoke off record)*

Why is Sen. Eddy irritated in the morning?

I concur with the Committee's mediation that the counties get Kshs387, 425,000,000. Last year, the counties got Kshs385,424,616,062 so we have added almost Kshs2 billion to counties.

That should be clear because many people are saying that the allocation to counties has been reduced. It is not true. We have increased it by about Kshs2 billion from last financial year's allocation from Kshs385,424,616,062 to Kshs387, 425,000,000.

I can see that in the proposed Presidential Memorandum, Nandi County was going to get Kshs7.1 billion. However, after mediation of both the National Assembly and the Senate, Nandi County allocation has increased to Kshs7,346,071,107, which is very significant.

The replacement of the First Schedule with an increment of Kshs387 billion is welcome. I urge Members to support because there is an increment of allocation to counties through equitable shareable revenue of approximately Kshs2 billion.

I thank you.

**The Temporary Chairperson** (Sen. Mumma): Sen. Wambua, proceed.

**Sen. Wambua:** Thank you, Madam Temporary Chairperson. I see the Mover is smiling broadly because he knows I am happy to do this. I support the proposal by the Committee. Members need to understand that in this sitting, we are being called upon to defeat the Presidential Memorandum on this Bill. That is exactly what we are being called upon to do.

I see Sen. Cherarkey trying to sugarcoat the issue, but the truth of the matter is that we are being called upon to defeat the Presidential Memorandum that has reduced the allocation to counties from Kshs400 billion to Kshs380 billion. We agree with the Mediation Committee of the Senate and the National Assembly that the figure be settled at Kshs387, 425,000,000.

I have looked at the Schedule, and I assure the great people of Kitui County that we are in good standing. In fact, having looked at the Schedule, it appears to me that once we pass the additional allocations including donor funding, Kitui County will get an increase of almost Kshs13 billion.

For now, we already have more than Kshs10 billion in equitable share. I speak for Kitui County before I can speak for anyone else. I am happy that Kitui County is among the only nine counties in this country that is getting more than Kshs10 billion in equitable share.

I call upon the Governor of Kitui County to be ready to receive this money and roll out projects for the benefit of our people. I remind our colleagues again to turn up in large numbers in the afternoon when we do Division to make sure that we defeat the Presidential Memorandum.

I thank you.

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**The Temporary Chairperson** (Sen. Mumma): Sen. (Dr.) Khalwale, proceed.

**Sen. (Dr.) Khalwale:** Thank you, Madam Temporary Chairperson. Like Sen. Wambua has said, the Mediation Committee and indeed the Standing Committee of this House on Finance and Budget have done the unthinkable. That we can all unanimously ask this Senate to defeat the President's desire. The President had wanted it to be at Kshs385 billion and these two great committees decided to defeat the President by making sure that the money is increased to Kshs387 billion.

We are sending a clear message to those people who have been peddling lies that this Parliament is captured by the Executive. That it is not true. If we had been captured, we would not have moved to defeat the Presidential Memorandum. Since defeating the Presidential Memorandum requires a whopping 32 delegations, it shows the collective resolve of this House is to make sure that devolution succeeds.

Madam Temporary Chairperson, having said this, I know you come from the delegation of Kisumu County. It should disturb the people of Kakamega that Kisumu's delegation has fought and is able to get Kshs8,405,328,573, while on the other hand, the delegation of Kakamega has gotten Kshs12,980,503,320. It must be a cause for shame in the thinking and mind of the governor of Kakamega County.

If you go to Kisumu County, Prof. Nyong'o, who has got only two-thirds of what Kakamega gets, has done the transformation of Kisumu that we see today. The Governor of Kakamega must pull up his socks. He has Kshs12,980,503,320, but when you compare what Kisumu has done---

This is a lesson that professionals who know nothing about politics and the people should not be allowed to come and take the positions of a governor. Prof. Nyong'o is successful because he has been on this journey of serving the public for years. However, we do not know where people like the governor of Kakamega County came from. I do not know if it is something called KETRACO or what. He does not know he is representing the people with all the billions he gets.

In this Schedule, Lamu County has a paltry Kshs3,254,430,723. However, because the Governor of Lamu County is a people's leader, he is taking care of the people of Lamu County. If you go to Lamu Island by boat, you will see what Governor Timamy has done. I wish Hon. Timamy was the Governor of Kakamega County.

It is time that political parties and coalitions should rethink who they give nomination certificates when they ask for elections. We are urging the Orange Democratic Movement (ODM) and United Democratic Alliance (UDA) that are the biggest parties in this country to make sure that the certificates are not given to non-politicians. It is only politicians who should be responsible for taking care of our counties.

I am glad that the Chairman of my Committee is the national party leader of the United Democratic Movement (UDM) party. I urge my Chairman that if he sees UDA and ODM joking around giving certificates to strangers to lead counties, let him expand his party and give the nomination certificate to politicians so that his party will be the majority party in the country. We can no longer be cheated by coalitions and parties so that we force unpopular, useless people to be in charge of our counties.

I support.

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**The Temporary Chairperson** (Sen. Mumma): Proceed Sen. Oketch Gicheru.

**Sen. Oketch Gicheru:** Madam Temporary Chairperson, I wanted to add my voice, and first of all say that I am very proud of my Chair of the Standing Committee on Finance and Budget, who was also a co-chair in the Mediation Committee that we had. It was one of the hardest mediation exercises that we have done, because, it was tough to bend the wish of the President.

The wish of the President was for the counties to get Kshs380 billion in this financial year. Through the able leadership of the Chair, Sen. Veronica Maina, Commissioner Sen. Wamatinga, Sen. Sifuna, Sen. Onyonka, the Senator of Kisii County and yours truly Sen. Oketch Gicheru, we were able to mediate and ensure that we added Kshs7 billion to counties. However, the problem is what the Senator of Kakamega County has talked about; whether this money makes sense to our people.

We are fighting so hard as Senators to make sure that money goes to our grassroots communities. If we did not fight hard in this mediation, Migori County which is now getting Kshs8.2 billion this year could not have gotten that money. In Migori County, the requirement by law is that we must have at least 30 per cent absorption in development.

In Q1 of the Controller of Budget (COB) report, Migori County Assembly passed a target of 36 per cent. In the last financial year, we only had 22 per cent going to development. We must not only pass and support this, our fight must continue to the extent that we must put fire in the bottom of these governors to make sure that the money that we have fought so hard for in Nairobi City County is going back to the villages. Hon. Sen. Cheruiyot does not sleep thinking about how we can fight for more money to go to the grassroots.

I have seen you tirelessly working in this House to make sure that money goes to the grassroots. I have seen the Senate Minority Leader, Sen. Madzayo not even going for weekends because he is trying to hold talks and follow up. The Hon. Sen. Cherarkey has fought so much so that money can go to the grassroots. However, when it goes down to the grassroots, you hear about very crazy and nondescript vote items in the counties such as hospitality and domestic travels, skyrocketing. I want us to support this and I hope that all Senators will be here-at least 32 delegations- to make sure that today we pass this particular Bill and ensure that money goes to counties.

Moreover, we have a lot of work to do in the villages in December, January, and February. The governors should know that we are coming to be with them in the villages so that we can make sure that the money we have fought for--- the money I have sent to Migori County, is working for the people. The money we have sent to Mandera through my able Chair, must work for the people of the County.

The money that we have worked so hard for to go Isiolo County--- the Governor of Isiolo is always giving us problems here because he does not see money work for the people of Isiolo County. In these three months, we are following up on this money and we are going to make sure that this money works for our people.

I support.

**The Temporary Chairperson** (Sen. Mumma): Senator Abass proceed.

**Sen. Abass:** Madam Temporary Chairperson, thank you for the question. First and foremost, I want to commend the Mediation Committee for the good work they have done. However, as you are aware, this money is actually a constitutional right for people in the counties. The larger population of this country is in the counties. The most unfortunate thing is that our counterparts in the National Assembly think this money coming from Exchequer belongs to them.

Every time we reach the budget-making period, we always go for mediation. Even now, the other additional funding is still in the Mediation Committee. I am a Member of that Committee. When we listen to how our colleagues are speaking, it is very unfortunate. They think that they have all the right to give money to people. This money belongs to the Kenyan public. Everybody is a taxpayer. Therefore, I want to tell the National Assembly, that they should understand the situation in the counties.

This money has now delayed yet there are so many pending bills. Contractors and service providers have not been paid their rightful monies. County staff are not getting their salaries on time. Doctors are going without salary and some are even killing themselves. This should not be acceptable. We want our friends and Hon. Members of the National Assembly, to understand that this money is constitutionally going to the counties to give and provide services, and salaries

There is nothing to celebrate because constitutionally, the counties are supposed to get more than 15 per cent of the allocations. However, I do not think this is even 15 per cent. It is less. This is the third time we have been allocating since this devolution started. We are now almost 15 years in and the money is still getting reduced by the day or by the year instead of increasing. Constitutionally, we must adhere to and follow the Constitution.

We know we have budgetary and financial issues. The country's economy is not doing very well. However, it should not be seen that the counties are being done a favour. What belongs to the counties must be given to the counties. I wish to tell my Governor that Wajir County is now getting kshs9.7 billion. Hopefully, he will be able to use it prudently. I know we have so many pending bills amounting to about Kshs7 billion. I ask the Governor to clear the people's money.

I thank you and I support.

**The Temporary Chairperson** (Sen. Mumma): Sen. Onyonka proceed.

**Sen. Onyonka:** Thank you, Madam Temporary Chairperson. First, I would like to sincerely congratulate the Mediation team that sat down numerously. We were having a lot of push and pull, but I want to thank my Chair, Hon. Sen. Ali Roba, who has become an elder statesman in the way he has been carrying himself and managing our misbehaviour sometimes. It is interesting to see what we are handling.

Madam Temporary Chairperson, if you looked at the amount of money that county governments are getting and what is happening on the ground, and then you follow up to see whether this money is working---

**Sen. (Dr.) Khalwale:** On a point of order.

**The Temporary Chairperson** (Sen. Mumma): Yes, what is your point of order?

**Sen. (Dr.) Khalwale:** Madam Temporary Chairperson, I rise on Standing Order No.105. Did you hear the Senator of Kisii County refer to Sen. Ali Roba as an elder?

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How can a 48-year-old young man compete with my rights as the only elder in this House? Is he in order to mislead the country that a 40-year-old fellow can be an elder in the Republic of Kenya? Where would he get the wisdom to measure the qualities of being an elder?

**The Temporary Chairperson** (Sen. Mumma): Sen. Onyonka, might you have misused the word elder? Please explain. Let the point of order be responded to.

**Sen. Onyonka:** Madam Temporary Chairperson, unfortunately, my friend and brother, Sen. (Dr.) Khalwale thinks that you become wise, elderly and smart if you are old. It has nothing to do with age. It has a lot to do with the wisdom, the capacity and the ability for this individual to handle complex and indeed very serious national matters. That gives him the credibility to gleefully accept that title.

Without wasting a lot of time, I realized that Kisii County has received the amount of money which is very close to what we received last year. When we were having the mediation, I felt that the National Assembly should have given us more space, so that we could actually remain at the Kshs400 billion that we were talking about.

My feeling is that on consultation and discussion at the Committee on Finance and Budget, where I sit, and the Mediation Committee where I was sitting, it was generally agreed by our colleagues that we would accept half a loaf than rejecting everything. This made sense because we did not want to have the Government shut down.

My request to the Presidency is that the Executive made various promises during the elections. One of the promises they made is that they were going to devolve functions which were going to be followed by the resources to make those functions operational. So far, we are at two and a half years and that has not happened. I hope that with these discussions which are going on, and particularly with this thing we call broad-based Government, there will be a possibility that we will agree that we are going to persuade the Presidency to devolve those functions which must be devolved.

Further to that, I would like to say that the Ministry of Agriculture, Livestock and Fisheries should have been devolved fully. I do not think there is a reason why the Government should be buying fertilizer and supplying it to people. This should be a county function. I also believe that the housing sector should be handled by the county governments, of course with some interfacing with the national Government.

All our health facilities at the county governments are having challenges and problems. The structures that are in place to manage these outfits are overwhelming and disappointing. I hope that this House; the Senate, will look at what is happening to our country.

By the time we sit here next year, I would hope that we will be able to come up with legislation that is going to make sure that county governments receive their funds effectively from the National Treasury and the Central Bank of Kenya (CBK). They should make sure that the county governments and the assemblies are getting their funds so that they are functional.

I would also like to make sure that we can begin to engage other statutory bodies and the constitutional bodies which are mandated to make sure that we start fighting the corruption in our country, so that if anything, we can even create deterrence.

What is happening in our country is that, indeed, Kenyans are taxed heavily. The money is being collected and going to the national Government and county governments. However, when you look at whether there has been any effective utilization of these funds, you find that it is only a few counties that have success stories.

I would like to especially congratulate the Governor of Murang'a. I do not know whether he is doing well because he was in the National Assembly and was in the Senate. After that, Governor Kang'ata has done very well. His Own Source Revenue in one year has increased from Kshs200 million to about Kshs1.6 billion.

Madam Temporary Chairperson, I found out why the young man is doing well. He has got wise people. He has got very successful professional people from Murang'a who he has put in his team known as the Team of Advisors on Economic and Political Development of Murang'a. The problem that some of us are facing, is that some of our counties have got challenges.

I have been saying this and I say it with a lot of humility, that my County of Kisii has been receiving money from the Exchequer but the Governor has been telling the voters that the Government never sends any money. Kisii County last year received about Kshs12.6 billion and this year they are going to receive nearly the same amount of money.

**The Temporary Chairperson** (Sen. Mumma): Sen. Onyonka, can I request that you wind up?

**Sen. Onyonka:** Yes. The scenario that we have got is that, even when Kisii County received that money in the County Revenue Fund (CRF) account, it has got Kshs6.5 billion which is not being utilized.

These are the challenges and issues that we must observe to make sure that even when we are fighting for the national Government to give us more money to go to the county governments, the governors must be answerable, responsible and that the people who they serve expect more and better all the time.

I support.

**The Temporary Chairperson** (Sen. Mumma): Hon. Members, allow us to let Sen. Onyonka be the last person to speak on this unless there is a dissenting voice. I am requesting that those who have not spoken, just bear with us.

You can speak when we move to the Second Schedule. Therefore, bear with me, I will give you the first opportunity for those who have not spoken when it comes to the Second Schedule amendments. I hope that is fine.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Mumma): Division will be at the end.

We will now proceed to consider the Second Schedule, which is a consequential amendment to the First Schedule.

*Second Schedule*

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**The Temporary Chairperson** (Sen. Mumma): I propose the question that the Second Schedule be approved. Mover.

**Sen. Ali Roba:** Madam Temporary Chairperson, I beg to move-  
THAT consequential to the proposed amendments to the First Schedule, the Bill be amended by deleting the Second Schedule and replace thereof the following-

### SECOND SCHEDULE

County Government Budget Ceilings on Recurrent Expenditure in Financial Year 2024/25 (Figures in Kenya Shillings)					
SN	County	County Assembly Ceilings		County Executive Ceilings	
		FY 2023/24	FY 2024/25	FY 2023/24	FY 2024/25
1	Baringo	828,250,102	757,858,506	628,507,168	811,330,131
2	Bomet	826,903,256	677,847,307	525,981,274	675,271,762
3	Bungoma	1,030,966,304	1,019,575,196	593,145,551	794,269,934
4	Busia	890,557,352	804,254,206	565,353,297	740,954,156
5	Elgeyo-Marakwet	688,567,522	642,494,863	540,143,817	682,571,452
6	Embu	655,164,072	612,356,235	470,665,205	599,617,223
7	Garissa	928,822,377	805,632,232	517,163,240	693,214,915
8	Homa-Bay	951,617,005	865,455,765	612,652,603	807,946,650
9	Isiolo	539,314,722	455,851,471	384,717,582	483,811,987
10	Kajiado	836,365,718	739,100,667	543,625,285	705,785,753
11	Kakamega	1,400,821,103	1,277,560,747	702,976,417	954,360,037
12	Kericho	828,466,755	753,482,865	574,171,331	742,119,652
13	Kiambu	1,352,347,776	1,122,733,276	689,615,145	937,949,817
14	Kilifi	942,241,093	811,428,332	552,882,777	732,390,410
15	Kirinyaga	673,319,674	626,637,101	463,453,685	591,357,406
16	Kisii	1,112,890,743	994,072,293	635,010,868	842,938,395
17	Kisumu	827,121,358	862,083,652	548,429,020	720,990,566
18	Kitui	1,042,409,957	946,077,555	787,239,883	1,034,274,047
19	Kwale	667,712,409	625,406,505	436,816,651	561,039,626
20	Laikipia	545,809,049	477,594,112	429,430,142	543,968,003
21	Lamu	493,148,394	466,864,730	349,978,277	439,219,777
22	Machakos	1,021,331,660	924,156,126	618,887,863	817,384,477
23	Makueni	882,052,960	780,912,038	597,330,868	772,648,310
24	Mandera	983,911,204	825,043,653	537,192,934	709,410,958
25	Marsabit	714,092,325	666,740,178	477,791,217	620,635,223
26	Meru	1,105,946,626	991,451,371	802,472,137	1,046,885,894
27	Migori	1,003,508,709	907,920,737	609,089,597	803,308,177
28	Mombasa	837,169,783	700,845,894	414,726,825	550,949,872
29	Murang'a	830,709,033	755,814,834	633,050,405	822,212,796
30	Nairobi City	1,924,120,608	1,596,625,912	640,180,465	924,648,890
31	Nakuru	1,160,413,432	1,034,293,969	703,777,688	949,692,125
32	Nandi	796,999,461	727,658,319	647,212,948	829,614,196
33	Narok	911,202,495	834,927,075	545,667,285	715,936,269
34	Nyamira	746,578,493	650,614,404	458,194,685	584,106,355
35	Nyandarua	770,438,804	706,936,676	533,107,285	683,959,845
36	Nyeri	776,126,610	710,551,514	605,347,631	779,895,747
37	Samburu	593,254,286	557,171,977	482,789,720	611,274,116
38	Siaya	775,678,151	710,085,117	540,322,777	701,924,604

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County Government Budget Ceilings on Recurrent Expenditure in Financial Year 2024/25 (Figures in Kenya Shillings)					
SN	County	County Assembly Ceilings		County Executive Ceilings	
		FY 2023/24	FY 2024/25	FY 2023/24	FY 2024/25
39	Taita-Taveta	681,840,554	635,498,816	439,488,905	567,140,475
40	Tana-River	677,653,973	605,987,033	436,641,663	558,967,389
41	Tharaka-Nithi	517,563,626	485,355,131	445,463,668	561,403,884
42	Trans-Nzoia	685,259,476	636,754,015	427,107,865	557,198,937
43	Turkana	966,834,859	770,739,999	526,961,505	704,903,707
44	Uasin-Gishu	796,524,510	727,164,370	474,407,171	623,694,943
45	Vihiga	714,071,318	659,816,891	487,678,963	628,658,777
46	Wajir	992,922,326	784,444,072	599,569,960	791,932,190
47	West Pokot	683,634,469	637,364,488	589,135,145	743,044,332
	<b>Total</b>	<b>40,612,656,492</b>	<b>36,369,242,228</b>	<b>25,825,556,393</b>	<b>33,756,814,187</b>

This covers the ceilings for the executive and county assemblies and considering that the shareable revenue has reduced from Kshs400.01billion to Kshs387.425 billion, which is just Kshs2 billion difference between Kshs385.425billion of 2023/2024.

The Committee had considered the ceilings as covered in 2023/2024. We have amended that ceiling to reflect inflationary percentage of about 4 per cent in order to make sure that there is marginal consideration from the extra Kshs2 billion that we got. Therefore, this is net of what was given as one-off by the Senate and the car reimbursement considerations that were given.

Madam Temporary Chairperson, that now reflects the current shareable revenue of Kshs387.425 billion and what is contained in the First Schedule and that considered between the county assemblies and the county executive as ceilings as published.

I propose the amendment of the Second Schedule as published. Thank you.

*(Question of the amendment proposed)*

Hon. Members, I would like us to limit this debate to not more than three minutes per speaker. Thank you very much. Proceed, Sen. Tabitha Mutinda.

**Sen. Tabitha Mutinda:** You have resumed the debate?

**The Temporary Chairperson (Sen. Mumma):** Kindly, comment on the Second Schedule. Do you have comments or do you want somebody else to have a go?

**Sen. Tabitha Mutinda:** Madam Temporary Chairperson, I would maybe give my very few comments. Allow me to start by appreciating the Mediation Committee that looked at this particular process and were able to come to a positive conclusion.

As far as the Schedule is concerned, as a committee, county assemblies appearing before us have always stated their needs. Most of the needs are basic and understandable, especially motor vehicle mobility issues, infrastructure, and repairs and maintenance.

We considered the 4 per cent inflation cost that is there currently. That is how we agreed on the figures. Since we are looking forward to having the law that is going to give county assemblies the independence to run their affairs, due to austerity measures, they should cut especially travel costs that are not necessary when it comes to issues of capacity building. They should fit within the budgets that have been allocated to them.

I support.

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**The Temporary Speaker** (Sen. Mumma): Proceed, Sen Ledama.

**Sen. Olekina:** Madam Temporary Speaker, let me make some brief comments on these amendments which have been proposed.

We are here because of the problem that we put ourselves in. We passed Kshs400 billion. I strongly believe that form should always follow functions and money should go to counties. It was completely unprecedented that we were discussing amendments to the Division of Revenue Act (DORA), yet there was still a law in existence.

The President's refusal to sign the County Allocation of Revenue Bill, reducing the money to Kshs380 billion without even having a law supporting it, was completely unprecedented and unheard of. However, this is Kenya and we are faced with different challenges.

We have now found ourselves here where we need a minimum of 32 Senators - that is two-thirds as per the Constitution - to pass these amendments because essentially what we are doing is overturning the veto of the President. My first plea is that all Senators should be here this afternoon so that we send money to counties. If your Senator is not here today, residents of the 47 counties just know they are the ones denying you money.

We must send this money. I wish we were sending Kshs400 billion, but it is what it is. We got Kshs387 billion, which is Kshs7 billion more than Kshs380 billion that the President proposed. It is less by Kshs13 billion of what we proposed but as it is, we have to send the money.

I want to plead to all Senators that this is our duty and we are here to send money. We will call for accountability, but if we are not here to send the money to the counties, when projects stall and people are not paid, you can blame us Senators.

Having said that, we have passed a Motion in this House to make sure that all pending bills are paid. I plead with the governors that the Senate pronounced itself.

*(The red light at the timer was switched on)*

I wish you gave me a little more time, please. Just turn on the light because this is very important.

If we do not have Senators here today, this Bill collapses. I was not here when he was speaking but let me just speak my mind and heart. All pending bills must be first charges of accounts. We have projects in our counties for Financial Year (FY) 2022/2023 which are being launched by governors, yet we are discussing about FY2024/2025. There are pending bills that have not been paid.

I can tell you that if your Senator is not here to pass this Bill today, you will not get money. You will have to wait until we come back after Christmas. That will be February next year. Ask yourself one question. So, pick your phone and call your Senator to tell them to go to the House and make sure they express their views and vote for this Bill to pass. At times we just have to be brutal and say what it is. If money does not go to the counties, it is your Senator who would have denied you that money. I request that you be here.

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Moving to the other issue, we have challenges. It is time we recognised and realised that we are here as legislators. We are not here to implement projects on the ground. We have this fight on the Road Maintenance Levy Fund (RMLF), which is money that ought to go to the counties but the National Assembly is threatening to kill the County Allocation of Revenue Bill after we pass it. They want the RMLF to be considered as additional allocations.

Let us separate and just deal with oranges only and not oranges and bananas. Right now we are dividing our shareable revenue among the 47 counties. I want to also plead with our colleagues in the National Assembly that when it comes, please---

**The Temporary Speaker** (Sen. Mumma): Proceed, Sen. Wafula.

**Sen. Wafula:** Madam Temporary Speaker, I want to take this auspicious moment to thank you and appreciate the Mediation Committee for the job well done. They ensured that the aspiration of the founding fathers of this new Constitution to bolster and improve devolution was hastened and protected. I want, on behalf of the great people of Bungoma, to thank *Mhe. Roba* and the team for showing leadership and commitment to what Kenyans expect of the Senate.

I have done a little bit comparison of the resources that go to several counties of the Republic. In FY 2023/2024, my neighbour, Trans Nzoia County, got Kshs7.499823 billion. In the memorandum from the Executive, Trans Nzoia County was going to get Kshs7.389511 billion. That was a reduction of the resources that were going to Trans Nzoia County. In this amendment, through the Senate and the leadership of the Mediation Committee, Trans Nzoia is going to get Kshs7.540500 billion. That is an increment from the previous financial year.

In my neighbouring County of Busia, in FY 2023/2024, they got Kshs7.475 billion. In the memorandum from the Executive, there was going to be a reduction to Kshs7.368 billion. However, the Senate stood its ground and ensured our neighbour Busia County gets Kshs7.514 billion.

Let me narrow down to the great people of Bungoma. In FY 2023/2024, Bungoma County got Kshs11.11 billion. The memorandum expected us to get Kshs10.952 billion. I am, I was and I will always be clear that Bungoma deserves more. Through the committee, Bungoma will get Kshs11.170 billion.

I want to speak to the great people of Bungoma that this increment is not meant for entertainment or travelling as tourists. This increment is meant to pay casuals who have downed their tools today; pay pending bills for contractors who have issued ultimatums; complete stalled projects; ensure markets have water electricity and fences; ensure medicines are available in our dispensaries; industrial parks are done and the youth get money for projects and not only policies which cannot be consumed in bank accounts. Our scholarship and bursary accounts must be full to pay for scholarships and bursaries.

Madam Temporary Chairperson, as we push for an increment in resources, accountability and transparency, we also have to push for public participation to ensure the great people of Kenya, and in particular, the great people of Bungoma get value for their money. As I speak right now, the casual workers of Bungoma from July to this

December have not earned their monies. We want these monies to go so that they pay their casual workers.

We want the Community Health Promoters (CHPs) of Bungoma to be paid. I want the Senate to pronounce itself very clearly that either the CHPs are going to be paid by the national Government or they are going to be paid fully by county governments. However, this merry-go-round will not be tolerated. I thank you.

**The Temporary Chairperson** (Sen. Mumma): Sen. Kiio.

**Sen. Wambua:** Thank you Madam Temporary Chairperson. I also stand to support the proposed changes in the Second Schedule on the ceilings to the two arms of Government; the executive and the assemblies in the county governments. Today I want to just appeal to the 47 county governments in Kenya, especially to the governors and the county speakers.

These two leaders must realize that the Constitution, which is the supreme law, recognizes that a county government is only complete when the two arms are functional; the assembly and the executive. However, there is a lot of push and shove in a lot of the county governments between the executive and the assembly. I, therefore, call upon governors and speakers of assemblies to realize that they are interdependent and they need each other to deliver services to the people in the counties.

Madam Temporary Chairperson, I ask the governors to realize that assemblies are not an extension of the executives. They have their own budgets to do their own things. Therefore, if assemblies have passed and approved budgets for them to carry out certain functions, it is only fair that they are not interfered with as they undertake their functions within the law and within their budgets.

I say this because, at the end of the day, once the assemblies are done implementing their budgets and they have made mistakes, they will definitely appear before the Senate Committee on Public Accounts (CPAC) and they will answer to their questions.

Madam Temporary Chairperson, I specifically appeal to the Governor of Kitui County and the Speaker of the County Assembly of Kitui to close ranks and agree to work harmoniously for the benefit of the people of Kitui County. I am saying this because I know there is a tiff now on the implementation of a budget by the County Assembly of Kitui. They should be allowed to implement their budget and do what they have budgeted to do.

If there are mistakes in the implementation of their own budget, then those mistakes will be corrected through the right procedure. The use of the county resources for the construction of county---

Madam Temporary Chairperson, can I get only a minute?

**The Temporary Chairperson** (Sen. Mumma): One minute, Kiio.

*(Sen. Cheruiyot spoke off record)*

**Sen. Wambua:** When Sen. Cheruiyot called me last night, he told me I must be here. I came here to debate, not to be seen. To comment and defeat the Presidential

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memorandum. That is what he told me to do. He told me to come here and defeat the memorandum. That is what I am doing.

**The Temporary Chairperson** (Sen. Mumma): You are squandering your minutes.

**Sen. Wambua:** Madam Temporary Chairperson, in conclusion, I appeal to the Speaker of the County Assembly of Kitui and the Governor of Kitui County to close ranks and work harmoniously to deliver services to the people of Kitui County. We need those services. We need the assembly to be vibrant. We need the executive to be vibrant. The two can work together and the people of Kitui will realize benefits. I thank you.

**The Temporary Chairperson** (Sen. Mumma): Sen. Shakila.

**Sen. Shakila Abdalla:** Thank you, Madam Temporary Chairperson. I rise to support the amendment. It is important as a Senate, we know we are here to protect the counties and the devolution.

Since it has been said that people should be here this afternoon to pass these amendments, it is imperative and very important for the Whips to do their jobs because we have Whip offices and they are supposed to whip Members. This is to ensure that they are in the House whenever they are required. I urge the Whips to whip their Members who are here and make sure that all Members are here to pass this Bill so that money goes down to the counties before we close this House.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Mumma): Division will be at a later time when we have full delegations. We require two-thirds on this issue.

We have now concluded and we will proceed to consideration of the next Bill and I wish to invite Sen. Sigei to come.

*[The Temporary Chairperson (Sen. Mumma) left the Chair]*

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

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

**The Temporary Chairperson** (Sen. Wakili Sigei): Hon. Members, we are now considering the National Assembly amendments to the Cotton Industry Development Bill (Senate Bill No. 5 of 2023) and the Chairperson is present. I therefore call upon the Chairperson Standing Committee on Agriculture, Livestock and Fisheries, Senator Wambua to move.

*Clause 3*

**Sen. Wambua:** Thank you Mr. Temporary Chairperson. I beg to move-

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THAT, Clause 3 of the Bill be amended by deleting paragraph (a) and substituting therefor the following new paragraph—

“(a)to promote a globally competitive cotton industry through regulation in collaboration with the County Governments;”.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division at the end.

**Sen. Cherarkey:** On a point of order, Mr. Temporary Chairperson.

**The Temporary Chairperson** (Sen. Wakili Sigei): What is your point of order, Sen. Cherarkey?

**Sen. Cherarkey:** Mr. Temporary Chairman, Sir, I can see the Chair did not pass through the Long Title on Clause 2. You went straight to Clause 3 and 7.

**The Temporary Chairperson** (Sen. Wakili Sigei): Sen. Cherarkey, we have just started with Clause 3 and then we will go to 7, 11, 14, 17, 23, 24, 25, 26, 27. I will run through all of them. The one you are making reference to is on the long title, Clause 2 and the Schedule will be after Clause 55.

You will be reached and I can assure you that the Chair will see you and will give you an opportunity to comment.

Chairperson, proceed to move the Clause 7 amendment.

*Clause 7*

**Sen. Wambua:** I beg to move that-

THAT, Clause 7 of the Bill be amended—

- (a) in subclause (1)-
  - (i) by deleting paragraph (c) and substituting therefore the following new paragraph—  
“(c) The Principal Secretary responsible for matter relating to Industrialization”
  - (ii) by inserting a new paragraph immediately after paragraph (c)-  
“(ca) the Principal Secretary responsible for National Treasury”
- (b) by inserting the following new subclause immediately after subclause (3)-  
“(4) In making appointments of members to the Board, the appointing authority shall observe the principle of gender balance.”

*(Question of the amendment proposed)*

*Clause 11*

**Sen. Wambua:** Mr. Temporary Chairman, Sir, I beg to move that the Committee has considered and agreed with the amendments by the National Assembly-

THAT, Clause 11 of the Bill be amended in sub-clause (1)-

- (a) by deleting paragraph (a) and substituting therefor the following new paragraph-  
“(a)regulate and promote the development of the cotton industry;”

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(b) by deleting paragraph (e) and substituting therefor the following new paragraph-

(e) regulate and promote import and export of cotton products and by-products;”

(c) by deleting paragraph (g) and substituting therefor the following new paragraph-

(g) in consultation with the Kenya Bureau of Standards and other relevant institutions, formulate standards and code of practice acceptable in international markets to ensure the competitiveness and reliability of the country as a producer of cotton products.”

(d) by deleting paragraph (n);

(e) by deleting paragraph (o) and substituting therefor the following new paragraph-

“(o) establish linkages with other government agencies and research institutions to enhance quality assurance and research and facilitate flow of research findings to the interested parties;”

(f) by deleting paragraph (p) and substituting therefor the following new paragraph-

“(p) liaise with the national agricultural research systems to develop suitable and affordable cotton seeds;”

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division at the end.

#### *Clause 14*

**Sen. Wambua:** Mr. Temporary Chairman, Sir, I beg to move that the Committee has considered and agreed with the Amendments by the National Assembly -

THAT, Clause 14 of the Bill be amended by deleting the words “fees or allowance” appearing immediately after the word “remuneration”.

*(Question of the amendment proposed)*

#### *Clause 17*

**Sen. Wambua:** Mr. Temporary Chairman, Sir, I beg to move that the Committee has considered and agreed with the Amendments by the National Assembly-

THAT, Clause 17 of the Bill be amended in paragraph (c) by inserting the word “of” immediately after the word “contravention”.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division at the end.

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*Clause 23*

**Sen. Wambua:** Mr. Temporary Chairman, Sir, I beg to move that the Committee has considered and agreed with the Amendments by the National Assembly -

THAT, Clause 23 of the Bill be amended—

(a) in subclause (1)—

(i) by deleting paragraph (b);

(ii) by deleting paragraph (c);

(iii) by deleting paragraph (d); and

(iv) by deleting paragraph (e) and substituting therefor the following new paragraph—

“(e) promote the organization of cotton farmers cooperatives, associations and link them with credit and financing support;”

(b) in subclause (2)—

(i) by deleting paragraph (b);

(ii) by deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) promote production and productivity of cotton in the respective county;”

(i) by deleting paragraph (d) and substituting therefor the following new paragraph—

“(d) offer extension services on cotton production and processing;”

(ii) by deleting paragraph (e);

(iii) by deleting paragraph (f) and substituting therefor the following new paragraph—

“(f) provide training and dissemination of information to cotton farmers and processors on technologies, innovations, and management practices”

(i) by deleting paragraph (g);

(ii) by deleting paragraph (h) and substituting therefor the following new paragraph—

“(h) promote farm productivity through suitable seed varieties and integrated cotton farming systems;”

(i) by deleting paragraph (i);

(ii) by deleting paragraph (j);

(iii) by deleting paragraph (m) and substituting therefor the following new paragraph—

“(m) establish cotton collection aggregation centres in collaboration with the national government;”

(i) by deleting paragraph (n);

(ii) by deleting paragraph (o) and substituting therefor the following new paragraph—

“(o) link cotton farmers with agricultural mechanization centres for affordable machinery;”

(i) by deleting paragraph (p) and substituting therefor the following new

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paragraph—

“(p) link the farmers with affordable farm inputs.

(i) by deleting paragraph (q) and substituting therefor the following new paragraph—

“(q) carry out other functions as may be conferred upon by this law or any other written law.”

(a) by deleting subclause (3).

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division at the end.

*Clause 24*

**Sen. Wambua:** Mr. Temporary Chairman, Sir, I beg to move that the Committee has considered and agreed with the Amendments by the National Assembly - THAT, Clause 24 of the Bill be amended—

(a) in subclause (1), by deleting the words “for the better carrying out of the functions under this Act,” appearing immediately before the word “committee”;

(b) in subclause (2), by deleting the words “that the county executive committee member shall deem fit” appearing immediately after the word “county”;

(c) in subclause (3), by deleting the words “executive committee member” appearing immediately after the word “county”;

(a) by deleting subclause (4);

(b) by deleting subclause (5);

(c) by deleting subclause (6); and

(d) by deleting subclause (7).

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division at the end.

*Clause 25*

**Sen. Wambua:** Mr. Temporary Chairman, Sir, I beg to move that the Committee has considered and agreed with the Amendments by the National Assembly- THAT, Clause 25 of the Bill be amended—

(a) by deleting subclause (3);

(b) by deleting subclause (4), and substituting therefor the following new sub-clause—

“(4) A registered cooperative society or cotton association shall submit a register of its members to the respective county government and shall furnish the county government with information on any changes of its membership within thirty (30) days of a change in membership”;

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- (c) in subclause (5), by deleting the words “under subsection (1)” appearing immediately after the word “applicant” and substituting therefor the words “under this section”;
- (d) in subclause (6), by deleting the words “subsection (1)” appearing immediately after the word “under” and substituting therefor the words “this section”;
- (e) in subclause (7)—
- (i) by deleting the words “subsection (6)” appearing in the opening statement and substituting therefor the words “this section”; and
- (ii) by deleting the words “or that” appearing immediately after the word “business” in paragraph (b);
- (f) in subclause (8), by deleting the words “under subsection (6)” appearing immediately after the word “register”;
- (g) in subclause (10), by deleting the words “subsection (1)” appearing immediately after the word “under” and substituting therefor the words “this section”;

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division at the end.

*Clause 26*

**Sen. Wambua:** Mr. Temporary Chairman, Sir, I beg to move that the Committee has considered and agreed with the amendments by the National Assembly -

THAT, Clause 26 of the Bill be amended-

- (a) by deleting the marginal note and substituting the following new marginal note-  
“Licensing of ginners, spinners, and processors.”
- (b) in sub-clause (1) by inserting the word “processing” immediately after the word “spinning”;
- (c) by deleting subclause (2) and substituting the following new subclause-
- “(2) A person who intends to engage in the business of cotton ginning, spinning, processing or value addition and has been registered by the respective County Government for that purpose shall submit an application in the prescribed form to the Board together with-
- (a) such documents and information as the Board may prescribe; and
- (b) the prescribed fees;”
- (d) in sub-clause (3) by deleting the words “a county executive committee member” and substituting therefore the word “The Board”;
- (e) by deleting subclause (5) and substituting therefor the following new subclause -

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“(5) Where the Board refuses to grant an application for a license, the Board shall specify the reasons for the refusal”

(f) by deleting sub-clause (6) and substituting therefor the following new subclause–

“(6) The Board shall, at least thirty days before granting a new license under this Act, publish a notice of the proposed grant by notice in the gazette and in such other manner as the Board may determine.”

(g) in subclause (7), by deleting the words “county executive committee member” and substituting therefor the word “Board”;

(h) by deleting subclause (8) and substituting therefor the following new subclause–

“(8) The Board shall consider any objection and may grant the license applied for subject to such terms and conditions as the Board may consider appropriate.”; and,

(i) in subclause (10), by deleting the words “of subsection (1)” appearing immediately before the word “commits” and replacing, therefore, the word “this section”.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division at the end.

*Clause 27*

**Sen. Wambua:** Mr. Temporary Chairperson, Sir, I beg to move that the Committee has considered and agreed with the Amendments by the National Assembly - THAT, Clause 27 of the Bill be amended-

(a) by deleting subclause (1) and substituting therefor the following new subclause–

“(1) The Board may refuse to grant a license where the application does not comply with the requirements imposed under this Act.”; and

(b) by deleting sub-clause (2) and substituting therefor the following new subclause–

“(2) The Board shall notify the applicant of the decision within fourteen days of such refusal.”

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division at the end.

*Clause 28*

**Sen. Wambua:** Mr. Temporary Chairman, Sir, I beg to move that the Committee has considered and agreed with the Amendments by the National Assembly -

THAT, Clause 28 of the Bill be amended-

- (a) by deleting the opening statement in subclause (1) and substituting therefor the following new opening statement-

“(1) The Board may revoke a license under this Act if the licensee-”; and

- (b) by deleting the opening statement in subclause (2) and substituting therefor the following new opening statement-

“The Board shall not revoke a license unless the Board- “

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division at the end.

*Clause 29*

**Sen. Wambua:** Mr. Temporary Chairman, Sir, I beg to move that the Committee has considered and agreed with the Amendments by the National Assembly -

THAT, clause 29 of the Bill be amended-

- (a) by deleting the opening statement in subclause (1) and substituting therefor the following new opening statement-

“(1) A compliance notice issued under subsection 28(2)(b) shall-”

- (b) by deleting subclause (2) and substituting therefor the following new subclause-

“(2) The Board may, upon request by the licensee and, where there are sufficient grounds shown by the licensee, extend the period of compliance for such period as the Board may consider necessary to ensure compliance”

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division at the end.

*Clause 30*

**Sen. Wambua:** Mr. Temporary Chairman, Sir, I beg to move that the Committee has considered and agreed with the Amendments by the National Assembly -

THAT, Clause 30 of the Bill be amended-

- (a) by deleting the opening statement in subclause (1) and substituting therefor the following new opening statement-

“(1) Where a person who receives compliance notice under section 29 fails to comply with such notice, the Board may-”

(b) by deleting subclause (2) and substituting therefor the following new subclause-

“(2) For purposes of this Act, a revocation of licence takes effect on the date on which the licence is revoked by the Board.”

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division at the end.

*Clause 32*

**Sen. Wambua:** Mr. Temporary Chairman, Sir, I beg to move that the Committee has considered and agreed with the Amendments by the National Assembly -

THAT, Clause 32 of the Bill be amended-

(a) by deleting subclause (1) and substituting therefor the following new subclause;

“(1) The county government shall designate collection centres in consultation with cotton growers and other stakeholders.”

(b) in subclause (2)-

(i) by deleting the words “county executive committee member” and substituting therefor the words “county government;” appearing in the opening statement; and

(ii) in paragraph (a) by deleting the words “Cabinet Secretary” and substituting therefor the word “Board”.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division at the end.

*Clause 33*

**Sen. Wambua:** Mr. Temporary Chairman, Sir, I beg to move that the Committee has considered and agreed with the Amendments by the National Assembly -

THAT, Clause 33 of the Bill be amended-

(a) by deleting sub-clause (3);

(b) by deleting sub-clause (4);

(c) by deleting sub-clause (5);

(d) in sub-clause (6) by deleting the word “subsection (2)” appearing immediately after the word “under” and substituting therefor the words “subsection (6)”;

(e) by deleting sub-clause (7);

(f) in clause (9) by deleting the words “subsection (4)” appearing

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immediately after the word “under” and substituting therefore the words “subsection (6)”;

(g) by deleting subclause (10) and substituting therefore the following new subclause

“(10) A person who is not satisfied with the decision of the Board may appeal to the Cabinet Secretary; and where such a person is not satisfied with the decision of the Cabinet Secretary, shall appeal to the High Court.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division at the end.

*Clause 34*

**Sen. Wambua:** Mr. Temporary Chairperson, I beg to move—

THAT, Clause 34 of the Bill be amended-

(a) by deleting subclause (1) and substituting therefor the following new subclause-

“(1) A license issued under this Act shall be valid for a period of one year from the date it was issued;”

(b) by deleting subclause (2) and substituting therefor the following new subclause-

“(2) A person who intends to renew a license under sub-section (1) shall submit an application to the Board in the prescribed form at least thirty days before the date of expiry of the current license”.

(c) in subclause (3) by deleting the words “section 32” and substituting therefor the words “section 33”.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division will be at the end.

*Clause 35*

**Sen. Wambua:** Mr. Temporary Chairperson, I beg to move—

THAT Clause 35 of the Bill be amended-

(a) in sub-clause (1) by deleting the opening statement and substituting therefor the following new opening statement-

“(1) The Board may revoke a licence issued or renewed under this Act if the licensee-”

(b) in sub-clause (2) by deleting the opening statement and substituting therefor the following new opening statement—

“(2) The Board may revoke a licence issued under subsection (1) unless the Board-“.

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*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division will be at the end.

*Clause 36*

**Sen. Wambua:** Mr. Temporary Chairperson, I beg to move—

THAT Clause 36 of the Bill be amended in subclause (1) by deleting the words “section 34(2)” appearing immediately after the word “under” and substituting therefor the words “section 35 (2) (b)”

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division will be at the end.

*Clause 37*

**Sen. Wambua:** Mr. Temporary Chairperson, I beg to move—

THAT, Clause 37 of the Bill be amended-

(a) in sub-clause (1) by deleting the words “section 34” appearing immediately after the word “under” and substituting therefor the words “section 36”;

(b) by deleting sub-clause (2) and substituting therefor the following new subclause-

“(2) For purposes of this Act, a revocation of licence takes effect on the date on which the licence is revoked by the Board.”

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division will be at the end.

*Clause 38*

**Sen. Wambua:** Mr. Temporary Chairperson, I beg to move—

THAT, Clause 38 of the Bill be amended by inserting the following a new subclause immediately after subclause (1)-

“(2) The Board shall apply the money received under this section for the furtherance of the objects and performance of the functions of the Board.”

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division will be at the end.

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*Clause 39*

**Sen. Wambua:** Mr. Temporary Chairperson, I beg to move—  
THAT, Clause 39 of the Bill be amended by deleting the words “the county government” appearing immediately after the word “Board”.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division will be at the end.

*Clause 42*

**Sen. Wambua:** Mr. Temporary Chairperson, I beg to move—  
THAT, Clause 42 of the Bill be amended in subclause (3), by deleting the words “the National Assembly and the Senate” appearing before the word “to” and substituting therefor the word “Parliament”.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division will be at the end.

*Clause 45*

**Sen. Wambua:** Mr. Temporary Chairperson, I beg to move—  
THAT, Clause 45 of the Bill be deleted.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division will be at the end.

*Clause 46*

**Sen. Wambua:** Mr. Temporary Chairperson, I beg to move—  
THAT, Clause 46 of the Bill be amended in subclause (1) by deleting the words “twenty thousand” and substituting therefor the words “one hundred thousand”.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division will be at the end.

*Clause 47*

**Sen. Wambua:** Mr. Temporary Chairperson, I beg to move—

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THAT, Clause 47 of the Bill be amended in subclause (2) by deleting the words “under section 7(1) (c)” appearing in paragraph (a).

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division will be at the end.

*Clause 49*

**Sen. Wambua:** Mr. Temporary Chairperson, I beg to move—  
THAT, Clause 49 of the Bill be amended by deleting the word “Gossypium aap” appearing and substituting therefor the words “Gossypium ssp”.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division will be at the end.

*Clause 55*

**Sen. Wambua:** Mr. Temporary Chairperson, I beg to move—  
THAT, Clause 55 of the Bill be amended by deleting the word “Authority” appearing immediately after the words “made by the” and substituting therefor the word “Board”.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division will be at the end.

*First Schedule*

**Sen. Wambua:** Mr. Temporary Chairperson, I beg to move—  
THAT, the First Schedule to the Bill be amended—  
(a) in paragraph 1 (1)—  
(i) by deleting the word “ten” appearing immediately after the word “least” and substituting therefor the word “four”;  
(ii) by deleting the word “two” appearing immediately after the word “than” and substituting therefor the word “four”  
(b) in sub-paragraph (2), by deleting the words “and such places” appearing immediately before the word “as” and substituting therefor the words “at the headquarters or elsewhere in Kenya”.  
(c) in paragraph (5) by deleting the word “subsection” wherever it occurs and substituting therefor the word “sub-paragraph”

*(Question of the amendment proposed)*

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**The Temporary Chairperson** (Sen. Wakili Sigei): Division will be at the end.

*Clause 2*

**Sen. Wambua:** Mr. Temporary Chairperson, I beg to move—  
THAT, Clause 2 of the Bill be amended—

(a) by inserting the following new definitions in their proper alphabetical sequence—

“collection centre” means centres designated by county governments to serve as buying stations for cotton;

“cotton plant” means *Gossypium* spp and its varieties;

“ginning” means the process of removing cotton seed from the cotton balls;

“processing” means the process of value addition to cotton, cotton seed or cotton by-products and includes cleaning, grading, spinning, weaving or knitting; and

“spinning” means the process of producing yarns from extracted cotton fibre;

(b) by deleting the definition of “Cotton industry” and substituting therefor the following new definition—

“Cotton industry” includes growers, ginnerers, spinners, cotton value addition industries and marketers.

**The Temporary Chairperson** (Sen. Wakili Sigei): Sen. Cherarkey, do you want to comment on this?

**Sen. Cherarkey:** Yes.

**The Temporary Chairperson** (Sen. Wakili Sigei): Before you comment, I will have to propose the question. I will allow you to comment on the National Assembly amendment to Clause 2 once I propose the question.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Wakili Sigei): Division will be at the end. Sen. Cherarkey proceed.

**Sen. Cherarkey:** Mr. Temporary Chairperson, Sir, I want to make two comments on this proposal. First; the Senate is supersonic in agreeing with the National Assembly Amendments. The National Assembly should also extend the same goodwill.

On many occasions, we have made amendments to a number of legislations but the National Assembly sabotages them. You can even see the condescending attitude of the National Assembly leadership.

In the same spirit, the Senate has extended and worked quickly on this Cotton Industry Development Bill (Senate Bill No. 5 of 2023). I could not believe that there are 55 amended Clauses from the National Assembly that the Senate has agreed to concurrently. Unlike the way they are doing with County Allocation of Revenue Bill (CARB), where they are holding us ransom.

They are telling us if you do not pass it or tell governors to withdraw a court case on road maintenance levy fund that is around Kshs11 billion, they will not pass CARB. I

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want to tell the National Assembly they should extend good faith the way we did with their 55 amended Clauses to the Cotton Bill.

Secondly, I want to agree with Clause No.2, where the interpretation and the meaning of the cotton industry, processing, ginning, cotton plant, collection centres and spinning are now cotton industries.

The definition should be broad so that it can agree with growers, ginners, spinners, cotton value addition, and marketers. In conclusion, Elgeyo-Marakwet and Kisumu Counties and part of Nyanza grow cotton because they have black cotton soil.

Rivatex East Africa Limited was given more than Kshs4 billion from the Indian government as a grant to revive it in making local clothing. We even had Kisumu Cotton Mills (KICOMI) which died. The passage of this Bill will give the opportunity to have locally made garments and clothes. As we talk, Kenya has become a mitumba country. We import everything, from undergarments, shoes, socks, clothes, vests and ties. Can you believe this is a mitumba country?

My worry is that even our thinking is becoming mitumba in terms of many things. We are importing toothpicks and matchsticks. I know toothpicks mean other things in some lingo with young people. I hope the passage of this Bill will revolutionize the issue of garments and clothes. Kitui County Textile Center (KCOTEC) had been developed in Kitui County, but the former Governor allegedly decided to run it to the ground.

We have been told that nowadays we have a line in Mosoriot Town called Nandi County Textile Unit (NATEX), which is just a big building. Governor Sang is busy running down the entire county. He has put more than Kshs300 million to that project in Mosoriot Township yet it is not functional. The passage of this Bill is very important. I agree with the expansion in terms of the definition so that we have a cotton industry that will factor in many things.

I know when I talk about mitumba importation, people in Gikomba market and my supplier called Ras in Eldoret City would be worried that we are talking about blocking or banning mitumba. We are not. Let it be complimentary so that when I walk out of here people in Gikomba and Toi Market will not say, that I said we ban mitumba. We want to improve efficiency and allow competitiveness so that we have locally made clothes and also mitumba.

This will also give employment to cotton farmers so that they can plant cotton and have a place to sell. With that indulgence, I support these amendments to the 55 Clauses from the National Assembly. I hope they will extend the same goodwill with the same supersonic speed. I thank you.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Sen. Cherarkey. With that confirmation, your supplier, Mr. Ras, is going to be very happy at the end of the day. The party leader Sen. Ali Roba kindly, make your comments.

**Sen. Ali Roba:** Thank you, Mr. Temporary Chairperson, Sir. I rise to support this Bill and the amendments that were proposed by our able colleague, Sen. Wambua. Notwithstanding, the very informative statement by Sen. Cherarkey; people have viewed him as a very sophisticated Senator who dresses very well. However, he has said the source of his garments in terms of supporting the economy---

*(Laughter)*

It is important that we give credit where it is due. When this government came into being, we were importers of sugar in large masses. There have been cartels of importation of sugar, and today we are turning into net exporters because of the revival of sugar industries. The coming into force of this Bill is going to give an excellent opportunity for this Government to start turning our farmers and farmlands productive which will be driven by market economy.

The cotton industry can be facilitated the same way the sugar industry has so that it can take shape very firmly and also revive some of the industries that have gone down to make sure that we turn our economy into one of production rather than importation.

I beg to support.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Senator Ali Roba. Let us move to the next clause.

I call upon Sen. Wambua, Chairperson Standing Committee on Agriculture, Livestock and Fisheries.

*Long Title*

**Sen. Wambua:** Thank you, Mr. Temporary Chairperson, Sir. I beg to move- THAT, the Bill be amended by deleting the long title and substituting therefor the following new Long Title-

“AN ACT of Parliament to provide for the regulation, production, value addition, marketing and distribution of cotton in Kenya and its products; establish the Cotton Industry Development Board, provide a framework for cotton farming; ensure value addition to cotton and its related products and for connected purposes”.

I am asking Hon. Senators to approve the long title as amended.

*(Question of the amendment proposed)*

**The Temporary Speaker** (Sen. Wakili Sigei): Division at the end.

Hon. Members, we do not have the requisite numbers to go for Division. However, we will report on the earlier one which we did on the CARB and also on the Cotton Industry Development Bill (Senate Bills No.5 Of 2023). Later, we will go for Division.

I ask the Mover to report on the progress of the Committee of the Whole on the consideration of the President's Memorandum on the County Allocation of Revenue Bill (Senate Bill No.25 of 2024).

Sen. Ali Roba, proceed.

THE COUNTY ALLOCATION OF REVENUE BILL  
(SENATE BILLS NO.25 OF 2024)

*(Consideration of His Excellency the President's recommendations)*

**Sen. Ali Roba:** Mr. Temporary Chairperson, pursuant to Standing Order No.153, I beg to move-

THAT the Committee do report progress on the consideration of County Allocation of Revenue Bill (Senate Bills No.25 of 2024) and seek leave to sit again this afternoon.

*(Question proposed)*

*(Question put and agreed to)*

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

*(Consideration of the National Assembly Amendments)*

**The Temporary Chairperson** (Sen. Wakili Sigei): We will also proceed to report progress of the Committee of the Whole, on the consideration of the National Assembly Amendment to the Cotton Industry and Development Bill (Senate Bills No.5 of 2023). I call upon the Mover, Sen. Wambua to move.

**Sen. Wambua:** Mr. Temporary Chairperson, Sir, pursuant to Standing Order No.153 of the Senate Standing Orders, I beg to move-

THAT the Committee do report to the Senate on its consideration of the National Assembly Amendments to the Cotton Industry and Development Bill (Senate Bills No.5 of 2023) and seek leave to sit again tomorrow.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Chairperson** (Sen. Wakili Sigei): For clarity, hon. Members, sitting again tomorrow is actually this afternoon. Let us rise.

*(House resumed)*

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

**PROGRESS REPORTED**THE COUNTY ALLOCATION OF REVENUE BILL  
(SENATE BILLS NO.25 OF 2024)

*(Consideration of His Excellency the President's recommendations)*

**The Temporary Speaker** (Sen. Wakili Sigei): Now, hon. Members, we now proceed to report progress. Sen. Cherarkey, this is on County Allocation of Revenue Bill (Senate Bills No.25 of 2024).

**Sen. Cherarkey:** Mr. Temporary Speaker, Sir, I beg to report progress that the Committee of the whole has considered the County Allocation of Revenue Bill (Senate Bills No.25 of 2024), and seek leave to sit again tomorrow.

**The Temporary Speaker** (Sen. Wakili Sigei): I call upon the Mover to report. Proceed, Sen. Ali Roba.

**Sen. Ali Roba:** Mr. Temporary Speaker, Sir, I beg to move-

THAT the House do agree with the Committee on the said report, and I request Sen. Wambua to second.

**Sen. Wambua:** Mr. Temporary Speaker, Sir, I do second.

*(Question proposed)*

*(Question put and agreed to)*

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

*(Consideration of the National Assembly amendments)*

**The Temporary Speaker** (Sen. Wakili Sigei): We move to report progress on the second Bill. This is the Cotton Industry and Development Bill (Senate Bills No.5 of 2023). I will call upon the Chairperson, Sen. Cherarkey to report.

**Sen. Cherarkey:** Mr. Temporary Speaker, Sir, I beg to report progress that the Committee of the Whole has considered the National Assembly amendments to the Cotton Industry and Development Bill (Senate Bills No.5 of 2023) and seeks leave to sit again tomorrow.

**The Temporary Speaker** (Sen. Wakili Sigei): I call upon the Mover, Sen. Wambua.

**Sen. Wambua:** Mr. Temporary Speaker, Sir, I beg to move-

THAT the House do agree with the Committee on the said report, and I request the Hon. Sen. Capt. Ali Roba, EGH to second.

**The Temporary Speaker** (Sen. Wakili Sigei): You forgot to add the title Party Leader. Please proceed.

**Sen. Wambua:** I add a Party Leader to the title.

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**Sen. Ali. Roba:** Mr. Temporary Speaker, Sir, I second.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Speaker** (Sen. Wakili Sigei): Now, hon. Members, the Hon. Chairperson of the Committee on Finance and Budget, Sen. Ali Roba, has got a Paper to lay. You may proceed to lay the Paper.

### **PAPER LAID**

#### THE COUNTY GOVERNMENT EQUITABLE SHARE CASH DISBURSEMENT SCHEDULE FOR FY 2024/2025

**Sen. Ali Roba:** Thank you, Mr. Temporary Speaker, Sir. I beg to lay the following Paper on the Table of the Senate today, 4<sup>th</sup> December, 2024, the County Government Equitable Share Cash Disbursement Schedule for Financial Year 2024/2025. I beg to lay.

*(Sen. Ali Roba laid the document on the Table)*

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Members, pursuant to Standing Order No.189 (2) that provides for the benefit of Members, I will read that -

“Upon being laid before the Senate, the Cash Disbursement Schedule shall be committed to the Standing Committee on Finance and Budget to deliberate upon and table a report containing its recommendations on the Cash Disbursement Schedule, within seven days.”

I, therefore, commit the report that has just been tabled to the Committee on Finance and Budget for deliberation and reporting at the opportune time.

Sen. Ali Roba, the Chairperson, you of course are aware of the calendar of the House that is coming to an end. Consequently, even as you retreat to consider the Cash Disbursement Schedule, keep in mind the timelines and the schedule of the House so that you are able to deal with it in good time. This is to ensure that that facilitates implementation within the schedule as required. Thank you.

Before we go back to the Order Paper, I have got Messages to deliver.

### **MESSAGES FROM THE NATIONAL ASSEMBLY**

#### PASSAGE OF THE TECHNOLIS BILL (NATIONAL ASSEMBLY BILL NO.6 OF 2024)

Hon. Senators, this is a Message from the National Assembly on the passage of the Technopolis Bill (National Assembly Bills No.6 of 2024).

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Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.46(3), I received the following Message from the Speaker of the National Assembly regarding the passage, by the National Assembly, of the Technopolis Bill (National Assembly Bills No.6 of 2024). The Message dated Friday 29<sup>th</sup> November, 2024, was received in the Office of the Clerk of the Senate on Monday, 2<sup>nd</sup> December, 2024.

Pursuant to Standing Order No.46(4), I now report the Message-

“Pursuant to the provisions of Standing Orders Nos. 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly.

WHEREAS the Technopolis Bill (National Assembly Bills No.6 of 2024) was published vide the Kenya Gazette Supplement No.30 of 2<sup>nd</sup> February, 2024, as a Bill seeking to, *inter alia*, provide a framework for the establishment, development and management of technopolis in the country;

AND WHEREAS the National Assembly considered and passed the said Bill with amendments on Tuesday, 19<sup>th</sup> November, 2024, and in the form attached herewith;

NOW THEREFORE in accordance with the provisions of Article 110(4) of the Constitution and Standing Orders Nos. 41(1) and 142 of the National Assembly Standing Orders, I hereby refer the Bill to the Senate for consideration.”

Hon. Senators, Standing Order No.163 requires that a Bill which originates in the National Assembly be processed by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No.144. At an appropriate time in this sitting, I will direct that the Technopolis Bill (National Assembly Bills No.6 of 2024) be read a First Time as listed in the Order Paper.

I thank you.

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

PASSAGE OF THE KENYA HEALTH PRODUCTS AND  
TECHNOLOGIES REGULATORY AUTHORITY BILL  
(NATIONAL ASSEMBLY BILLS NO.54 OF 2022)

Hon. Senators, I still have another Message to convey. This is also a Message from the National Assembly.

Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.46(3), I received the following Message from the Speaker of the National Assembly regarding the passage, by the National Assembly, of the Kenya Health Products and Technologies Regulatory Authority Bill (National Assembly Bills No.54 of 2022). The Message dated Friday, 29<sup>th</sup> November, 2024, was received in the Office of the Clerk of the Senate on Monday, 2<sup>nd</sup> December, 2024.

Pursuant to Standing Order No.46(4), I now report the Message-

“Pursuant to the provisions of Standing Orders Nos. 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly.

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WHEREAS the Kenya Health Products and Technologies Regulatory Authority Bill (National Assembly Bills No.54 of 2022) was published vide the Kenya Gazette Supplement No.184 of 3<sup>rd</sup> November, 2022, as the Kenya Drugs Authority Bill, 2022, and passed by the National Assembly with amendments on 7<sup>th</sup> November, 2024, as a Bill seeking to establish a comprehensive legal framework for the regulation of health products and technologies to safeguard public health through development of a regulatory system' to ensure safety, quality, efficacy, effectiveness and performance of health products; to establish the Kenya Health Products and Technologies Regulatory Authority and for connected purposes;

WHEREAS on Thursday, 7<sup>th</sup> November, 2024, the National Assembly considered the Kenya Health Products and Technologies Regulatory Authority Bill (National Assembly Bills No.54 of 2022) and passed it with amendments in the form attached herewith;

NOW THEREFORE in accordance with the provisions of Article 110 of the Constitution and Standing Orders Nos. 41(1) and 142 of the National Assembly Standing Orders, I hereby refer the Bill to the Senate for consideration.”

Hon. Senators, Standing Orders No.163 requires that a Bill which originates in the National Assembly be processed by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No.144. At an appropriate time today, I will direct that the Kenya Health Products and Technologies Regulatory Authority Bill (National Assembly Bills No.54 of 2022) be read a First Time as listed in the Order Paper.

I thank you.

PASSAGE OF THE COMMUNITY HEALTH PROMOTERS BILL  
(NATIONAL ASSEMBLY BILLS NO.53 OF 2022)

Lastly, hon. Senators, I have a further Message from the National Assembly concerning the passage of the Community Health Promoters Bill (National Assembly Bills No.53 of 2022).

Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.46(3), I received the following Message from the Speaker of the National Assembly regarding the passage, by the National Assembly, of the Community Health Promoters Bill (National Assembly Bills No.53 of 2022). The Message dated Friday, 29<sup>th</sup> November, 2024, was received in the Office of the Clerk of the Senate on Monday, 2<sup>nd</sup> December, 2024.

Pursuant to Standing Order No.46(4), I now report the Message-

“Pursuant to the provisions of Standing Orders Nos. 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly.

WHEREAS the Community Health Promoters Bill (National Assembly Bills No.53 of 2022) was published vide Kenya Gazette Supplement No.183 on 10<sup>th</sup> November, 2022, as the Community Health Workers Bill, 2022, to regulate the practice of Community Health Promoters by making provisions for training and registration of

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Community Health Promoters and the establishment of the Community Health Promoters Council;

WHEREAS the National Assembly considered the said Bill and passed it with amendments on Wednesday, 20<sup>th</sup> November, 2024, in the form attached hereto;

NOW THEREFORE in accordance with the provisions of Article 110(4) of the Constitution and Standing Order Nos. 41 and 142 of the National Assembly Standing Orders, I hereby refer the Bill to the Senate for consideration.”

Hon. Senators, Standing Order No.163 requires that a Bill which originates in the National Assembly be processed by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No.144. At an appropriate time today, I will direct that the Community Health Promoters Bill (National Assembly Bills No.53 of 2022) be read a First Time as listed in the Order Paper.

I thank you.

Clerk, let us move on to the next Order.

### MOTION

#### CONSOLIDATION OF BURSARY FUNDS FOR EQUITABLE ACCESS TO EDUCATION

*(Sen. Thang'wa on 18.09.2024)*

*(Resumption of debate interrupted on 12.11.2024)*

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Members, this is the resumption of debate that was interrupted on Tuesday, 12<sup>th</sup> November, 2024. At the close of the sitting on that day, the hon. Sen. Sen. (Dr.) Khalwale was on the Floor and he has a balance of seven minutes to conclude on his contribution.

In the absence of Sen. (Dr.) Khalwale, we take the assumption that he has forfeited the available seven minutes. I, therefore, allow the hon. Members who are present and keen on contributing to proceed. I will start with Sen. Cherarkey Samson.

**Sen. Cherarkey:** Mr. Temporary Speaker, Sir, I take this opportunity to support this proposed Motion to consolidate bursaries. The right to quality and basic education should be a basic right to every Kenyan wherever they are. As a country, we should be pushing for free education from Early Childhood Development and Education (ECDE), primary, secondary to university. Other countries have done it before.

Even with the free primary education that was initiated in 2003 by President Kibaki's Government, we must ensure that access to quality education is a basic right of every Kenyan child as enshrined in the Constitution. Apart from the right to family, right to name and nationality, right to free and compulsory basic education is enshrined in Article 53 of the Constitution. Other rights include basic nutrition, shelter and healthcare. Right to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment, punishment and others.

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Another right under Article 53 is the right to parental care and protection, but not be detained whenever they commit an offence. The reading of Article 53 is that access to basic education is a basic human right. I am happy these Motions on access to education and bursary can be consolidated.

As I talk today, the issue of bursary has become political tokenism where people who have been elected give bursaries to their cronies and campaigners. You will realize that the National Government Constituency Development Fund (NG-CDF) gives out bursary. The national Government Affirmative Action Fund (NGAAF) that is run by women representatives also gives bursary. County governments are also giving bursary. However, it is a pity that a number of students who cannot access education and stay at home because they lack school fees.

We, as country, must bite the bullet and agree there should be access and consolidate all bursaries. Let our children go to learning institutions and learn free; we must stop this political tokenism. This is so that we also stop using bursary as a campaign tool or political tokenism by elected leaders.

As we all know the NG-CDF, which Members of the National Assembly are walking around with, is an unconstitutional kitty. Even the Supreme Court and the courts of Kenya have ruled that it is unconstitutional and it should remain so. In fact, after the consolidation of bursary funds in this country, we must now consolidate the division of revenue to only the national Government - the national executive, independent commission institutions and only to county governments.

The work of MPs is defined under Article 93. The Senate and the National Assembly will oversight. Right now, there is conflict of interest because the MPs running the NG-CDF kitty. They want to run it.

Mr. Temporary Speaker, Sir, you have heard the “blackmail” they are using against the mediation process of the County Allocation of Revenue Bill – the additional funds that are supposed to be given to counties. There is the World Bank and other donors where Kshs30 billion is just lying there for counties to use. However, the National Assembly is blackmailing and is telling the Senate to tell the Council of Governors (CoG) to withdraw the court case on the Road Maintenance Levy Fund (RMLF) that is around Kshs11 billion.

That is very unfair. This Kshs11 billion should be given to counties. If you divide this amount against 47 counties, you will be giving them around Kshs200 to 300 million per county to develop the bitumen standards and tarmac.

Mr. Temporary Speaker, Sir, I would like to ask the committee that is on mediation from the Senate not to even cede an inch. We do not have powers to ask any Kenyan to remove a court case. We have more than 10.4 million learners in primary school. We also have 3.9 million learners in secondary schools, both in private and public.

Let us consolidate the bursary funds and make free education available to Kenyan children. It is possible. In the last budget, we allocated close to Kshs700 billion to the education sector. Yet, as we talk today, many young men and women, boys and girls, cannot access education.

I want to comment on this issue of the university funding model. I hope the President's working team will come up with a better model that will assist our learners. Every Saturday in months of September and November, you, Chair, a number of Senators here and I, have fundraised for our children to join universities. Even coming January, we will be in villages to fundraising them to access university education.

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

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

Mr. Temporary Speaker, Sir, it is very unfortunate that our boys and girls depend on benevolence, hospitality and generosity of members of public to access education in this country. We are undermining Article 53 that provides for basic education to each and every child.

I am also aware that the Government, through the Ministry of Education, is supposed to construct 16,000 classrooms. These classrooms should be ready by this December. This is to accommodate Grade 9 under the Competency-Based Curriculum (CBC). We know there are challenges of teachers. We do not have enough teachers.

Mr. Temporary Speaker, Sir, in the history of this Republic, from President Kenyatta Snr. President Moi, President Kibaki and President Uhuru Kenyatta, none has ever hired on permanent and pensionable, 56,000 teachers the way President William Ruto has done. I would like to thank him. The Government will hire 20,000 interns to complement and supplement the rollout of CBC programmes.

As I sit here today, I have been *salamiwad* by most of the young people, the 30,000 interns under Public Service Commission (PSC). I have received close to 5,000 messages from over 30,000 interns at the PSC who are requesting to be transited to be permanent and pensionable.

**Sen. Wakili Sigei:** On a point of order, Mr. Temporary Speaker, Sir.

**The Temporary Chairperson** (Sen. Abdul Haji): Sen. Sigei, what is your point of order? Sen. Cherarkey, just a minute.

**Sen. Cherarkey:** We should be allowing a Member to pin a point of order that has been breached.

**Sen. Wakili Sigei:** Mr. Temporary Speaker, Sir, I just heard Sen. Cherarkey making reference to a language that I do not understand. Is he in order to make reference to, "I have been *salamiwad*", when as a ranking Member of the House, he understands the language he is supposed to use?

**The Temporary Chairperson** (Sen. Abdul Haji): Sen. Cherarkey, you know very well that *Sheng* is not part of parliamentary language. Please clarify what you mean.

**Sen. Cherarkey:** Mr. Temporary Speaker, Sir, my apologies. You know this is bilingual, but I apologize. I needed to say that the 30,000 interns currently engaged by the PSC have been sending me text messages.

I, therefore, withdraw the word '*salamiwad*' and replace it with 'I have received 5,000 messages and I have been greeted by the 30,000 PSC interns who are requesting to

be transited to be permanent and pensionable, just like their 56,000 colleagues in the Junior Secondary Schools (JSS).

Mr. Temporary Speaker, Sir, I would like to appeal to the President, the way he has done with the JSS interns under the Teacher Service Commission (TSC) to direct that the PSC absorb more than 30,000 youthful interns who are being given stipends be transited into permanent and pensionable terms.

Why would we have 30,000 interns being trained and mentored under the PSC, then throw them on the streets after six months? Why do we not start a system where we can absorb them because they have understood how the system works and how public service is all about? We can nurture a public service in this Republic that is of integrity, work-oriented and has good work ethics in delivery of service to Kenyans.

When we were growing up, we read set books such as *Aminata* and *A Man of the People* by Chinua Achebe. In *A Man of the People*, there was a famous character called Mwalimu Chief Nanga. We do not want to bring a society that looks like that in the *A Man of the People*, that was being exposed by Chief Nanga. Other books that we read several times included *the Ant Hills of Savannah*, *Aminata* and *Betrayal in the City*. That, even as we struggle with the rollout of CBC, we must allow parents to rest easy.

The Ministry of Education has given us a number of schools that were running boarding facilities in this country irregularly. While we sympathize and empathize with what happened in Hillside Enderasha Academy, in Nyeri County, we are aware there are a number of schools that are supposed to be closed because of being noncompliant in providing boarding facilities.

We do not want the Ministry of Education to be proactive. On the contrary, we want the Ministry of Education to ensure that they are always ahead in time. How come these schools were operating yet the quality assurance of the Ministry of Education and the Department of Evaluation and Monitoring have been existing? It means our children and pupils have been in death traps. We only react after what happened in Hillside Enderasha Academy where a number of children died. We have a number of schools where boarding facilities are being threatened.

On the issue of textbooks, there is corruption that is happening. When we were growing up, we used to have Kenya Literature Bureau. We now have Kenya Institute of Curriculum Development (KICD). Why does the KICD not publish and supply textbooks to schools? Why do we have to outsource expensively for independent publishers to supply?

That is why some of the books that were being supplied to our children in Grade 8 under CBC required Parental Guidance (PG) because they were exaggerated. That is why we have KICD publishing these textbooks. They can sanction and censor some of the things that our children in the lower grades should not learn.

Mr. Temporary Speaker, Sir, you remember the United Nations (UN) uproar when Kiswahili textbooks and Mwalimu Sen. Wakoli of Bungoma will tell you this, had exaggerated explanations in Kiswahili. We ask the Ministry of Education to ensure that the KICD is the one writing, publishing, and supplying textbooks to all learners across the country. That is from Early Childhood Development Education (ECDE), primary, secondary and university. I know ECDE it is a devolved function.

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On the issue of bursary, we need to give bursary to our children in secondary schools and universities. I hope the university funding model will be a student-centered model. I am speaking this with the understanding the State of the Nation Address by the President, where he ordered the functionality of Moi University, where I am a proud *alma mater*. We thank the Ministry and the President for those interventions.

Reports of the Auditor-General's on financial status of our many of our universities shows that they are in red. Even Egerton University according to the Office of the Auditor-General's report is also in red. Most of these universities are in the red, especially after scrapping away Privately Sponsored Students Programmes (PSSP). Many of them were depending on the PSSP students to run because the funding from the national Government was not sufficient.

For example, the disease that is in Moi University is because they became a good parent. Moi University is a victim of its own success. The establishment of Maseno University, Masinde Muliro University, Kitale, University of Eldoret, Bomet University, Karatina University and Garissa University were started by Moi University. The reason why Moi University has more than Kshs4 billion in terms of liability is because they guaranteed most of these constituent universities that we have today.

I would like to advise the Cabinet Secretary, Julius Migos Ogamba, that the only way to salvage and ensure that Moi University comes back to its feet is to ensure all liabilities are taken back to the universities that were started by Moi University.

We are all beneficiaries of the Higher Education Loan Board (HELB), unless you studied abroad. However, for us who went to public universities in Kenya, our only saving grace was the HELB. We need to consolidate.

Let a Kenyan child walk to university without the need to pay school fees. Why should we introduce bands? *Sijui* Band 1, Band 2, Band 4. Let us go to the chief, a local imam, or a priest. If that child is vulnerable, let him or her go to school for free.

Mr. Temporary Speaker, Sir, can you believe some middle-income parents in Kenya are paying close to Kshs200,000 to Kshs300,000 per semester for a child in ECDE, but they do not want to pay Kshs50,000 for their son and daughter in the university? We need also to be fair. If you are able to pay, please pay, so that you allow other vulnerable Kenyans to benefit.

Why would a parent pay Kshs100,000 in private academy for ECDE? They take their child to private academy and pay more than Kshs200,000 per term, yet for secondary education, they want their children to go to public schools like Starehe Boys Centre or Kapsabet Boys High School?

The second President of the Republic of Kenya, President Moi, was a product of Kapsabet Boys High School as well as the fifth President, Dr. William Ruto. Without bragging, yours truly speaking on the Floor, Sen. Cherarkey, is a product of Kapsabet Boys High School. So, you can see my future, consistently from President Moi, President William and Sen. Cherarkey. A number of professionals in this country are products of that school.

I would like to ask parents who are able to pay, to kindly pay, so that we can allow other parents who have vulnerable children to access education. That is my appeal.

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On the issue of audit, we need to audit bursaries. Sometimes we are told Ministry of Education gives out bursaries. Wings to fly by Equity, Kenya Commercial Bank (KCB) and others are okay, because those are individual support.

Mr. Temporary Speaker, Sir, we need to audit how much bursaries were given under NG-CDF, Global Association Fund (GAF) and the counties. My county is being run down by Governor Sang'.

We have never received bursary since 2017. He only brings a dummy cheque of Kshs60 million, take photographs and put them on social media. However, when you ask where are the children that are being sponsored through bursary by Nandi County Government, you can hardly get one. I have talked to many parents who have had bouncing cheques from the County Government of Nandi.

There is nothing that is functioning in Nandi County because we are on autopilot. The last time we saw Governor was a long time ago. On Sunday evening after Sen. Osotsi's function, I visited Kapsabet County Referral Hospital at around 7.00 p.m. to 9.00 p.m. If you see those pictures, and I know you have seen them, the wards of Kapsabet are smelling dead. There is no lighting.

Mr. Temporary Speaker, Sir, the smell and the dirt from the wards in the Kapsabet County Referral Hospital is sad. This is the main hospital of Kapsabet where Nandi County under Governor Sang's administration has received over Kshs60 billion, but what you see ---

When we were passing the County Allocation of Revenue Act (CARA), Governor Sang had the audacity of traveling abroad to see where Jesus Christ was born. He spent Kshs307 million on foreign travels alone, but he cannot fix the mess that is the Kapsabet County Referral Hospital.

Can you believe that the medics told me in confidence that you need to buy gloves, masks and even syringes for your patient to be attended to?

You need to buy drugs at the Kapsabet County Referral Hospital pharmacies. There is nothing functional there. However, in the *ad hoc* Committee Report that was tabled before the County Assembly, the Governor decided to buy mass graves land worth Kshs370 million. So, he decided not to fix the health systems, but to buy mass graves where people rest for Kshs370 million.

With regard to issue of bursary, I challenge Sen. Osotsi's committee to look into this scandal where in Nandi County Government issue bouncing cheques and many students cannot access the bursary.

Secondly, we need to consolidate the funds, so that in the future, we calculate it per learner. You heard what was exposed by NTV. That there were ghostly schools that were consuming Kshs3 billion in Baringo County and yet they do not exist. This is replicated across the country.

The Ministry of Education, the Ethics and Anti-Corruption Commission (EACC) and the Directorate of Criminal Investigation (DCI) must tell us why was Ministry of Education spending Kshs3 billion on schools that do not exist. Somebody must be held accountable. We cannot be telling Kenyans to pay taxes, yet the same taxes are being lost through corruption and pilfering

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Mr. Temporary Speaker, Sir, we must direct that the Office of the Auditor General (OAG) do a special audit on personal bursary funds that have been given through the unconstitutionality of NG-CDF and county governments. That report should be tabled to the Senate under special audit.

The Senate can resolve to direct the OAG to give us a special audit on these bursary funds so that we adhere to Article 53 of the Constitution of the Republic of Kenya.

On this Motion on the consolidation of bursary, let us consolidate the entire bursary. Let us make education free from primary, secondary and university. Every Kenyan child have a right to access education in this Republic so that he can achieve his dreams.

If some of us were not beneficiaries of bursaries or loans from the HELB, we would not be Senators. Many children are waiting for January so that their parents can do harambees and raise funds for them to access education. Let us stop this politics of tokenism. Let us give opportunity to every child going into the future.

I am happy the Senate Minority Leader is in the House. He is in concurrence that we need to ensure every child access education. We need to ask the Ngao to ensure that every child gets an education. The chiefs, the Nyumba Kumi make sure that every Kenyan child has access to education for betterment.

Mr. Temporary Speaker, Sir, I support the Motion and I thank you.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Godfrey Osotsi, you have the Floor.

**Sen. Osotsi:** Thank you, Mr. Temporary Speaker, Sir, for this opportunity to support this Motion on the consolidation of bursary funds for equitable access to education in Kenya by Sen. Karungo Thang'wa.

This is a very progressive Motion. I know there is another Motion by Sen. (Prof.) Kamar on the same, calling for the abolition of bursary funds in our counties.

The bursary was meant for needy students and pupils. The orphans or those students from extremely poor backgrounds. Now we are seeing a scenario where bursary seems to be a fund to benefit everyone. That is why you find in our constituencies, the Members of the National Assembly are even giving bursary as low as Kshs2,000 per student.

They have diverted from the initial objective of bursary funds to support needy students and they are now supporting everyone. They are now using it as a political tool. The money that is being given is just tokenism. There is no school where you can pay Kshs2,000 as school fees; it is more than that.

So, the net effect of this is that the initial objective of the bursary fund has not been achieved. The poor students are now at home; they cannot afford school fees because what they are given in the form of bursary is not adequate to sustain them in school.

So, the idea of consolidation is a good one so that we can ensure that all the bursary programmes that we have; the ones run by NG-CDF, NGAAF, those from the counties, national Government, the Jomo Kenyatta Foundation and even the once run by private institutions in collaboration with the national institutions should all be consolidated into one fund.

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This fund should have stringent rules on who the beneficiaries should be. The needy students who are at home can benefit from this scheme and they can undertake their studies without any problem.

How I wish the bursary funds in this country could borrow from a private fund that I know of; the Rattansi Education Fund, which targets mainly needy students at the university level. That fund has done so well. I was one of the beneficiaries of it. They are still supporting so many needy cases in our public universities.

Mr. Temporary Speaker, Sir, even as we talk about consolidation, the issue of how to identify beneficiaries and ensure that they get sufficient funding for their education will be very key. Otherwise, you can consolidate and you end up with the same problem that we are trying to deal with; the problem of not targeting the needy cases.

This Motion is very timely and all of us should support it so that it is adopted by our government to assist in allocating bursaries to our students.

Mr. Temporary Speaker, Sir, I have a slightly different view on the resolution that is in this Motion. The Motion talks about “the Senate urges the Ministry of Education---” We should not be wasting our time with this kind of resolution. ‘Urges’ means that this is just a talk show. We are just discussing here, what a Swahili person would say – *Gumzo Mtaani*.

We need Motions that talk about resolution. This Motion should read- “The Senate resolves that the Ministry of Education to do this and this---”

From my experience in the National Assembly, the Executive never took such Motions seriously because there was no action.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Osotsi, would you want to be informed by the distinguished Senator from Bungoma?

**Sen. Osotsi:** Mr. Temporary Speaker Sir, I would love to be informed by Sen. Wakoli.

**Sen. Wafula:** Mr. Temporary Speaker, Sir, I want to inform my friend to use words such as- “The Senate hereby directs---”. Directing those people to implement what this honourable House has said is even stronger.

**Sen. Osotsi:** Mr. Temporary Speaker, Sir, that is even better. If we have to fully support this Motion, we need to amend it. I will be seeking an amendment to say the Senate resolves and directs the Ministry of Education to do the three things. This is a very important issue. We cannot spend our time discussing a Motion that some people will put it on the shelf and nothing will be done.

The other correction I want to suggest is the issue of involvement of county government bursary funds. In our Sessional Committee on County Public Investment and Special Funds (CPISF), we have been reviewing the audited reports for bursary funds in the counties. I tell you that these funds have been misused in the counties. Tomorrow, I will be tabling a set of reports, which we have done on bursary funds. You will be shocked how this fund has been misused in our counties. We cannot allow our counties to continue performing a role that is a national Government role.

Involvement in education matters beyond the ECDE level is a function of the national Government. However, we are seeing a scenario where counties are allocating

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millions of money to bursary funds, and yet two critical functions in our counties; ECDE and vocational training centres, are hugely underfunded. ECDE centres are hugely underfunded, the ECDE teachers are poorly paid, there is no uniform scheme of service and the infrastructure is wanting.

Mr. Temporary Speaker, Sir, counties are now putting money into bursary schemes in order to create an avenue for misuse. In fact, in our report that we will be tabling, we have recommended that the Senate abolishes the bursary funds in all the counties so that counties can put their focus around vocational training centres.

These centres are designed to provide skills to youth who cannot go to higher education or colleges. They should be trained locally in those vocational training centres. We should have enough manpower, facilities and funding as well as the ECDEs.

I disagree with the Mover of this Motion for including county government in this consolidation. We should leave only the national Government-related fund in this consolidation. The county government can be left to only focus on the two devolved education functions of ECDE and vocational training centre. We are seeing a scenario in our counties where the NG-CDF bursary has now been made a political tool for Members of the National Assembly. They go to funerals and announce that they have given money to students. However, they do not mention that that money is from NG-CDF.

It is a high time we look at the NG-CDF very critically. I fully agree that the NG-CDF has done a lot of good things in our constituencies, but there are loose ends which must be dealt with. Members of Parliament should be useful in this regard to ensure that NG-CDF is made constitutional.

I agree with my party leader who has come out very strongly in support of devolution. He asked the National Assembly not to be used to destroy devolution in this country. They should be in the forefront asking for more money to go to our counties and not denying our counties money for the benefit of NG-CDF. They must understand that they come from those counties, which need roads and other facilities. The development can only be achieved from enhanced funds to our counties.

We have another fund that we must also review; the NGAAF for women. They also have a bursary component of that fund. It is not very clear how this fund is being used. The bursary fund is given out secretly by the office of the Women Representative. They give out that money to selected students. There is no process at all. The country must look into these funds and ensure that they are constitutional. If they are not constitutional, they should be abolished.

Mr. Temporary Speaker, Sir, this is a wonderful Motion that we should all support with the amendments I have suggested. Abolition of bursary funds in our counties is a matter that this House must look at. We have proposed that in our reports and I hope members will support this. I understand that bursary fund in our counties is a political tool used by our governors to try and appear to be giving some social relief to our people.

The Constitution is very clear that if you want to get involved in national Government matters, there must be an intergovernmental relation agreement between the national Government and the county government. There is no supporting intergovernmental relations agreement attached to these bursary funds that are established

in our counties. Sometimes, I wonder why the Controller of Budget (CoB) has allowed these funds to run and yet they are unconstitutional.

Mr. Temporary Speaker, Sir, we have some counties that have invested in school infrastructure like West Pokot County in the last term. That matter is before the Ethics and Anti-Corruption Commission (EACC). The county allocated millions of money towards school infrastructure, which was never been put up because the funds were misappropriated. This cannot happen without intergovernmental relationship between the national Government and the county government. So, a lot needs to be done in the education sector on funding.

University funding is a matter that this House must look into very critically because all our universities seem to be having challenges in funding. Moi University, a great university that has produced great people, is on the deathbed. The University of Nairobi and Egerton University have challenges as well. Something has to be done on the funding and management of our universities so that we return our universities back to those glory days that we saw when we went to the university.

Mr. Temporary Speaker, Sir, with those few remarks, I support this Motion with the amendments I have suggested.

I thank you.

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

**Sen. Kisang:** Thank you, Mr. Temporary Speaker, Sir. I rise to support the Motion on Consolidation of Bursary Funds for Equitable Access to Education in Kenya. Most of us went to school courtesy of churches. I was partially sponsored by my local parish church because during our days, in the 1970s and 1980s, there was no bursary, no CDF and no county governments. I support the consolidation so that we do not make it political.

There are many students who are at home. There are those who have dropped out of school because of lack of school fees. The families may not support maybe a particular politician, and perhaps they do not benefit from the bursaries. Some Members here have said NG-CDF and the county bursaries are used by politicians to reward their loyalists. Therefore, it will make sense to consolidate and have a voting committee to ensure those who are needy benefit.

I propose that we mop all the resources and put them under HELB. Perhaps even change the name to something that takes care of also primary and secondary schools. Basically Grade 1 to 9 should be free because we want our children to access free primary education. I do not know why there are still some levies that are levied by the Ministry of Education, or by the head teachers in primary school.

We should make it compulsory from the ECDE to Grade 9, 10 and 13. We have seven marginalized counties in this country. These are Turkana, Isiolo, Marsabit, Wajir, Mandera, Garissa and part of North Rift region. Many children in those counties do not go to school because of banditry and insecurity or they cannot afford to pay.

If the bursaries are consolidated and put under one umbrella, we have free and compulsory education from primary to university. I remember in the 1980s and 1990s, you did not have to apply through the HELB to be sponsored. It was compulsory on the

first day you reported to the university. This was until you cleared the third, fourth, or fifth year, depending on the course you were taking.

We used to get an automatic scholarship from HELB and were paid a stipend of Kshs5,040. That would take care of us the entire semester. Our parents did not have to struggle to support us in the university. This is what we need to do. We need to go back to what we used to do in the old days so that our children can go to school without suffering or dropping out. Nowadays because of depression, many children are committing suicide.

Mr. Temporary Speaker, Sir, as Sen. Osotsi has said, it is not the business of the county governments to give out bursaries. Their business is to do development. Currently, most of the counties are paying recurrent expenditures that are over 70 per cent. Our counties have become employment bureaus.

We have NG-CDF and NGAAF bursaries. We even have county government giving out presidential bursaries. The Ministry of Education does not release capitation to our primary and secondary schools. When the academic year elapses, they do not remit the remainder of that money to the schools. I do not know why the Ministry is making our schools struggle. They need to remit capitation so that they do not use it as a corrupt entity.

A good proposal that we need to do to encourage the marginalised county children to go to school is to ensure we have a feeding programme. The pupils must be given lunch, so that they can go to school.

I know most of our universities are struggling as most colleagues have said and it is because of mismanagement. If Moi University took loans to establish Masinde Muliro University, Garissa University and the University of Eldoret, then these universities should pay the debt.

Why must one university carry the burden for all its children? Those universities or the Ministry of Education must assist Moi University in paying off the Kshs4 billion so that it can at least regain its feet.

This was the second university after the University of Nairobi. Then came Kenyatta University and Egerton University. The others are thriving, but this one is struggling. It is almost being closed because of debt.

We need to support this programme and consolidate it. We should take the money to an entity like HELB, but not the Ministry of Education because we have seen that they are unable to manage bursaries themselves. They have the presidential bursary and capitation, but are doing nothing about it.

I thank you and support this Motion. As colleagues have said, we reward it and resolve it. Otherwise, if it goes the way it is, then it will be like a talk show. We are urging and what happens when you do? It is like we are begging. However, if you resolve as a House, it then becomes implementable. The House can follow it up to ensure that the resolutions are implemented.

I thank you.

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

**Sen. M. Kajwang':** Mr. Temporary Speaker, Sir, I rise to support this excellent Motion. It is all about the disbandment of NG-CDF. It is not an affront to the NGAAF

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and it is not a battle with the county governments. This Motion is about the children of this nation. Kenya is a signatory to the Sustainable Development Goals (SDGs). SDG No.4 requires that by 2030, all girls and boys should have access to free quality primary and secondary education.

Unfortunately, Kenya is off track to achieving that goal despite having Vision 2030, which has similar aspirations. The Cabinet Secretary for Education was here about three weeks ago. You do recall him saying that they have not done the mathematics to confirm how much a child will require for training in primary and secondary school. I thought that was very disturbing. This is because if you have not cost what it takes to train a primary school pupil or a secondary school student, then how then do you finance or even ask for a budget?

If you look at the current capitation at primary school, it is a mere Kshs1,440. You can imagine that. There was a Cabinet Secretary who is now a Governor, who said, what is Kshs1,400 when nurses were on strike? He said that could barely cover his lunch at Serena Hotel. Yet that is what we are allocating to our children in primary school in terms of capitation.

The Cabinet Secretary again told us that when he asks for the budget, he does not get it allocated fully. This country is earning so much money from diaspora remittances. We should ask ourselves which product is getting us forex from foreign countries. It is labour. That labour is not just rough, raw labour. It is labour that has been incubated in an education system that this country has maintained since Independence or since the days of colonialism.

I went to the State of Minnesota in the United States of America (USA). The gentleman who runs the state health or medical programme is a Kenyan. When I met him again, he told me he is now the president of doctors and physicians in the entire State of Minnesota. I asked him where he got his training from and he told me he went to the University of Nairobi. He got a job in the USA and he advanced.

It means that Kenya at some point was an industrial zone for the production of highly skilled labour and workforce. However, with this allocation of Kshs1,400 per capita to our children in primary school, are we ever going to produce another head of the medical fraternity in the American state of Minnesota?

Mr. Temporary Speaker, Sir, if you are to put the funds that are scattered all over the place together, you would not need to be a rocket scientist, to see that it would be adequate for us to increase the capitation per child, and provide the means of implementation towards free primary and secondary education. These funds are so many and yet we have the HELB.

I recently met someone from the university fund. They have so many corporate entities. As part of their corporate social responsibility, they are now doing education bursaries and scholarships. Of course, they are very good, for example, Equity's Wings to Fly has allowed many people who would not have seen the inside of a university hall, to get to university, to fly and to get job opportunities in banking and financial services sector. We laud them.

Mr. Temporary Speaker, Sir, what about these Government programmes? You find that the constituency bursaries in some cases will give a child bursary for the first

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term and the child has to apply for the bursary in the second term. It is as if in the first term he did not have parents and now in the second term he has parents.

A child applies for funding in Form one and in Form two, he has to apply again. There are a lot of tools such as artificial intelligence and technology that we can use to map and identify the needy and hold their hands throughout the education journey.

On this Motion, I have heard my colleagues in the other House say that the Senate has brought this to fight the NG-CDF programme. This is not a fight against the NG-CDF. This is a fight for the children of this nation. If we will continue producing doctors and experts in the service industry in the East African region, for instance, in Uganda hotels such as the Serena Hotel, you will find that it is run by Kenyans.

Mr. Temporary Speaker, Sir, I was part of the diaspora who was in the financial services industry in neighbouring East African countries. It is Kenyans who are offering those services. You go all the way to Rwanda, the people who are running their municipalities, cities, logistics and transport systems, are Kenyans. If you go to England and United Kingdom (UK), the people who are running their metropolitan transport systems are Kenyans. Nevertheless, are we going to continue exporting that kind of quality?

I am dismayed that we are now changing our focus as a nation towards cheap training at Kshs1,400 per head per year. After which, we are then telling our children to be happy with being guards, house girls and with doing manual jobs in the Far East and in Europe.

A country's pride must be shown in the kind of jobs that it goes out to prospect for. It is not a matter of national pride for a President or for any Minister to go out and look for any job for my people. There has to be national pride. Kenya has had that hallowed position. As a leader when it comes to innovations, technology and education, that can only happen consistently if we provide the means of implementation.

The means of implementation for an education system that continues to produce leaders like the one I have talked about in Minnesota, would be to have teachers who are motivated. Today, we are told that 56,000 teachers have been recruited by the national Government. However, when I go to my County of Homa Bay, I would have assumed that that 56,000, if you divide it by 47, at least you will have 10,000 teachers per county. However, I cannot trace them and I wonder where these teachers are coming from.

We must have teachers who are motivated and well remunerated. This is across all levels from primary to secondary to university. We must have infrastructure. Our public institutions infrastructure leaves a lot to be desired. We must have infrastructure that is built at a price that is reasonable and is not another opportunity to steal money through procurement.

Mr. Temporary Speaker, Sir, we must have a curriculum that can stand to the test of international trends and norms. I wonder why we want to do a customized homegrown Kenyan curriculum. Why can we not benchmark and pick the best curriculum in the world and expose our children to it, so that they can go and compete with children in USA?

I know that a child who comes from Laikipia and who has been born and raised in hardships. If you are to give them the same opportunity and curriculum that the

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American students will have, that Laikipia child will shine. Since, he knows that is his only route out of adversity.

Why do we build this curriculum, which I was asking my brother the Senator for Kitui and we are parents? My child is in Grade Six. Which exam will take him to Alliance High School? I have no idea.

In the past, it used to be the Grade 8 Exam, which will take you to Alliance High School, Maseno school, Jamhuri High School and Shimo La Tewa High School. I do not know how my son will end up at Alliance High School or whether he will end up at Jamhuri High School or at Pandpieri Primary School in Kisumu. These things are not clear.

We are tinkering and playing around with the curriculum. Therefore, messing up the future of our children and also denying them competitiveness in the global scale. I do not know whether our CBC and our graduates will find it easy to get into foreign universities and institutions. What some countries have done is you take International Certificate of Secondary Education (IGCSE), the American system and another globally recognized system, just customize it a little, so that your children are at par with other children in the world.

We also need pupils and these pupils, even though you will provide teachers, classrooms and books, they need to have food in the stomach. Therefore, we must also have a national feeding programme for certain areas of this country where food is a rumour unlike places like Nairobi where food is plenty.

Additionally, we also need a culture. A culture that values hard work. The overnight riches, arrogance, transition and the conversion of souls to Pauls in our political system is disheartening many people.

*(Applause)*

Yesterday, people were consistently for the people. Today, they are consistently for the ruling classes. We must build a culture where our children believe that it is only hard work that will take them somewhere, not a ministerial appointment or liaison with those in Government. That is a culture that we are lacking.

Subsequently, someone can decide to go and procure a degree certificate in a university that does not exist. You can go to court and then they compromise the court and then they are in office. What then motivates a child to go and get a university degree genuinely, if he is seeing the rich and powerful have acquired degrees of dubious nature?

The last means of implementation is finances and this is what this Motion is calling for. I support this Motion and I hope that we can have a legislation. In this country, we know what should be done, but we are just too lazy to do it. Sometimes we are lazy to do it because we want to get rents from some of these things.

We were told a story about ghost schools when Mwai Kibaki started the free primary education. If you read that report on the scandal of ghost schools when Mwai Kibaki started free primary education, you will be alarmed on how billions of shillings were siphoned to private accounts. People just established virtual schools and were sending money to them. We hope that those bad things will not happen.

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We must tighten the accountability and transparency mechanisms to ensure that every child is entitled to free quality education as required by the SDG No.4.

I support.

*(Applause)*

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

**Sen. Abass:** Thank you, Mr. Temporary Speaker, Sir. I also want to join my colleagues to support the Bill on Consolidation of Bursary Funds for Equitable Access to Education.

As you are aware, pursuant to Article 53 of the Constitution, every child has a right for basic education and to access institutions. However, today, if you look across Kenya, there are so many children that do not go to school. The schools may not even be there because of the situation where they are, especially in the pastoral areas.

In the pastoral areas, many people lost their animals and the children have dropped out of school. They stay in the rural areas and they are not able to access school fees. After falling out of their own livelihood, they again drop out of schools because of lack of fees.

Bursaries money is available all over. It is not only the NGAAF or the NG-CDF money. There is the presidential bursaries and governor's bursary. Churches are paying money and many other foundations are paying money. However, the money that is being paid by all these institutions hardly reaches the needy students. It is mostly compromised. It has been full of nepotism that the only privileged students are managing to go to school. Those students who have no fathers and relatives hardly see this money.

We have a new curriculum called CBC and many people are exiting. We have millions of children going through that programme. Every child is supposed to go to university after high school. However, funds are not released for them to be in school. The money is not even available sometimes then you are telling us that everybody must go to school up to university.

That is a good idea. However, there are no systematic programmes for availing funds when students exit high school to university or primary to high school. The infrastructure in JSS in my place is poor. Most of the things do not even exist. There are no structures. I think the education system in this country is almost collapsing because of poor management and things being done hurriedly.

I do not know the essence of changing the curriculums every 10 years. As I said, we are now producing unschooled people. You will find a child going to school, but for an entire week, maybe only one-teacher steps in the classroom. That way, they do not learn anything. I am not saying that is the situation everywhere in Kenya. However, those kinds of problems are there in my backyard.

This programme is crucial. If you take an example of the Wings to Fly Programme by Equity Bank, it is a classic example of a system that should be followed. Equity Bank visits students' homes. After finishing primary school, having done the Kenya Certificate of Primary Education (KCPE), a child's home is visited and they get to know their background. That is the kind of a system that work.

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Equity Bank is doing a wonderful job and I am impressed. They can access every part of this country. The NG-CDF money is everywhere, but what they do are just procedures. They only look for people who voted for them. Some of the people are their mothers and next of kin. It is not being done by MPs, but by committees. You will find that everybody has a friend and looks for a shortcut for his parents, relatives and friends.

What I am saying is that we need to consider this Fund. We need to develop a proper system, so that students can go to school.

The idea of categorising university students for funding is also confusing. There are no systems. Somebody sleeps at night and wakes up in the next morning, perhaps having dreamt at night and says the system should be followed. That is not how things should be done. We are compromising our education system.

Another thing is that we do not even know how many students are going to school. We do not know how many are in primary, secondary schools and universities. Can we do a proper census? Since schools are being given money depending on the number of students, including primary schools, the numbers are exaggerated. The student numbers are increased.

When it is time for KCPE or KCSE, most of the students are not even there. That shows that principals and head teachers exaggerate the number so that they get some extra money for their other uses.

Before we do anything else, we need to, first, do a proper census of all the students from ECDEs, primary, secondary and universities, so that we know how many children will go to school. That will enable us do proper planning for education. As it is now, there are many gaps that need to be filled.

Another thing is that most prestigious universities in Kenya are falling because of corruption. You will hear that members of staff are not being paid and, therefore, they are discouraged. Universities are not providing proper education; they are not delivering to students because of corruption. Therefore, we need to relook into the whole issue of the education system in Kenya.

Another thing is the teacher-student ratio, especially in primary schools. That is not adhered to. You will find some schools being overstaffed. However, when you go to some schools like those in my place, you will find the principal being the only employee of the TSC. The rest are teachers employed by Parents Teachers Association (PTA) and they are not trained.

If teachers are not enough, then teachers employed by PTA should be trained. They should be taught about methodology and other things by the Ministry of Education until they get employment. As it is now, they are employing even form four failures because there is nobody to teach learners in schools, especially in Northern Kenya because teachers are not there.

For them to fill the gap, the TSC must take responsibility for training teachers. They should even train teachers employed by PTA, so that at least our children can get a proper education. This country needs to relook into those issues. As a country, we must audit our education system so that all students can access it.

With those few remarks, Mr. Temporary Speaker, Sir, I beg to support the Motion.

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**The Temporary Speaker** (Sen. Abdul Haji): Sen. Mungatana, you have the Floor.

**Sen. Mungatana, MGH:** Bw. Spika wa Muda, nasimama kuunga mkono Hoja hii.

Kuba ni nchi ambayo kila mtu hapa duniani anajua kuwa wanasomesha watoto wao kutoka shule za chekechea hadi vyuo vikuu bila malipo yoyote. Ni kitu gani ambacho watu wa Kuba walifanya ambacho sisi hapa Kenya tunashindwa kufanya?

Mjadala kuhusu Hoja hii unaashiria kwamba pesa zipo. Licha ya kuwa zaidi ya thuluthi moja ya bajeti ya Kenya inaenda kwa taasisi ya elimu, pesa hizo zimegawanywa kila mahali. Wizara ya Elimu inatoa basari. Kuna pesa nyingine inayotoka kwa mhe. Rais. Vile vile, magavana wana pesa---

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Mungatana, when this Motion resumes, you will have a remainder of 13 minutes to make your contribution.

### ADJOURNMENT

Hon. Senators, it is now 1.00 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until later today, Wednesday, 4<sup>th</sup> December, 2024, at 2.30 p.m.

The Senate rose at 1.00 p.m.