

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 11th February, 2025

Afternoon Sitting

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

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

PRAYER

DETERMINATION OF QUORUM AT
COMMENCEMENT OF SITTING

(Loud consultations)

The Deputy Speaker (Sen. Kathuri): Order, Senators! I do not know what the excitement this afternoon is all about.

Clerk, can you confirm whether we have quorum?

Kindly read out Order No.1. Members, let us get to business.

COMMUNICATION FROM THE CHAIR

WELCOME TO HON. SENATORS TO THE FOURTH
SESSION OF THE THIRTEENTH PARLIAMENT

Hon. Senators, I have a communication to make. It is my pleasure and privilege to welcome you back from the recess. I believe you have had an opportunity to spend time with your families and constituents over the Christmas and New Year festivities.

Allow me to take this opportunity to commend you for the tremendous work you did and the amount of time you put in during the Third Session. We must all gear up for what is projected to be an interesting Fourth Session.

Sen. Murgor, kindly take the seat next to you.

(Sen. Murgor took his seat)

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Hon. Senators, as you may recall, in the past week the Senate held a Midterm Assessment and Planning Retreat for the Fourth Session with the theme “Shaping the Senate’s Legacy: Reflections, Strategies and the Path Forward.”

The objectives of the event were *inter alia* to review its performance in legislative and committee business over the past three sessions; identify best practices and challenges that have hindered effective discharge of its representative, legislative and oversight roles; propose solutions, strategize, set priorities for the Senate legislative agenda and to strengthen teamwork, collegiality and camaraderie in the discharge of our mandate.

I have no doubt that from the vibrant discussions and contributions from hon. Senators and the distinguished resource persons, we are sufficiently motivated to rededicate ourselves to the zealous protection of the interest of the counties and their governments, devolution and the promotion of accountability and good governance.

From the event, the Senate made specific and measurable resolutions, which need to be implemented. These resolutions will be tabled before the Senate Business Committee (SBC) for the committee to institute measures to actualise them in line with its mandate; to monitor and oversee implementation of Senate Business and programmes, and other matters as may from time to time arise in connection with the business of the Senate. I will, for one, do everything in my power to facilitate the full implementation of the resolutions.

Hon. Senators, looking forward, and indeed as witnessed during the Midterm Retreat, we begin the Fourth Session with a full agenda. Notably, there are 12 Bills at the Committee of the Whole stage, 38 Bills at Second Reading stage, 24 Petitions yet to be concluded, as well as follow-up on implementation of various resolutions adopted by the Senate during the Third Session. Key among them is the resolution of the current state of the nation.

Although high on our agenda is the consideration and determination of the Fourth Basis for Revenue Sharing among county governments for Financial Years 2025/2026 to 2029/2030, a sneak review of what is to come was witnessed at the Midterm Assessment Retreat last week. However, its formal consideration will begin in earnest upon tabling of the recommendation of the Commission on Revenue Allocation (CRA) on the Fourth Basis for Revenue Sharing among county governments and subsequent referral of the recommendations to the Standing Committee on Finance and Budget.

I look forward to vibrant discussions on this very critical subject, trusting that a consensus will be achieved on the matter. My office will extend any necessary support towards that end, for if we all win, our counties win and Kenya wins.

Like in every other session and in accordance with Section 25 of the Public Finance Management (PFM) Act, Parliament will shortly receive and consider the Budget Policy Statement (BPS) and, therefore, the Division of Revenue Bill and the County Allocation of Revenue Bill. This critical stage in the budget cycle requires introspection and forthrightness to ensure that the promise of devolution is achieved and that resources are distributed to the benefit of *mwananchi*.

We each have a duty to assert ourselves in the process, ensure that the resources at both levels of government are shared equitably and used prudently. I urge that we do just that.

Hon. Senators, this Message is a bit long. Please, take seats just near where you are standing.

(Several Senators entered the Chamber and took their seats)

Hon. Senators, as you are aware, pursuant to Standing Orders Nos. 193(4), 194(3) and 195(6), the County Public Investments and Special Funds Committee and the Committee on Delegated Legislation are due for reconstitution as their term expired. Consultations on this matter are ongoing between the majority and minority parties. After which, the SBC will present the names of Senators who will be nominated to serve in the said committees to the Senate for approval.

Hon. Senators, from the aforesaid business and activities, I take this opportunity to impress upon each of us to dedicate ourselves to execution of our constitutional mandate, and to undertake the tasks ahead of us with utmost integrity and commitment in service to our great country. My office, that of the Senate leadership and the Secretariat are always at your disposal to facilitate you to do your work.

Finally, as hon. Senators have noted, the only business in today's Order Paper is approval of Senators to serve in the SBC. In the event that the Motion is approved, the newly constituted SBC will meet at the rise of the Senate to deliberate on and schedule the business for the rest of the week. The meeting will be held in Committee Room 4.

I thank you and wish you all a fruitful Session.

(Applause)

Let us go to the next Order.

(Loud consultations)

Order, hon. Senators. Senate Majority Leader, are you following what is happening in the House?

The Senate Majority Leader (Sen. Cheruiyot): Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Can you give Notice of the Motion?

(Loud consultations)

Order, hon. Senators.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, kindly guide the House to some order because we can barely follow what is happening.

(Sen. Orwoba stood in her place)

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The Deputy Speaker (Sen. Kathuri): Sen. Orwoba, could you take your seat?

Sen. Orwoba: It has been taken.

(Laughter)

The Senate Majority Leader (Sen. Cheruiyot): What did you say that I do?

The Deputy Speaker (Sen. Kathuri): I said that you proceed and give Notice of the Motion.

NOTICE OF MOTION

APPROVAL OF SENATORS TO SERVE IN THE SENATE BUSINESS COMMITTEE

The Senate Majority Leader (Sen. Cheruiyot): This is a Motion on approval of Senators to serve in the SBC.

Mr. Deputy Speaker, Sir, I rise to give Notice of the following Motion—

THAT pursuant to Standing Order Nos.190 and 199(3), the Senate approves the following Senators nominated to serve in the Senate Business Committee for the Fourth Session, in addition to the Speaker of the Senate, who pursuant to Standing Order No.190(1)(a), shall be the Chairperson of the Committee, the Senate Majority Leader, the Senate Minority Leader, the Senate Majority Whip and the Senate Minority Whip—

- | | | |
|---|---|--------|
| 1. Sen. Ali Ibrahim Roba, EGH, MP | - | Member |
| 2. Sen. Edwin Sifuna, CBS, MP | - | Member |
| 3. Sen. Veronica Maina, MP | - | Member |
| 4. Sen. Wakili Hillary Kiprotich Sigei, CBS, MP | - | Member |
| 5. Sen. Mohamed Faki Mwinyihaji, CBS, MP | - | Member |
| 6. Sen. Shakila Abdalla Mohamed, MP | - | Member |
| 7. Sen. Crystal Kegehi Asige, MP | - | Member |

The Deputy Speaker (Sen. Kathuri): Let us go to the next Order.

Sen. Oketch Gicheru: There is a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): There can be no point of order when a Member is giving Notice of a Motion. At least you should be aware of that.
Next Order.

MOTION

APPROVAL OF SENATORS TO SERVE IN THE SENATE BUSINESS COMMITTEE

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I rise to move the following Motion—

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THAT pursuant to Standing Order Nos.190 and 199(3), the Senate approves the following Senators nominated to serve in the Senate Business Committee for the Fourth Session, in addition to the Speaker of the Senate, who pursuant to Standing Order No.190(1)(a), shall be the Chairperson of the Committee, the Senate Majority Leader, the Senate Minority Leader, the Senate Majority Whip and the Senate Minority Whip—

- | | | |
|---|---|--------|
| 1. Sen. Ali Ibrahim Roba, EGH, MP | - | Member |
| 2. Sen. Edwin Sifuna, CBS, MP | - | Member |
| 3. Sen. Veronica Maina, MP | - | Member |
| 4. Sen. Wakili Hillary Kiprotich Sigei, CBS, MP | - | Member |
| 5. Sen. Mohamed Faki Mwinyihaji, CBS, MP | - | Member |
| 6. Sen. Shakila Abdalla Mohamed, MP | - | Member |
| 7. Sen. Crystal Kegehi Asige, MP | - | Member |

Mr. Deputy Speaker, Sir, as is the tradition of the House, this is the first business that we consider, after which this Committee shall sit to determine the rest of the business of the House that follows. Therefore, I do not think I need to belabour this point.

I request the Senator for Kakamega and the Senate Majority Whip, Sen. (Dr.) Boni Khalwale, to second.

(Laughter)

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker, Sir. I rise to strongly support this Motion, but wish to seek---

Sorry, Mr. Deputy Speaker, Sir, let me swallow my words. I rise to strongly second this Motion. Before I give reasons why I am seconding it, I seek your protection. I have been thrown out of my position, where I usually sit.

(Loud consultations)

Mr. Deputy Speaker, Sir, you can see my kid sister, as much as she likes me, is seated on my seat. I do not know where I am supposed to sit. I am the Chief Whip of the Government. My seat is supposed to be there. What is she doing there? Can you please protect me because I want my seat back? When I am not there, I do not think very well.

(Laughter)

The Deputy Speaker (Sen. Kathuri): Proceed and second the Motion. I will protect you.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, looking at the composition of the distinguished Senators who have found their way---

The Deputy Speaker (Sen. Kathuri): There is a point or order from Sen. Okong'o Omogeni.

(Interruption of debate on Motion)

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POINT OF ORDER**IMPLICATION OF HIGH COURT JUDGEMENT ON
MAJORITY/MINORITY PARTIES IN PARLIAMENT**

Sen. Omogeni: Mr. Deputy Speaker, Sir, this is the Senate of the Republic of Kenya and you cannot shut your eyes to what is happening this afternoon. As I contribute, the person who is supposed to be the Minority Leader has moved to the Majority side. My Deputy Minority Leader is also on the other side.

We are all leaders in this country and we cannot proceed with the business of the House with confusion. We are a country that is governed by the rule of the law. States that have fallen started by ignoring court orders or the rule of the law.

Mr. Deputy Speaker, Sir, before we proceed, I need clarification on the implication of the High Court judgement that has clarified the composition of leadership in the two Houses. This is so that before we debate the Motion that has been moved by my friend, the Senate Majority Leader---

The Deputy Speaker (Sen. Kathuri): Sen. Omogeni, I have heard what you want. So, can I give you that clarification?

Sen. Omogeni: Mr. Deputy Speaker, Sir, the point I am making is that the implication of that judgement impacts the position of the Majority and Minority in this House. We are going to send a statement out there, whether we are a country that abides by the rule of the law and respects court order or we want to slowly degenerate.

The Deputy Speaker (Sen. Kathuri): Which court order are you referring to that touches on the Senate?

Sen. Omogeni: It is common knowledge. If you are not aware, I can table it.

The Deputy Speaker (Sen. Kathuri): The Chair is not aware of any court order concerning the Senate.

Sen. Omogeni: Mr. Deputy Speaker, Sir, are you the only stranger in Jerusalem?

(Laughter)

The Deputy Speaker (Sen. Kathuri): Have your seat now.

Sen. Omogeni: Mr. Deputy Speaker, Sir, this is common knowledge. The court order is known to everybody. That is why this afternoon the Minority have become the Majority. The person sitting next to me is Sen. (Dr.) Khalwale.

I can table that decision before the House. It is online; I just need to send it. I have the decision here. I am digital.

(Loud consultations)

The Deputy Speaker (Sen. Kathuri): Sen. Omogeni, let us not waste precious time. This is our first day here and we need to do some work.

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Let me give you guidance on what you requested. There is no court ruling or anything touching on the Senate. You are a Senior Counsel and I do not know where this ruling came from.

Sen. (Dr.) Boni Khalwale, proceed.

(Resumption of debate on Motion)

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I thank you for that guidance. This House has gained a lot of respect in the country. I invite you to be even bolder and ask our colleagues who have migrated to the Majority side to go back and take their seats.

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, if you go to the Standing Orders, Senators can sit anywhere. Sen. Madzayo is seated on my chair and I am not bothered. He can sit there for a month and I will have no problem with that.

Proceed and second this Motion.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, you are right. I am seconding it. Please, be patient with me.

(Sen. Cheruiyot spoke off record)

Senate Majority Leader, we came here to guide the country when opinion divides the country. So, just allow me two minutes to make my point and then conclude on my seconding.

Since you have correctly interpreted what took place in court; that there were no orders against the composition of the leadership of the Senate, given that there are designated seats in this House, like the Speaker's Chair where you are seated, it is a seat in this House--- Just because the Standing Orders say that a Senator can sit anywhere, that does not invite Senators to go and sit where the Speaker is seated.

These seats are designated; let Members sit wherever they want. However, we, as the leadership, sit where we are supposed to sit. We cannot be in a country run by social media.

Let me confirm. If the courts had ruled that the Majority in the Senate has become the Minority, I would have been the first to move to respect the courts. However, because there is no such a matter, let us clear the confusion.

Mr. Deputy Speaker, Sir, I second the Motion that the composition be as stated. I thank you.

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Murango, have your seat.

(Question proposed)

Sen. Mungatana Danson.

(Sen. Olekina and Sen. Onyonka walked into the Chamber and sat on the Majority Side)

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(Applause)

Sen. Mungatana MGH: Mr. Deputy Speaker, Sir, can I be protected?

I rise to strongly support this Motion. The list that has been tabled before this House is made up of distinguished Senators, who have served this House with distinction; people we know from our committees that they are worker bees and can put in more hours. We take this opportunity to thank the Majority and the Minority sides for coming up with this list.

Secondly, the list is diversified. I see that almost all the regions in this country are represented. This is a good sign.

Mr. Deputy Speaker, Sir, I support this list, but as the SBC takes its seat this afternoon, we want to remind them that we had a Midterm retreat in Naivasha. One of the things that we raised was the prioritisation of legislation from this Senate. We do not want this SBC to behave like the SBC of the previous sessions, where they kept prioritising business from the National Assembly at the expense of the Senate business, particularly legislation.

We are asking the new team to make sure that they push the Bill of our Members so that we finish. We are now at midterm and there are Members here who have not been able to push for a single Bill to its conclusion. We want to urge the new team to continue with the spirit of working hard, but also to prioritise what is ours.

With those few remarks, Mr. Deputy Speaker, Sir, I beg to support. Thank you.

The Deputy Speaker (Sen. Kathuri): Okay, thank you.

Sen. Muthama Agnes Kavindu, you have the Floor.

Sen. Kavindu Muthama: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. I fully support the names given to work in the SBC. I know they will do a good job. I encourage them like Sen. Mungatana has said, to prioritise the Senate Bills first. This is because when our Bills go to the National Assembly, they are delayed. So, we should also prioritise our Bills here before we deal with the National Assembly's Bills.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I am sure you are aware that we are using the Supplementary Order Paper that was issued a while ago. So, if you want to confirm anything, please, do so from it.

Sen. Madzayo, you have the Floor.

The Senate Minority Whip (Sen. Madzayo): Asante, Bw. Naibu Spika. Kwanza ninakubaliana na majina yaliyoko hapa, ya Maseneta ambao wataketi katika kamati inayoongoza Bunge katika itifaki zake. Waliochaguliwa hapa ni Maseneta walio na ukakamavu wa mambo ya Seneti. Tuna imani ya kwamba hawa waliochaguliwa wataweza kutimiza ile hadhi ambayo wamepewa.

Nikiendelea kuunga mkono majina haya saba, ningependa kutangazia ndungu zangu ya kwamba ni jambo ya kusikitisha ninaposimama na kutangaza kifo kilichotokea cha babake Spika wetu wa Seneti, Hon. Amason Kingi.

Kifo hicho kilitokea jana wakati madaktari walipokuwa wakiendelea kumpatia matibabu mzee wetu. Ijapokuwa sisi tulimpenda, Mwenyezi Mungu alimpenda zaidi.

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Ningependa tu kuwajulisha ndugu zangu kwamba tutaweka kwenye mitandao. Mimi nilikuwa wa kwanza kuwajulisha Maseneta na kuwaambia kuwa kifo cha mzee kimetokea. Hayo yote yaliyotendeka ni mambo ya Mwenyezi Mungu.

Tutaendelea kushirikiana na familia ya Spika na ndugu zangu. Mjuavyo, kifo kama hicho sio cha kawaida; ni kifo cha babake Spika wetu na ninajua sisi sote tutajumuika naye. Mimi ninaweza kutangulia nyumbani lakini watakaobaki nyuma mtaendelea kuweka nguvu za Seneti hapo mbele.

Jambo la wisho, ingekuwa bora zaidi ikiwa utafafanua hili jambo. Katika ratiba hii ambayo tunasema kuwa sisi tuko katika *Broad-based Government* na tukijua ya kwamba mahakama ilitoa uamuzi--- Uamuzi huo unahitaji ufafanuzi wa hali ya juu kama alivyosema ndugu yangu Sen. Okong’o Omogeni.

Unaweza kufafanua zaidi ili tujue ya kwamba kati ya upande huu na upande ule mwingine, walio wengi ni akina nani?

Asante sana.

The Deputy Speaker (Hon. Kingi): Sen. Orwoba Magoma, you have the Floor.

Sen. Orwoba: Thank you, Mr. Deputy Speaker, Sir. I rise to support the proposed names to the SBC. My plea to them would be as Sen. Mungatana has requested, that Bills from the Senate be prioritised, particularly the Bills that are touching the lives of the people of Kenya.

I am pushing for the Free Sanitary Towels Bill. I believe after two years of it being in the process of Parliament, I hope that it will be considered by the SBC.

I also want to add that if no one is interested in taking up the position of the Senate Minority Whip, I am able, willing and already sitting here on this chair. So, I can assist them.

I thank you.

The Deputy Speaker (Sen. Kathuri): Sen. Wafula Wakoli, you have the Floor.

Sen. Wafula: Bw. Naibu Spika, ninashukuru sana kwa nafasi hii. Vile vile ninashukuru kuona ndugu zangu ambao wamekuwa wakiukwea mlima sasa hivi wameteremka, wako katika Seneti.

(Laughter)

Waswahili husema “Kipandacho hushuka”.

Mimi ninawashukuru Wakenya kwa kutupa nafasi kujumuika nao katika msimu wa Krismasi na mwaka mpya. Tumekuwa na kikao kule Naivasha kutathmini ratiba na mipangilio ya Seneti.

Jambo la muhimu ni wale ambao wameteuliwa kuongoza Kamati ya Shughuli za Bunge watie maanani kwa sababu Seneti ni Bunge kuu; Bunge ambalo lina umarufu wa kutunga sheria. Mwaka huu lazima ibainike wazi mbichi na mbivu kuwa majukumu ya Seneti iko wazi kikatiba na kisiasa. Kusiwe na uzembe ambao tuliona mwaka uliyopita lakini tujue kuwa ni sharti tufanye kazi kwa pamoja.

Kikundi hiki---

(Loud consultations)

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Bw. Naibu Spika, ninaomba viongozi wenzangu waweze kutulia. Wamechangamka kana kwamba wamekula aina fulani ya mmea na mmea huo unaweza kuwa sukuma wiki.

Bw. Naibu Spika, nashukuru na ninaombea kila la kheri wale ambao wamechaguliwa na kwamba sisi pia tunataraji kwamba baadhi ya kamati za Bunge zitaweza kushughulikiwa ili ratiba zinazotoka ziweze kuuwiana na vikosi vya uchapakazi, ili tuweze kuwatendea Wakenya haki. Ni lazima kuwahakikishia kuwa popote walipo ya kwamba tutalinda ugatuzi na fedha zao. Uwajibikaji ni lazima ndio Wakenya wafurahie matunda ya ugatuzi.

Mimi ninaomba Wakenya mahali popote walipo iwapo kuna tetezi na changamoto wasikose kututafuta sisi Maseneta kwa sababu sisi ndio kio cha jamii.

Asante sana, Bw. Naibu Spika.

The Deputy Speaker (Sen. Kathuri): Sen. Godfrey, proceed.

Sen. Osotsi: Thank you, Mr. Deputy Speaker, Sir, for this opportunity. I fully support this Motion because the Members proposed here will deliver the mandate of the SBC. Therefore, we should all support them because without the SBC, we cannot have our agenda processed for this Plenary.

I also request that the Members in this Committee must understand that this is one of the most crucial committees that processes agenda and discusses the Calendar of this House. Therefore, they must put in extra effort to ensure that they do the right job. As Sen. Mungatana said, we have a number of pending issues that need to be dealt with. I hope that this will be the right committee to initiate the processes, which will lead us to resolving those outstanding issues.

I also urge the SBC to prioritise the many reports generated by the oversight committees; the County Public Investment and Special Funds Committee (CPISFC) and County Public Accounts Committee (CPAC). So far, we have in excess of 100 reports. I was wondering how these many reports will be processed in this House. This is a very important issue because we have reports that touch on matters of accountability in our counties and action needs to be initiated as soon as possible.

I, therefore, urge the SBC that we are approving today to ensure that those reports are brought before this Senate for debate and approval, so that actions can be taken by the relevant bodies such the Ethics and Anti-Corruption Commission (EACC) and others. That is very important because we exist here to protect devolution which will be protected through the reports that have been tabled by CPISFC and CPAC.

Mr. Deputy Speaker, Sir, for those short words, I support the names proposed for this Committee.

Sen. Mwaruma: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Sen. Mwaruma, what is your point of order? I can see you are on intervention.

Sen. Mwaruma: Asante, Mhe. Naibu Spika. Hoja yangu ya nidhamu ni kwamba wanaopitisha matangazo katika runinga zetu; the Parliamentary Broadcasting Unit (PBU), wanaandika sajili ya majina tofauti na yale yako kwa Ratiba ya Shughuli. Ukiangalia orodha ya majina yanayopita, kuna jina la Sen. Agnes Kavindu Muthama na

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katika Ratiba ya Shughuli ya leo haina hilo jina. Naomba wawasilishe majina yaliyopo katika Ratiba ya Shughuli ya leo.

The Deputy Speaker (Sen. Kathuri): I announced that we are using the Supplementary Order Paper, which has different names from the original Order Paper. Our media team should be able to rectify that.

Sen. (Prof.) Margaret Kamar, proceed.

Sen. (Prof.) Kamar: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity. I stand to support the list of Members that have been proposed for the SBC. These are Senators who are seasoned and have leadership qualities. We believe that the House will move very smoothly in the coming Session.

I agree with Sen. Mungatana that a lot was done in the retreat. We need to pay attention to some of the decisions and strong suggestions that came up. The Auditor General, our wonderful lady, was present and gave us a lot of assurance that our CPISFC and CPAC are going to be very busy because she had over 1,000 reports to be tabled. The SBC needs to be very clear how we will do this as they retreat to come up with the Members of the different committees.

Mr. Deputy Speaker, Sir, we have been discussing for many years that we should be up to date with our audit reports. If that will take place, a suggestion came out very strongly in Naivasha that we ought to expand these committees, so that they work as subcommittees. That was said by Sen. Kajwang'. I do not know which side he is sitting. He is now sitting on the Majority side as a backbencher.

It was very clear that the best approach would be to expand the committee and go into subcommittees. Let us break a record as a House that cleared the backlog of the Auditor-General's reports. Let us be bold. Let this SBC be bold and change things from the old system to a system that will make us deliver.

I also encourage them to prioritise some of the Motions that came to this House that are very important. There was a Motion from the Senator for Kiambu County that will bring in the idea of free education. This House would have broken a record discussing that Motion, but we did not manage. We need to prioritise the Motions that will bring a change in this country.

I also came up with another Motion touching on what the Controller of Budget (CoB) touched on in the Naivasha retreat and her own reports. We need to discuss how our governors can be stopped from implementing projects that do not belong to them, while they are messing up their own.

In the Standing Committee on Education, we were very clear on that. We are talking to all the governors about how they have digressed from Early Childhood Development Education (ECDE) to implementing bursaries. It should be very clear. What the national Government has done will not benefit the counties at all.

If they will use some money that has not been allocated for bursaries to take care of bursaries, it means some of the functions that have been devolved will suffer. My Motion was trying to stop them unless they go for a negotiation that gives them extra money. Without that, they will do the same things they have been doing.

We went to Machakos County to visit the ECDE facilities. They were in a pathetic situation. We went to Taita-Taveta and Kilifi counties and the situation is still

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dire. Our governors cannot be giving out bursaries because people are needy, while the ECDE programme is failing. The village polytechnics are dilapidated.

I have used the two examples of the Motion from the Senator for Kiambu County and my own that required urgent attention. Therefore, I would encourage the next SBC to look at Bills and Motions as they come in and select those they think this House can have an impact on.

Mr. Deputy Speaker, Sir, with those remarks, I strongly support this team of seven Members. Thank you.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, the Motion is about whether we are approving the names of the Senators, so that they can go and sit and generate business for the Senate. Since we started, no one has rejected any name. It seems we are in concurrence with the names. Therefore, I want to give a few others a chance to speak and then maybe the Majority and the Minority side should make concurrence on this business.

Let me give the Deputy Minority Whip. As far as my hemispheres are correct, the Deputy Minority Leader is none other than--- He is even looking at me.

(Laughter)

Sen. Enoch Wambua?

Sen. Wambua: Yes. That sounds better. Sen. Enoch Wambua.

Thank you, Mr. Deputy Speaker, Sir. Just a slight point of clarification as we support this Motion. That name that you read was the former Deputy Minority Leader. Now, the person speaking is the Deputy Majority Leader. The label is here.

I support the seven names. As my colleagues have said, we all expect that this team will ensure that the decisions that we made in Naivasha during our Midterm review are followed to the letter.

Secondly, I have a problem with the moving of that Motion. That Motion was supposed to be moved by the Senate Majority Leader, but it was moved by the Senate Minority Leader. You will realise that this is a decision that the Speaker must give direction on.

Sen. Wafula: On a Point of Order, Mr. Deputy Speaker, Sir

The Deputy Speaker (Sen. Kathuri): What is your point of order, Hon. Senator?

Sen. Wambua: When I rise on a point of order, you do not give me a chance. When other Senators rise on a point of order, you give them a chance, Mr. Deputy Speaker, Sir

The Deputy Speaker (Sen. Kathuri): Have a seat.

Sen. Wafula: Bw. Naibu Spika, kwa heshima kuu, ningependa ufafanuzi na maelezo ni lini kiongozi mwenzangu alijiapisha na kujipa mamlaka ya kujitangaza peupe ndani ya Seneti kwamba yeye ni kiongozi na kiti chake kiko wazi upande ule mwingine? Wakenya wasiwe na tabia ya kunyakua uongozi kupitia mlango wa nyuma. Hii ni Seneti na korti iko kule nje.

(Loud consultations)

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Hata nimevaa koti hapa, na kuna koti lingine kule nje---

(Loud consultations)

Ni hoja ya nidhamu. Ni sharia; nataka maelezo. Ni maelezo viongozi. Sasa Bw. Naibu Spika naomba ueleze.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, that matter was raised by Sen. Okong'o Omogeni, Senator for Nyamira County and I gave guidance a long time ago that there was no court ruling on the Senate of the Republic of Kenya. So, anybody referring to the matter that I gave guidance is out of order. So, let us dispense the Motion that we have so that we can proceed.

Let the Senate be orderly, Sen. Wambua. Let us ---

Sen. Wambua: You know ---

The Deputy Speaker (Sen. Kathuri): Who is giving the microphone when I am speaking, clerks? Who is giving you the microphone?

Hon. Senators, in my late communication that I made, I said categorically that we need to be more organised. I applauded you for the way we carried ourselves during the land recession. This is the start of the Fourth Session, day one.

We agreed on so many matters when we were in Naivasha. Hon. Senators, I want us to start on the right footing. Let us dispense of this Motion without any sideshows, without matters that do not matter to the Senate, to us.

Sen. Wambua, can you conclude?

Sen. Wambua: Mr. Speaker, Deputy Sir, you know, that is where I was going before I was interrupted by my colleague and a friend. When Senators seek clarification, we do not do it for ourselves. We do it for the people that we lead.

We are not here because we brought ourselves here. There is some bit of confusion out there on this issue of the leadership in the House. I know that you have pronounced yourself on it. All that I am saying is that, that should have formed a part of the formal communication by the Speaker so that you settle the matters.

This is the House where the Secretary-Generals of the two largest political parties in the Azimio Coalition sit. The Secretary-General of the Orange Democratic Party (ODM) sits in this Senate. The Secretary-General of WIPER sits in this Senate and the Deputy Party Leader of ODM also sits in this Senate.

Mr. Deputy Speaker, Sir, when you see the entire leadership of Azimio move to this side, you have to take note. There must be something. I mean, take note. Take note, Mr. Deputy Speaker, Sir. This is a very serious issue. It is serious because look at the ones that are calling themselves the Majority.

Where is their leadership? Where are the leaders? Where are they? We only have the Senate Majority Leader and the Whip. Where are the rest? We said we would be very serious this time around. This is a demonstration of seriousness. Guide this House on the matter of sending Order No.22 on who actually in this House is the majority and who is the minority.

I rest my case.

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Sen. Sifuna: I have not spoken.

The Deputy Speaker (Sen. Kathuri): Sen. Mwenda Gataya?

Sen. Gataya Mo Fire: Thank you, Mr. Deputy Speaker, Sir, for allowing me to contribute to this very crucial Motion.

(Loud consultations)

Mr. Deputy Speaker, Sir, can you protect me from some loud consultations?

Sen. Eddie, please.

From the onset---

(Sen. Onyonka consulted loudly)

Mr. Deputy Speaker, Sir, can you protect me?

Sen. Onyonka, we are not in a club.

The Deputy Speaker (Sen. Kathuri): Sen. Onyonka!

Proceed, Sen. Gataya Mo Fire.

Sen. Gataya Mo Fire: You know, you cannot just make random calls when somebody is on the Floor. You are a seasoned politician.

The Deputy Speaker (Sen. Kathuri): Order, Sen. Gataya Mo Fire!

Sen. Gataya Mo Fire: I support the list from the onset. This is a very crucial committee, which is supposed to process very important business of this House. I have been able to comb through the list. We are midterm. We have been together for the last almost two-and-a-half years. We know each other.

I have looked at the number of people that have been put on that list. I know all of them by name and their competence. This is the best team that the leadership has produced that is supposed to steer the business of this House to some great heights.

Mr. Deputy Speaker, Sir, we consider the request made by my neighbour and my brother, Sen. Mungatana, that we prioritise the business of this House because we have quite several pending issues that are supposed to be processed. We are not supposed maybe to give priority to several businesses that are generating from the National Assembly for that matter.

I have been around for close to two years, the membership of this committee is competent and equal to the task. I hope that we will have our businesses processed efficiently. Therefore, it is a team that I strongly support.

The Deputy Speaker (Sen. Kathuri): Sen. Edwin Sifuna.

Sen. Sifuna: Mr. Deputy Speaker, Sir, thank you for the opportunity to also contribute. First, let me say that I have been privileged to serve on the SBC for two consecutive sessions.

Despite some of the aspersions that have been cast, especially by Sen. Mungatana, the report that was given in Naivasha of the midterm performance of this House is an indicator of the work that has been put in by the SBC in ensuring that we process our business here.

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As part of the leadership of the majority coalition, I felt we now need to give other people the opportunity to experience this SBC. When members talk about the anxiety about the speed with which some of the businesses are moving, especially the Bills in this House, I do not think from our side there is somebody who is more passionate about the speed at which business is moving than Sen. Crystal Asige. I hope that with her on that committee, she will ensure that what she has wished to see now happens under her guidance.

Mr. Deputy Speaker, Sir, I need to raise another issue as a leader in the House regarding the speed with which we process Bills. It is also a question of dedication, quorum and the presence of Members on this Floor. I remember those meetings of the SBC; we struggled, and the whips, especially failed the weight. Another paper has almost 30 Bills and they keep recurring week after week.

We want to ask members that during these last two years of this Senate, people have appeared to process those Bills, especially the sponsors. How many times have we had to drop Bills because the sponsors were not in the House? So, I also want to ask that, whereas SBC can prioritise that business, we need the sponsors of the Bills to be here.

Finally, a matter has been raised here and I am sure you have said you will give guidance, but as Members of the House and the leadership, we can also guide.

The Constitution is elaborate. It starts by defining what Parliament is, then separating the roles of the Senate and the National Assembly. It goes to be specific enough as to the roles of each of those Houses, the matters that can be processed in each house and the matters that cannot. On the question of which party is a majority party in the Senate, there is absolutely no mention throughout the entire document of the Constitution. In my view, it means that the leadership or the designation of a majority party is set in the National Assembly.

I will tell you why I think that because it would be absurd as the Secretary General of the ODM for my party to be the majority down there. I am in the minority here. Sometimes, when you get communications from these coalitions, for instance, our membership of the Parliamentary Service Commission (PSC), there is only one person who writes those letters to you. That is the Secretary General of the Azimio coalition. Would he write in the National Assembly as the leader of a majority party and here he writes as a leader of a minority party? These are some of the absurdities that would arise if we did not follow the designation.

By the way, I want to be clear that we, in the majority coalition, will ensure we enforce that court order because we are believers in the rule of law. Once a court has pronounced itself, Sen. (Dr.) Khalwale, you look for another seat. You do not insist on the one that you have been told is not yours.

A Member of the Senate cannot stand here and say that the courts are out there and we are here. We exist in a constitutional order. The things that happen here have consequences outside. The process of checks and balances and oversight requires that other organs also look into the issues that this particular institution is doing.

Mr. Deputy Speaker, Sir, we will not allow people to conflate issues. If Azimio is the majority party in the National Assembly, it follows that we are the majority in this House.

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I thank you.

The Deputy Speaker (Sen. Kathuri): A minute, Sen. Mungatana. In the Eighth and Ninth Parliaments, you used to stand and wave to catch the Speaker's eye. Now, we went digital. You can just press the intervention button and I will see. What is your point of order?

Sen. Mungatana, MGH: Mr. Deputy Speaker, Sir, when we are speaking, we are not talking about the courts.

(Sen. Mungatana spoke off record)

The Deputy Speaker (Sen. Kathuri): Give him the microphone

Sen. Mungatana, MGH: Mr. Deputy Speaker, Sir, when we are addressing the nation from the Floor of this House, we must bear in mind that we take responsibility for the statements that we make. Indeed, can it be true that what is pronounced as the leadership arrangement in the National Assembly should automatically hold for the Senate?

That cannot be true. In fact, it is the absurdity of nature, at the highest absurdity, that we can go into an election, a political party wins the Senate majority and another one wins the National Assembly majority. By the dint of the National Assembly majority, the leadership is determined in the Senate. This is what my learned friend, Sen. Sifuna says, which is not correct. That is not right.

(An hon. Senator spoke off record)

The Deputy Speaker (Sen. Kathuri): Sen. Mungatana is on a point of order. How can you stand on a point of order when he is also on a point of order?

(Loud consultations)

Sen. Mungatana, your point of order has been captured. Let Sen. Sifuna conclude his contribution.

Sen. Sifuna: Mr. Deputy Speaker, Sir, I do not know what exactly is out of order. I made a statement of facts that if you turn this Constitution page to page, there is no place where it talks about the designation of the majority party anywhere other than in the National Assembly. That is Article 108, which is a fact.

If Sen. Mungatana has another copy of the Constitution, maybe in his native Pokomo language, he can show us where it speaks about the designation of a majority party in the Senate.

The Deputy Speaker (Sen. Kathuri): Sen. Miraj Abdulrahman, proceed.

Sen. Miraj: Asante, Bw. Naibu Spika, kwa kunipa fursa hii niweze kuunga mkono Hoja iliyowakilishwa na Kiongozi wa Walio Wengi katika Bunge hili la Seneti, Seneta wa Kericho, Sen. Cheruiyot.

Nawapongeza Maseneta wenzangu kutoka gatuji ya Mombasa, kiongozi wetu Sen. Faki na dadangu Sen. Crystal Asige kwa kuweza kuteuliwa na kutwikwa majukumu ya kukaa kwenye Kamati hii.

Bw. Naibu Spika, baada ya kushuka na kuteremka katika mlima kupita katika Bonde la Ufa na kufika Pwani tunashukuru ya kwamba tumerudi tukiwa buheri wa afya. Niliweza kupendekeza katika awamu iliyopita ya Bunge hili tuweze kubuni kamati ya kusimamia ripoti. Ili tuweze kuona utekelezaji wa yale makubaliano katika kamati zetu. Lakini hatukuweza kukubaliana na kamati iliyochaguliwa safari hii.

Nitakuja tena na pendekezo kama hilo ili tuweze kubuni kamati ya kufuatilia zile ripoti tunazopitisha. Ni kinaya kuona kuwa tunaketi kwenye kamati tofauti. Mimi nitakuja na makubaliano ya jinsi ya kutatua lalama na matatizo ya wananchi wa Kenya, lakini hatimaye tunaandika ripoti na zinabaki katika majengo haya ya Bunge la Seneti.

Bw. Naibu Spika, ningependa kuchangia katika Hoja inayoendelea. Hapa Seneti tulikuwa na Maseneta wawili walioweza kuchaguliwa na wakaapishwa. Wakati Mhe. Rais aliwachagua kama Waziri, Sen. Okenyuri hakuja tu na kuchukua kiti kwa sababu IEBC iliashiria kuwa awe Seneta. Ningependa kuwakumbusha viongozi wenzangu kuwa hili sio soko la *Musangarire* ama soko la kule Keroka. Hapa tuko katika Bunge la Seneti ambalo liko na nidhamu zake.

Tunasubiri tuweze kupewa mwelekeo na Karani wa Bunge la Seneti. Iwapo kuna hoja yoyote ya upande gani ni ya wachache na wengine ndio walio wengi, tutajulishwa. Haiwezekani watu kujipa mamlaka kama karubandika. Ni kama hapa Seneti tuko na karubandika wa kizazi kipya.

Kwa hayo mengi ama machache, ningependa kuwapongeza walioteuliwa katika kamati hii.

Walioteuliwa wayape Miswada yetu kipau mbele kuliko yale ya kutoka Bunge la Kitaifa. Hii ni kwa sababu sisi tunapitisha Hoja zetu na zinapofika kule zinawekwa na hazipewi *first priority*.

Asante.

The Deputy Speaker (Sen. Kathuri): Sen. Faki, proceed.

Sen. Faki: Bw. Naibu Spika, nilikuwa nimebofya ili nimjuze Seneta wa Kaunti ya Kitui alipokuwa akijadili hoja. Kwa sasa singependa kuchangia Hoja hii. Asante.

The Deputy Speaker (Sen. Kathuri): Sen. Olekina, proceed.

Sen. Olekina: Thank you, Mr. Deputy Speaker, Sir. We are living in very interesting times. As you can see today, I am standing in my position as Chief Whip of the Senate of the Republic of Kenya. I thank the former Chief Whip, Sen. (Dr.) Khalwale, for being so gracious by accepting, walking away and sitting in an undisclosed location.

Mr. Deputy Speaker, Sir, as I support this Motion, allow me to begin by condemning the utterances by the Governor of Nyeri County, Hon. Mutahi Kahiga. He insulted my community and called them people who walk without underwear. That is completely uncouth and uncalled for. Governor--- What is his name?

Hon. Senators: Kahiga.

Sen. Olekina: Governor Kahiga must understand that we are here as one nation and that type of divisive politics is uncalled for. It should not be allowed in this country.

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You cannot demean another community. You should allow a community to be fully represented. You cannot go out there and shame a community. Shame on you Governor-- What is his name? *Anaitwa nani?*

Seriously, when will we, as leaders, have a sense of occasion. They were at a burial ceremony. People are crying. There are bereaved yet you go there to start your politics. Why do you utilize the money from the county government to call for a rally and insult other people?

It is about time we learnt the sense of occasion. Shame on you Governor Kahiga. The Maasai Community which I represent here and I will not stand to be shamed by you.

If we were in those eras, we would deal with you. However, for now we just want to call you out for your utterances, which do not have a position in this republic.

Mr. Deputy Speaker, Sir, we, as leaders must respect other communities. It is completely unethical, uncouth and uncivilized for Governor of Nyeri County to use a funeral to look down on another community. This is not back then when there was 'first class' and 'second class' citizens. We are all equal and we will point that out.

Finally, I support the distinguished Members of this Senate who have been proposed to serve in the SBC. I serve in the committee and I know the amount of work that they have to deal with.

It is the committee that decides the kind of business that we deal with. I correct the view that the previous committee did not do its work. They worked well and very hard. In fact, the secretariat did a fantastic job during our retreat by putting facts on our table, stating which businesses were guided by the SBC and which had been concluded.

We now need to deliberate on how to ensure that any business that leaves the 'Upper House' - Senate - and goes down to the 'Lower House' - the National Assembly - is concluded. That is the task we believe Sen. Crystal Asige, Sen. Faki, Sen. Ali Roba - the distinguished gentleman - and all other distinguished Senators who have been given an opportunity to serve in the SBC, will crack to ensure we complete our task.

Mr. Deputy Speaker, Sir, I thank you. I repeat, shame on you Governor Kahiga.

The Deputy Speaker (Sen. Kathuri): Sen. Okenyuri, proceed.

Sen. Okenyuri: Finally---

(Laughter)

The Deputy Speaker (Sen. Kathuri): Pardon me? What did you say?

Sen. Okenyuri: Finally, my chance has come. Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. I also wish to support the composition of the SBC. I am looking forward to prioritization of key legislative agenda.

Allow me at this juncture just as the sponsor of the Street Vendors (Protection of Livelihood) Bill, No. 41 of 2023 to give my condolences to sad news I have read on the internet about the demise of Mr. Tyson Aming'a a small trader who has been hustling. He was a driver of Toyota Noah and has been missing for quite some time.

This afternoon we are gathering news that the body has been discovered at City Mortuary. He was hired by people who he thought were customers, but instead were thieves.

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I hope the investigative agencies are going to look and comb deep into this matter because we have so many of our people who are trying to make ends meet through such kind of business.

Mr. Deputy Speaker, Sir, I equally look forward to resurfacing of the Civic Education Bill, No.4 of 2024 because we dearly need that as a country right now. It can solve most of the issues we are facing in this democratic space we are in.

This is not just for our citizens, but will also tackle so many other issues even in interpreting some of the matters which are being raised by Hon. Members in this House.

I thank you.

The Deputy Speaker (Sen. Kathuri): Sen. Omogeni proceed.

Sen. Omogeni: What is the problem, Senate Majority Leader or should I say Minority Leader?

(Laughter)

Mr. Deputy Speaker, Sir, even people who know the truth seem to be in a panic---

The Deputy Speaker (Sen. Kathuri): Sen. Omogeni, I gave you an opportunity to contribute.

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

Sen. Omogeni: Mr. Deputy Speaker, Sir, I think you need to settle---

(Loud consultations)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, we are really--- Proceed, Sen. Omogeni.

Sen. Omogeni: Yes, Mr. Deputy Speaker, Sir---

(Loud consultations)

Sen. Omogeni: Mr. Deputy Speaker, Sir, can you protect me?

The Deputy Speaker (Sen. Kathuri): Sen. Oketch Gicheru, Sen. Sifuna, Sen. Cherarkey---

Sen. Cherarkey: Point of order Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): What is your point of order?

Sen. Cherarkey: I must be heard in this House.

Mr. Deputy Speaker, Sir, I am standing on Article 124 of the Constitution of Kenya on the Establishment of Committees and the Standing Orders. Did you hear the Parliamentary Service Commissioner, who was assisted by the Majority side to become the Commissioner, calling the Senate Majority Leader, the Senate Minority Leader?

(Laughter)

We are allowing bad precedent in this House. Let the Standing Orders be followed, even if there is a court order, which I am not aware of, and is not there.

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(Loud consultations)

You can howl and shout as long as you want. Sen. Sifuna should be telling hon. Sakaja to fix potholes, which are deeper than his dimples, instead of shouting at us in the House.

Mr. Deputy Speaker, Sir, can you direct the Parliamentary Service Commissioner, Senior Counsel (SC) Okong'o Omogeni, who is now embarrassing the people who are learning from him by calling the Senate Majority Leader, the Senate Minority Leader, to withdraw and apologise to the Senate Majority Leader and the House?

I do not know why the Minority are making noise. Mr. Deputy Speaker, Sir, can you at least tell him to follow the law? Let us follow the Constitution.

(Sen. Onyonka spoke off record)

Sen. Onyonka: Sen. Cherarkey, what are you doing here?

Sen. Omogeni: Mr. Deputy Speaker, Sir, just for the record and because I know Sen. Cherarkey is slow in reading some of these judgments. I have been magnanimous enough and have now just sent him the petition from High Court; Petition 202 of 2023.

Mr. Deputy Speaker, Sir, if you permit, direct Sen. Cherarkey to withdraw from the House, go read the judgment and understand it so that he comes back to the House. I know he is a junior lawyer who does not understand quickly some of these new developments of jurisprudence. Therefore, if you give him about half an hour, he will withdraw from the Chamber and go and read the judgement. I have just sent it to him now. He will need like 30 minutes. When he comes back, I am sure he will be well knowledgeable on the happenings around.

Mr. Deputy Speaker, Sir, on a serious note, I support names proposed for membership of the SBC. I also want to tell the Senate that there is a lot that is happening in terms of legislation. This new team is taking office at a time when, after the deliberations that we had in Naivasha, we have a Constitutional Amendment Bill proposed by the National Assembly. The Bill is undergoing pre-publication scrutiny at a time that we also have a Bill as a Senate that was approved by Senators in Naivasha.

If there is a time that we Senators need to demonstrate courage and show leadership, it is now. Reading the names of Members who have been proposed, I have no doubt that these are men and women who have demonstrated courage and they will guide the business that should come to this House. Let us also as a Senate be conscious, that we are not here to be spanner boys of the National Assembly. We also have our own legislative agenda as a Senate.

Having been invited, I was privileged to be in Naivasha for three days when Members of the National Assembly were having their retreat. Every agenda that was put on the table was to push the agenda of National Assembly. Let us also bear in mind that we are here to push the legislative agenda of the Senate of the Republic of Kenya.

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Some of the judgments that we get from our courts are supposed to guide us. Senate Majority Leader, some of these judgments are supposed to remind us that we should be men and women of honour.

When I raised this issue here this afternoon, I was not questioning the fact that the Kenya Kwanza Coalition is the majority. However, there are some decisions that we have made that go against the judgement that came from the High Court.

I know as a fact that when we came here, the United Democratic Alliance (UDA) had 22 Senators, then there was one from Ford-Kenya and one from Democratic Party (DP). That gave you 24. If you add the eight who were nominated, you are 34. Therefore, you are the majority.

Nonetheless, there are some things you have done which are unprocedural, including the name that you have put before us this afternoon, which goes against the judgement that was issued by the court last week. You have given the name of Sen. Ali Roba as coming from the majority side.

(Loud consultations)

Mr. Deputy Speaker, Sir, this House has Members who are called ‘honourable.’ When you are an hon. Member, you are supposed to behave honourably.

I appreciate this afternoon that if you read the judgement, it is telling us that once you finish an election, you must respect the will of the people. That is what the judgement is saying.

(Applause)

When we concluded the elections, UDA was not on the majority side. What is so difficult about that? If you tell Kenyans that you do not want to respect court orders, one day it will come to bite you. Listen to us!

(Loud consultations)

Sen. Orwoba: On a point of order, Mr. Deputy Speaker, Sir.

Sen. Omogeni: I know you have 24 Senators and, therefore, you are the majority. We do not refute, but which side was the United Democratic Movement (UDM)? The UDM was not on that side of the coalition.

Sen. Orwoba: On a point of order, Mr. Deputy Speaker, Sir.

Sen. Omogeni: Mr. Deputy Speaker, Sir, that is the point we are putting. You have brought a name here this afternoon from the majority side. In fact, you have included two. If you cannot accept some of the basics, at times the High Court gives you an easy way out. You should respect court orders. The President of this Republic is in office because we respected a court order.

Senate Majority Leader, it does not matter.

Sen. Orwoba: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Order, Sen. Orwoba.

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Sen. Omogeni: Mr. Deputy Speaker, Sir, at times the country should be bigger than us individuals. The High Court made a decision. They make decisions and we respect. Often times, we express our views as lawyers that we may not agree, but we respect. Consequently, we expect the Government of the day to also respect court orders. Otherwise, we will degenerate into anarchy.

If you are a student of history, you know that countries have fallen because they first began by disobeying court orders and not having what lawyers will call a state of rule of law. How do you bring names this afternoon for the Senate to approve them, when the High Court has given direction that the will of the people is determined at the end of an election? It is not what you do after the people have expressed their will.

Sen. Orwoba: On a point of order, Mr. Deputy Speaker, Sir.

Sen. Omogeni: Mr. Deputy Speaker, Sir---

The Deputy Speaker (Sen. Kathuri): Just a minute, Sen. Omogeni. What is your point of order, Sen. Orwoba?

Sen. Orwoba: Mr. Deputy Speaker, Sir, I stand on a point of order on factual information. Our Commissioner and my senior from Nyamira County in Gusii region is alluding that there is no coalition agreement between UDM and UDA.

He has said repeatedly that it is the will of the people. As I sit here in my designated position, I have witnessed and heard from the other side of the Senate the UDM representatives confirming that they do have an agreement with UDA.

The public is listening to us. What Sen. Omogeni is trying to say---

The Deputy Speaker (Sen. Kathuri): What is your point of order?

Sen. Orwoba: Mr. Deputy Speaker, Sir, my point of order is that the information he is giving about the relationship, or whether there is a coalition agreement or otherwise between UDM and UDA, is not factual. That is what I would like him to clarify and correct. I am a Member of UDA with information that we have a coalition agreement between UDM and UDA. That should be clarified so that it does not come out that we are forcing issues.

Mr. Deputy Speaker, Sir, he also talked about the will of the people. Everyone who is sitting in this Chamber represents their people. Every single day we come here to articulate issues on behalf of the people. Saying that the coalition agreement is not the will of the people is non-factual.

As I have said, Sen. Omogeni is my senior from Gusii region. He is also our Commissioner whom I look up to. I request him with all due respect to withdraw that non-factual statement and apologise.

The Deputy Speaker (Sen. Kathuri): Sen. Omogeni, your junior Senator from Gusii region has requested for clarification. Since she is learning a lot from you, maybe you can go ahead and do that.

Sen. Omogeni: Mr. Deputy Speaker, Sir, I have really struggled to understand the point of order. There is no point of order there.

(Loud consultations)

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

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Sen. Omogeni: Mr. Deputy Speaker, Sir, in demonstrating that we remain the “Upper House”, and for the benefit of Senators---

The Deputy Speaker (Sen. Kathuri): So that you do not dismiss what was raised by the Senator who just requested for clarification, if I heard her correctly, she requested for a clarification. She wants to know whether UDA has a coalition agreement with UDM.

Sen. Omogeni: Mr. Deputy Speaker, Sir, just like what I did to Sen. Cherarkey, and luckily they are sitting together, I have also taken the liberty of forwarding the High Court Judgement in Petition 202 of 2023 to Sen. Orwoba. She can read and digest it. I also undertake to the House that as a responsible leader from the Omogusii nation, I will sit next to her and explain to her slowly the import of the High Court decision, so that when she speaks next time, she does so from a point of information.

The Deputy Speaker (Sen. Kathuri): Order, Sen. Omogeni. Sen. Veronica Maina.

Sen. Veronica Maina: Mr. Deputy Speaker, Sir, I have listened to the submissions by my senior and respected colleague, Sen. Omogeni and I assume he does not have information which would have been crucial before submitting on that point of order.

I wish to inform Sen. Omogeni that UDM has signed a coalition agreement with UDA.

Sen. Sifuna should wait I finish my submission.

(Several Senators stood in their places)

The Deputy Speaker (Sen. Kathuri): Order, Senators.

Sen. Veronica Maina: Mr. Deputy Speaker, Sir, I am not speaking as an ordinary Senator in this House. I speak as a witness to that agreement, to which agreement, I signed, witnessed and was a party to.

(Loud consultations)

As the Secretary General (SG) No.1 in the Republic of Kenya who signed all the certificates for the Senators from the UDA, the President and the Deputy, I would like to inform for the benefit of all the Senators that I speak as a witness. I have the evidence and my statement is equivalent to evidence that can be tabled anywhere before any session or any Plenary. I hope that rests the matter.

The Deputy Speaker (Sen. Kathuri): Order, Senators. Order, Sen. Eddy Oketch.

Sen Veronica, you started talking and I was trying to catch your eye, but the one thing I did not ask was whether Sen. Omogeni was interested to being informed. I bypassed that bit.

(Laughter)

Sen. Omogeni: Mr. Deputy Speaker, Sir, I am lucky this afternoon to be dealing with learned friends and lawyers. For the benefit of Sen. Veronica Maina whom I am sure has not taken time to read and digest this judgement, I want to see if I have her number, so that I can also send that judgment to her. I will also take time to read the judgment for her and also tell her that in this pronouncement, the court has said that none of the coalitions' agreements were forwarded before the court; just in case she did not understand the law at that time and just in case she filed the agreement with a different office.

I am willing to be informed by the Senator for Nairobi.

The Deputy Speaker (Sen. Kathuri): You have no powers to ask him that.

Sen. Omogeni: He has asked me whether he can inform me.

The Deputy Speaker (Sen. Kathuri): It is me to ask whether you are willing to be informed by Sen. Sifuna.

Sen. Sifuna: Mr. Deputy Speaker, Sir, I wanted to inform Sen. Omogeni that the line of argument he has taken is critical, especially when that information is coming from the former officials of UDA. They have made the habit of claiming existence of agreements, including agreements between ODM and UDA which do not exist.

(Loud consultations)

If she must say that there is an agreement between UDA and UDM, she must table that agreement here. Do not accept her to mislead you.

The Deputy Speaker (Sen. Kathuri): Sen. Omogeni, conclude kindly.

Sen. Omogeni: Mr. Deputy Speaker, Sir, in conclusion, the point I have raised this afternoon is very important that before we even proceed, you should make a communication that clarifies some of these issues. This is because, as a House that prides itself as being the upper House, we should be seen to be the ones leading as the National Assembly follows.

I wish that the next time Sen. Maina speaks, she understands our Standing Orders; that if you make an allegation saying that something was signed and witnessed, you should table it. There is a difference between signing a coalition agreement in State House and leaving a copy there and signing a coalition agreement and depositing it with the Registrar of Political Parties. There is a big difference.

Mr. Deputy Speaker, Sir, this is a reminder to all of us and parties that if you appoint Sen. Veronica Maina as your SG, she should also guide you on what the law is and how to interpret and apply the law.

(Applause)

The Deputy Speaker (Sen. Kathuri): You are attracting these points of orders because you are mentioning names referring to a Member.

Sen. Veronica Maina, what is your point of order?

Sen. Omogeni: She cannot speak twice on a point of order.

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Sen. Veronica Maina: Thank you, Mr. Deputy Speaker, Sir. I rise under Standing Order No.105. Is the hon. Senator entitled to assume or allude that I did not understand the laws or the background within which such agreements and MOUs are signed?

It is public knowledge that all those MOUs are now registered with the Registrar of Political Parties and are deposited there. Is it in order for the Senior Counsel to fail to get copies and yet, he is a senior counsel?

The Deputy Speaker (Sen. Kathuri): Thank you, Sen. Veronica. Sen. Seki?

Sen. Seki: Thank you, Mr. Deputy Speaker, Sir. I take this opportunity to support the list of the Committee of SBC. I also thank the House Business Committee and the leadership of the House for considering one of my Members in the Committee on Tourism, Trade and Industrialization, hon. Crystal Asige who is a very competent Member. I congratulate her for being added in that list.

I also take this opportunity to talk about the issue that has been discussed on different occasions and even in my county on the utterances of the Governor of Nyeri on this emotive issue. He talked about the Maasai community and this might bring issues between communities.

However, I thank him for apologizing for that statement. Maybe, he did not mean something bad for this community but he was fast to apologize to our community.

Mr. Deputy Speaker, Sir, on the issue of the leadership of the House, it is important that you take responsibility to give a way forward and direction in this matter because it might bring many issues, especially in the operations of committees.

The Deputy Speaker (Sen. Kathuri): Sen. Abass?

Sen. Abass: Mr. Deputy Speaker, Sir, I think I am the only Member of the United Democratic Movement (UDM) who is here now and my party has been attacked. One thing I want to confirm to the House is that UDM has officially signed a coalition agreement with the United Democratic Alliance (UDA). I want to attest to that. One other thing is that the Azimio la Umoja Coalition is not the majority party.

(Loud consultation)

Order.

Mr. Deputy Speaker, Sir, defend me.

I am a Member of the UDM. My friend and I represent the party. The Azimio la Umoja Coalition is not the majority anymore because the NARC Kenya Party has left, the Wiper Party has left, and the Orange Democratic Movement (ODM) has joined the Kenya Kwanza Coalition. So, how did they become the majority again? How?

How did they become the majority? There is no majority anymore. They are all joining the broad-based government and they are not the majority party.

The Deputy Speaker (Sen. Kathuri): Next is Sen. Mwaruma Johnes, Mwashushe.

Sen. Mwaruma: Asante, Mheshimiwa Naibu Spika kwa kunipa fursa hii ili kuunga mkono Hoja hii. Ninaunga mkono majina yote yaliyoko katika orodha hii

tukianza na Sen. Ali Roba, Sen. Shakila Abdalla Sen. Veronica Maina, Sen. Wakili Sigei, Sen. Mwinyihaji Faki, Sen. Crystal Asige na kadhalika.

Ninashukuru kwa uamuzi huu ya kwamba maseneta wote wanaweza kuwa katika kamati hii na ni vyema kufanya kazi kwa zamu. Ninafurahia kwa sababu wale walifanya mbeleni walifanya kazi nzuri na hawa ambao wamewekwa pia wataweza kufanya kazi nzuri.

Katika kazi zilizo mbele yetu, kulikuwa na Miswada, Maswali na kazi nyingine nyingi ambayo haikuenda---

(Loud consultations)

Bw. Naibu Spika ninaomba unilinde kutokana na kelele nyingi kutoka upande huu na wale wanaoongea kwa sauti. Maseneta waliyo upande wa mkono wangu wa kulia kidogo wanajadiliana kwa sauti ya juu

The Deputy Speaker (Sen. Kathuri): Order, hon. Senators.

Sen. Mwaruma: Bw. Naibu Spika, kazi ile iliyobakia katika Bunge letu ni kazi nyingi sana. Ukiangalia zile Petitions, Motions na Statements ambazo zilikuwa zimeratibiwa kabla ya kuenda likizo ilikuwa nyingi sana.

Nyingine zilikuwa za Jimbo la Taita Taveta za mambo yanayohusiana na mashamba, Wanyama pori na ukosefu wa maji. Kuna Miswada miwili muhimu sana ambayo yametajwa na Sen. (Prof.) Kamar inayohusiana na elimu na mwelekeo wa Controller of Budget ya kwamba hakuna county inayoruhusiwa kupeana bursary.

Pia kulikuwa na Mswada wa Sen. Karungo Thang'wa kuhusu kufanya elimu iwe bure. Hiyo ni miswada muhimu na ya maana sana ambayo yanahitaji Seneti itoe mwelekeo.

Kila wakati kunapotokea matatizo katika inchi, Seneti imeitwa kufanya uamuzi wa kupeana mwelekeo kwa nchi yetu. Ninakumbuka wakati wa Corona Virus Disease (COVID-19), kulikuwa na Mswada ambao uliletwa Bungeni na Seneta ambaye sasa hivi ni gavana, Hon. Sakaja kuhusu COVID-19. Mwelekeo ulipatikana na zile sera nyingi za kupigana na COVID-19 zilitokana na Mswada huo.

Wakati Gen. Zs waliivamia Kenya, ninakumbuka Mswada uliletwa kwenye Seneti tukaujadili na kupeana mwelekeo. Sera nyingi ambazo zilitungwa kutokana na hayo zilitokana na Bunge hili.

Saa hii tunavyoongea, Watoto wengi wako nje ya shule. Hawaendi shuleni kwa sababu county governments hazipeani bursaries ama pesa ambayo inapewa watoto ili waende shuleni.

Tukizipatia Miswada hiyo miwili kipaa umbele; Mswada wa Sen. (Prof) Kamar pamoja na ule wa Sen. Thang'wa, Kenya itapata mwelekeo kama kweli magavana wanaweza kupeana bursaries ama itangojea mpaka mambo fulani yafaywe na mikataba fulani kati ya serikali ya kitaifa na serikali gatuzi ifanywe ili watoto ambao wanatoka familia maskini waweza kupata zile pesa za kuenda shuleni.

Pia kuna Mswada muhimu sana wa marekebisho ya katiba ambayo tayari yametajwa ili kuweka the National Government Constituency Development Fund (NG-CDF), the National Government Additional Allocation Fund (NGAAF) pamoja the

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Oversight Fund katitika Katiba. Hiyo ipewe kipaa umbele ili tujue mwelekeo wa Mswada huo.

Naunga mkono Mswada huu.

The Deputy Speaker (Sen. Kathuri): Sen. Wahome Wamatinga, are you on an intervention?

Sen. Wamatinga: Yes, Mr. Deputy Speaker Sir.

I rise on Standing Order No.109 to request the Mover to be called upon to reply. I thank you.

The Deputy Speaker (Sen. Kathuri): Is that the mood of the House?

(Loud consultation)

(Sen. Cherarkey stood in his place)

Sen. Cherarkey, sit down, my friend.

Okay, Sen. Karungo Thang'wa, you have two minutes.

Sen. Thang'wa: Thank you, Mr. Deputy Speaker, Sir. I believe that we are supposed to be here up to 6.30 p.m., and everybody should be allowed to speak and we should be given equal time.

I stand to support this Motion. The reason I am supporting it is because, at the back of my mind, I do know that anybody or any Senator can be a member of this committee, but I feel easy when I look at the membership of this committee as selected and especially one, Sen. Crystal Asige.

The reason I am saying that is because in the previous session, when this House was visited by bad spirits, what the Zulu would call *tokoloshe*, the *tokoloshe* skipped Sen. Crystal Asige. So, I believe when she is there, she will stand with the country and with the Senate.

As I conclude, I would want to assist you because I do not understand why this House is talking about the minority and the majority, yet that issue is not before us. However, I want to assist you. If that question was to come properly before you, remember Azimio la Umoja and the Kenya Kwanza Coalitions formed a broad-based government. So, they are both in the majority. I would want you to understand that.

What you should be doing is paving the way and creating the way for the new opposition, for the new opposition that will be coming when the 'Wamunyororo' party will be coming to this House.

So, what I am telling you is that we do not have a minority---

The Oketch Gicheru: On the point of Order, Mr. Deputy Speaker, Sir.

Sen. Thang'wa: In this House, we do not have a minority; there are only two coalitions---

The Deputy Speaker (Sen. Kathuri): What is your point of order, Sen. Eddie?

Sen. Eddie, as you raise your point of order because he has finished, also get a few minutes to contribute to the Motion.

Sen. Oketch Gicheru: Mr. Deputy Speaker, Sir, I beg of you that you do not give me two minutes because I have come here---

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The Deputy Speaker (Sen. Kathuri): I said take a few minutes.

Sen. Oketch Gicheru: Mr. Deputy Speaker, Sir, “few minutes” is okay. So, help me instruct the Clerks-at-the-Table, so that they do not put light when I am speaking because there are no “few minutes” in that light. That light is very serious.

Mr. Deputy Speaker, Sir, since he has finished speaking, I am an orderly person, so I am not going to speak on a point of order that I had requested. However, as a House, we are debating things, and people are taking this House for granted.

You know very well that there is nothing like a ‘Wamunyoro’ party in this House or even in this Parliament. If there is, let the Senator for Kiambu resign as a Senator, go and vie on his ‘Wamunyoro’ party, whatever party he wants, then come back to this House.

He cannot make this house degenerate into some silly jokes that do not make sense. We are in the Senate of Kenya that we must respect and take very seriously.

Sen. Thangw’a: On a point of order, Mr. Deputy Speaker, Sir.

Sen. Oketch Gicheru: Mr. Deputy Speaker, Sir, before I start---

Sen. Thangw’a: On a point of order, Mr. Deputy Speaker, Sir.

Sen. Oketch Gicheru: Mr. Deputy Speaker, Sir, can you protect me? Can you allow the Senator for Kiambu County to go and shout in a funeral in Kiambu and not when I am speaking here?

The Deputy Speaker (Sen. Kathuri): Sen. Eddy---

(Loud consultations)

Sen. Oketch Gicheru: Mr. Deputy Speaker, Sir, can I continue and be listened to in silence?

The Deputy Speaker (Sen. Kathuri): Please, continue as they listen to what you are saying.

Sen. Oketch Gicheru: Thank you, Mr. Deputy Speaker, Sir. Let me cool down first. First, we cannot start speaking today without recognizing that our two colleagues, one being our own leader, Hon. Amason Jefwa Kingi, the honourable Speaker of this House, is mourning the death of his father.

Secondly, yesterday, the former Commissioner and Senator for Laikipia County, Hon. John Kinyua, buried the father. I feel very sad because losing a parent pains more than any toothache you have ever felt. Therefore---

Sen. Mandago: On a point of order, Mr. Deputy Speaker, Sir.

Sen. Oketch Gicheru: I was not expecting a point of order when I am mourning with my brothers who are leaders of this House. That is very uncourteous.

Mr. Deputy Speaker, Sir, I urge this House to stand with the two gentlemen as they mourn because they are part of our House, and I do not want to overlook that.

Secondly---

The Deputy Speaker (Sen. Kathuri): There is a point of order. Sen. Mandago, what is your point of order?

Sen. Mandago: Thank you very much, Mr. Deputy Speaker, Sir. The Senator for Migori County has forgotten the Standing Orders of this House ever since he went for a

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long recess. I rise on Standing Order No.111 on Limitation of Debate. You cannot allow other Senators to speak for 15 minutes and others for two minutes. I quote Standing Order No.111 (2) and (3).

“A Motion for limitation of debate under this Standing Order may be made without notice.”

“A Motion under paragraph (2) shall not be made in the course of the debate to which it refers unless it is moved after the adjournment of such debate and before the debate is resumed.”

The Deputy Speaker (Sen. Kathuri): Who is out of order, Sen. Mandago?

Sen. Mandago: Hon. Deputy Speaker, I want to speak for 15 minutes.

(Laughter)

The Deputy Speaker (Sen. Kathuri): Sen. Mandago, I thought it was Sen. Eddy who was out of order.

Proceed, Sen. Eddy Oketch.

(Loud consultations)

Sen. Oketch Gicheru: Mr. Deputy Speaker, Sir, I thank you once again. Certainly, I was not out of order. Sen. Mandago had personal issues with your ruling that he can sort when he approaches you. I am not out of order.

I wanted to thank the team that constituted the previous SBC. They did an excellent job and have made this House work in the last Session. I hope that the proposed new SBC will borrow a leaf and glean some morals on discipline, passion and commitment from the previous Committee.

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

[The Temporary Speaker (Sen. Veronica Maina) in the Chair]

Madam Temporary Speaker, this is indeed a very vibrant Committee if constituted as is apart from the question that the senior counsel, Commissioner Omogeni, raised of which side they come from. It can be unbalanced depending on how you look at it. That notwithstanding, the Senators proposed in this Committee are men and women of true valor and with a towering spirit to work starting with our own Sen. Crystal Asige. We know the zeal and commitment that she brings into this House. I am excited to see her in this Committee.

The Chairperson of the Finance and Budget Committee, Sen. Ali Roba, the Senator for Mandera County, is a very industrious and diligent Senator in this House who has served well. I do not want to mention all of them because of time. I am keen that all Senators get equal time. I support and endorse this Committee regardless of the contention that we still have on the Majority versus Minority Side based on the court ruling.

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Madam Temporary Speaker, all the Senators who came before me have emphasized the urgency and need to focus on legislative pieces that we bring to this House. However, I urge us that this House does not only look at legislative work. We are indeed a House of serious oversight overlooking 47 executives unlike the National Assembly that overlooks one executive in this country. I urge the Committee that apart from prioritising the Bills that have been mentioned here, the role of oversight is a critical one.

I hope that the Creative Economy Support Bill, 2024 that will support a number of young people in this country and open up Government support and resources to creatives in this country will be dealt with. Sen. Crystal Asige had also worked on it when we were with her in the Standing Committee of Trade Industrialization and Tourism where I had put this to make a case for business and commercial viability for creatives.

There are a number of reports from respective Committees that came to the SBC that have not been dealt with. Some of them are so critical that yesterday we spent our time in Migori County with Finance and Budget Committee. You will receive their report. We realised that there are a lot of leakages in county and national Government resources to the extent that governors are voiding payments.

The pending bills that we have seen rising are from voiding payments supposed to go to contractors. It is a problem that we are dealing with not only in the Finance and Budget Committee, but also in the County Public Investments and Special Funds Committee (CPISFC) where I sit. We have dealt with serious issues of pending bills, including over Kshs80 billion that is owed to different pension funds by different counties. I do not think that legislative pieces can go above those oversight issues.

Yesterday, we realized something very sad when in Migori County. The report will come to the House. The governor insisted to us that he had paid Kshs1.1 billion in the last one year. That county has Kshs1.7 billion worth of pending bills. When we reached out to the COB to find out how much pending bills the governor had requisitioned for in the last one year because there is no way a governor would pay any money without requesting from the COB, we got that it was Kshs356 million. That means the Governor was telling the Committee that Kshs800 million worth of pending bills was either paid from his own pocket or did not requisition from the COB.

His officer had the audacity of facing the Committee chaired by the abled former Senate Majority Whip, Sen. (Dr.) Khalwale, telling him that there is something called direct invoicing. Direct invoicing is where you send an invoice for suppliers to the COB and they give you money to pay those suppliers.

However, when you get to Integrated Financial Management Information System (IFMIS), you do another invoicing. This Committee must prioritize those reports so that we deal with the issue of direct invoicing once and for all because that is where billions of money are being wasted by governors.

Last weekend you saw the arrogance of governors who have taken so much money. In Kakamega, almost ten people died at a funeral. Governors have taken so much money from the public coffers that they are gagging Senators with goons so that they cannot oversight.

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Anybody who speaks against any governor, the next thing you hear, they are hired goons to fight Senators. We are out of the Finance and Budget Committee. I am also out as a Senator. We are going to confront these governors regardless of the money that they have in this country.

We cannot have a country where people loot from public property, projects and public coffers and then use the same money to go and confuse our people to start fighting among themselves. The people they are giving Kshs500 to fight who are overseeing and abusing us on Facebook and social media are the same people, when you go to their villages, there is no water. When you go to their villages, people are running out of Panadol when they have got very good medical care.

I urge this Committee to go and strongly work on those reports by the County Public Accounts Committee (CPAC), Committee on Finance and Budget and by County Public Investments and Special Funds Committee (CPISF). This Committee must bring those reports to this House. If there is a need to go to somewhere like Migori County where we cannot track a number of projects, I can tell you, I have data and those reports are with the Committee. We need to dispense those reports in this House and make sure that we can even form special committees together with our partners.

We have got very strong partners in this house. We have the Ethics and Anticorruption Commission (EACC), the Office of the Auditor General (OAG), the Inspector General (IG) of Police, and we have the Controller of Budget (CoB).

Let all these partners go to Migori and Isiolo and look at the projects that have been cleared in billions. Go also to Murang'a, Kisii and Mombasa and look at those projects. Go to Kisii, and look at those projects. If we do not do that and tighten the issue of oversight in this country, we would be facing demagogues and hegemony in the name of governors who have become comfortable that they can loot public property and public money and Senators will do nothing. The reports of the Senators are the most critical thing that we must work on.

As I finish, there is a question that has come here. I urge you not to take it lightly. Just go, retreat, and make a proper pronouncement on the judgment that was shared by the Court. When you look at Article 107(2) of the Constitution which gives you the power to preside over us, says that –

“At a joint sitting of the Houses of Parliament, the Speaker of the National Assembly shall preside, assisted by the Speaker of the Senate.”

When you go further to Article 108, it says-

“(1) There shall be a leader of the majority party and a leader of the minority party.

(2) The leader of the majority party shall be the person who is the Leader in the National Assembly of the largest party or coalition of Parties.

(3) The leader of the minority party shall be the person who is the Leader in the National Assembly of the second-largest party or coalition of parties.

(4) The following order of precedence shall be observed in the National Assembly-

(a) The Speaker of the National Assembly;

(b) The leader of the majority party; and,

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(c) The leader of the minority party.”

So, you must give an interpretation, whether from your chair or the Courts, of what Article 107 and Article 108 mean for this House.

If we take it lightly that this is a drama and a joke that the former Minority side is doing to the former Majority side, then we are not serving the nation. It is my understanding and my view of those two Articles that the moment the National Assembly Speaker has pronounced himself or herself, given the context of Article 107, in which the Majority party or the Majority coalition is one side, then that applies to the Senate. I am saying this because Election Day is when those majority or minority parties are determined.

There is no other election after we are seated in this House. Therefore, this question of some post-election coalitions that have come here and there, some of them we have not seen any documentation to their effect. I urge you to help us to criticise, question, interrogate and engage with court orders.

I saw the Nominated Senator, Sen. Gloria, contributing to this House, yet, there was a court order that came based on a decision that was made by this House that Sen. Gloria be suspended for six months. I understand that she might have gone and appealed against that court order.

However, it needs to be communicated to the House. If it is not communicated, then she is a stranger in the House. When the Speaker sits and then ignores those court orders, ignores a stranger being in the House, without communicating to us, how are we running the House? These are the issues that I hope that the Senate Business Committee will look at, and let us engage with these court matters. Not only engage with them, but do so on time so that we can interpret and engage with these court orders.

Otherwise, I am looking forward to a very vibrant session. I hope that we make our country better by working together and agreeing to disagree, to move Kenya forward.

I thank you.

The Temporary Speaker (Sen. Veronica Maina): Are you supporting the Motion?

Sen. Oketch Gicheru: I said I support the Motion.

The Temporary Speaker (Sen. Veronica Maina): Okay, thank you.

Sen. (Dr.) Oburu Odinga, proceed.

Sen. (Dr.) Oburu: Thank you, Madam Temporary Speaker, for the opportunity. First and foremost, I stand to support this Motion. I do so because of the integrity of the membership. The people who have been elected here, of them are very experienced, like Sen. Ibrahim Roba. He has been a governor, he has been an MP, and he has a lot of experience.

I also look at you, Madam Temporary Speaker. Your background and your experience in politics, having been Secretary General of the ruling party, and so on, Madam, you are fit to guide us. I do not want to describe every Member. However, I support this Motion and the membership which has been suggested.

However, this Committee which is being proposed here, has an onerous task to move our things forward.

I am quite concerned that the National Assembly has become a graveyard for legislation which is passed here in the Senate, and they go there and they find a slaughter house and die there. I do not know whether fighting them will be the solution. However, I would have suggested that when you are elected to this onerous position of the Senate Business Committee, you should develop some relationship with the National Assembly. Help us to create an amicable atmosphere where our Motions and our legislation do not stand as cattle to be slaughtered in the National Assembly.

I hope that this committee given this task, will this time make sure that one of our most important functions, which is to make legislation - I have been in this Parliament for a long time - I am very pleased with the pace at which the Senate is processing legislation. The Senate is doing its work and doing it very well.

There is quite a lot of legislation, very important for the country, which are passed here, but they never see the light of the day. They are killed at the National Assembly. I hope this will be taken seriously and something will be done about it.

Secondly, I do not want to comment much, because when I came in here, I was not whipped by my Whip. He did not tell me that we were taking over the leadership on this side. So, I went and sat on the other side.

However, Madam Temporary Speaker, what I can say is that if you see something happening in the National Assembly, that thing directly applies to the Senate. All of us know that the ruling about the leadership in the Assembly is exactly the same as ours here. So, I do not see whether we also want to wait for the Senate to go to court and get a similar ruling. *Ukiona mwenzako akinyolewa, kichwa chako tia maji*. So that we do not waste a lot of time going to court. Let us move because this country is ours all.

We want to oversight. We are doing the same job. Whether you are in the minority or the majority, you are supposed to oversight. You are not supposed to defend the executive when they go wrong. Everybody is supposed to be on the same page. When the Government does something that needs support, everybody supports it. However, when they do something that requires criticism and openness in speaking, everybody is supposed to say the same. There should be no division in that matter because our oversight role is the same.

They do not say that the minority or the majority will do the oversight of the Government. There is no such line that the majority or minority are the ones who are supposed to do oversight. It is the whole Senate and Parliament at large. It is our job to oversight on the executive.

I hope that this matter will be resolved. What is happening there in the National Assembly is exactly what is happening here. Our Speaker is also a leader of a political party. However, we are not discussing our Speaker. I withdraw that statement.

The Temporary Speaker (Sen. Veronica Maina): Thank you for withdrawing the statement; it is the correct thing to do.

Sen. (Dr.) Oburu: Madam Temporary Speaker, I want to conclude by saying that I support this Motion.

I want to urge the people who have been appointed to the SBC to work well and create an amicable relationship with the other House so that we can find an amicable way of working. They also need us because they now want us to support them in the National

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Government Constituency Development Fund (NG-CDF), which has been declared unconstitutional. Let us support them and get something from them. If it is killed in court, it is not our fault. Let us get ours, which is legitimate, but also support theirs, which is illegitimate. Let it be killed elsewhere, not by us. It should be give and take. I hope our people will do the necessary diplomacy to make sure that we gain from some of these positions. They require us as much as we require them.

Thank you.

The Temporary Speaker (Sen. Veronica Maina): Sen. Kisang, proceed. Secretariat, put his microphone on. Sen. Kisang, kindly move to the dispatch.

Sen. Kisang: Thank you, Madam Temporary Speaker. I stand to support the Members who have been selected to serve on this important Committee. This is why you have seen we do not have anything else to do until this particular Committee is approved so that they can sit down and prepare work for us to do in the next few days.

I know in the last three sessions, we have had issues, especially in terms of quorum, when it comes to Division. I am urging this particular Committee to give guidance and also advise members that we can agree that every Wednesday afternoon or alternate Wednesday is a division sitting so that members know from the word go that they do not have to be whipped by anybody they know that Wednesday afternoon is Division time so that we can dispose of most of the Bills that have been on the queue for long on the Division.

It is also important for the whips to engage the members and tell them when important businesses are coming to the House so that members can whip themselves and come to the House during those particular Divisions.

We had a retreat in Naivasha, and we engaged; the discussions included the fourth formula that is coming up this year. We spoke and said several counties are just paying salaries, and we need to see how we can help them get additional resources to make meaningful developments in the county. Basically, apart from paying salaries, counties are building Early Childhood Development Centers (ECDs) and buying medicine, but nothing meaningful is happening in those particular counties.

We will be lobbying members in this house so that we live our emotions and ensure that the stability fund of about Kshs12.5 billion is allocated by the National Treasury so that eventually, within three years, the other counties will get enough resources to do something that can be seen so that we know devolution is working for all of us, not just for the big boys.

I want to touch on what our colleagues have said. This is the first day, and we have been out for maybe 60 or 70 days. Let the former Azimio coalition – because as far as I know there is no Azimio Coalition - Narc Kenya moved out of Azimio and is now called People's Liberation Party (PLP) it's now called BLP, Wiper party is out of Azimio, ODM is part of the broad-based Government.

Let our colleagues enjoy maybe the honeymoon for today to come to this side, I believe by tomorrow, they should move to their side because they have enjoyed the half-day honeymoon that they have had this afternoon. I do not think they are serious about coming to this side. They want to enjoy and appear tonight in the news that the former

Azimio Coalition, which is not there now, have moved to the majority side. It is only that Sen. Sifuna is not here; it is simple math.

Sen. Omogeni said that after the election, the United Democratic Alliance (UDA) had 22 senators, and then we had two more from our sister, Ford Kenya, and another one, so they became 24. Then, after nomination, we are still the majority. If you see your brother getting a second wife, it does not mean that you have a second wife. So I do not know why they are saying that because Azimio was declared the majority in the National Assembly, the senior brother should also have another wife. This is not true math but just a joke. This is simple math: one plus one is two and not three; they need to know that.

Finally, I urge this Committee, especially the majority leader, Sen. Cheruiyot, and minority leader, Sen. Madzayo, to work closely with the leadership of the National Assembly so that they can help to give priority to businesses that come from the Senate in the National Assembly. Since this is where our business is stalled, in the National Assembly, they do not give priority. The reason why we also give priority to business from the National Assembly is that most of the time, the Money Bills originate from the National Assembly. When they come to the Senate, we give priority, and most of them are Government businesses that may be setting up institutions, so that is why we give priority.

However, it is important that we implore them to give priority to our Bills so that we can work closely together.

In conclusion, the constitutional amendment that is on the way to entrench NG-CDF and the Senate Oversight Fund is important. I was a Member of Parliament for Marakwet West Constituency for 10 years, and I want to tell you that NG-CDF works.

National Government Constituency Development Fund (NG-CDF) helps. There are many people who have gone to school, cleared their university and are in employment because of bursary through from NG-CDF. Most classrooms have been built and even school buses have been bought using this fund.

Our people have stopped holding harambees or fundraisers for our schools because of the fund. This particular fund is very important. The Senate Oversight Fund is very important too. It will help us move around our counties to check that the governors are implementing projects and our people are getting value for money from them.

Madam Temporary Speaker, I want to give notice to my county, that in the course of this month of February and March, I will be going around to check what they have done, and to ensure that the people of Elgeyo Marakwet County get value for money from the resources that we send from this House.

I thank you and support.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Hon. Senator. Hon. Senators, as I proceed to give a chance to the next Senator, due to the time constraints and the House having quorum, I want to request the Senators, -though I will not limit your time- to limit yourselves so that we can accommodate many of those who are remaining. There are not too many, so please take that precaution on how you use your time.

Proceed Sen. Onyonka.

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Sen. Onyonka: Thank you---

(Sen. Cherarkey spoke off record)

The Temporary Speaker (Sen. Veronica Maina): Sen. Cherarkey, you want to believe you are on that side?

(Loud Consultations)

Sen. Onyonka: Thank you--- Sen. Cherarkey---

Sen. Cherarkey: You must also be fair---it is procedure. I am not against you---

Sen. Onyonka: Sen. Cherarkey, I am just informing you that when you are in the minority, that is what happens.

(Laughter)

The Temporary Speaker (Sen. Veronica Maina): Order, Sen. Cherarkey. First of all, you did not have---

Sen. Cherarkey, are you listening? The Chair is speaking now. Excuse me.

(Sen. Oketch Gicheru spoke off record)

The Temporary Speaker (Sen. Veronica Maina): Sen. Oketch Gicheru, resume your seat. Sen. Cherarkey, I am speaking now as the Chair. First, you did not have the platform because the Chair had not granted you an opportunity to speak. So, raising your voice against Sen. Onyonka will be out of order. Let us have Sen. Onyonka proceed.

There is no ruling by the Speaker on which side of the House you should be seated. You invited yourself to sit on the minority side. We proceed now.

Sen. Onyonka: Thank you, Madam Temporary Speaker. My brother Sen. Cherarkey, I welcome you to the Minority side. That is how we usually feel. We are extremely uncomfortable sometimes, but now you can feel how we feel.

Madam Temporary Speaker, I would like to continue by saying that---

(Sen. Cherarkey spoke off record)

The Temporary Speaker (Sen. Veronica Maina): Let Sen. Onyonka be heard in silence. I have given direction, Senator. Sen. Cherarkey, it will be taken after. I have given directions.

Proceed, Sen. Onyonka.

Sen. Onyonka: Thank you, Madam Temporary Speaker. Sen. Cherarkey fears what I might say---

The Temporary Speaker (Sen. Veronica Maina): Sen. Cherarkey, I caution you to be orderly.

Sen. Onyonka: You are a brave man. I saw you speak brilliantly about Hon. Sakaja. Allow me to also say something about him.

The Temporary Speaker (Sen. Veronica Maina): Proceed, Sen. Onyonka.

Sen. Onyonka: Thank you, Madam Temporary Speaker. Sen. Cherarkey, with all due respect, please allow me to proceed.

The Temporary Speaker (Sen. Veronica Maina): Sen. Cherarkey, I cautioned you the first time. You are getting out of order.

Sen. Onyonka: Thank you, Madam Temporary Speaker. I want to thank everybody in this House, who for the last one year has been deliberating and discussing the critical issues. I am happy that most of our members have come back to this House and are well.

In this case that I am not going to indulge myself on the legalese of this issue that has been discussed but I want to give a very short story.

Madam Temporary Speaker, if Kenyans can remember in 2007 when we ran for elections, the House was actually in a stalemate. President Kibaki had 100 Members of Parliament (MPs) and the Orange Democratic Movement (ODM) side also had 100 MPs.

During that time, the only 'outside vote' was mine, which was under the People's Democratic Party (PDP). We had actually signed a pre-election agreement with ODM and that is the reason why my vote was accepted. I do not want to engage on how this will be interpreted as we move along but I can tell you, it feels so sweet to be in the majority side.

Secondly, it is true that our job is to oversight. This year, I have personally learnt a lot. I have visited different parts of Kenya and seen a lot. I request my colleagues in this House and especially the Speaker, his team together with the leadership. Many Kenyans want this House to travel outside Nairobi City County. Yesterday we were in Migori County.

Madam Temporary Speaker, you should see how excited the public is to see the Hansard officers, clerks, and even how we interrogate the Auditor General and Controller of Budget (COB) reports. It is such a beautiful and wonderful experience on devolution.

We were even engaged with members of the Migori County Assembly who were really versed and knowledgeable about the issues affecting their community. I beg my colleagues to let us change the style.

Madam Temporary Speaker, I hope I will have a chat with you or the substantive Speaker so that we can actually hold these hearings with the Speaker, sitting in this House and us on zoom platform while we travel so that we can continue debating matters which have become public good or whatever we are discussing in the House. This will help us visit the areas we have not visited.

I know we have gone to Isiolo, Mandera, Nakuru, Kisumu Counties and there was a time we went to Turkana too. When you visit these areas, you can see what the public expectation is. It was good to be in Naivasha County because we have begun discussing the issues that matter. I would like to state it here because many of our colleagues keep on hiding this thing behind their backs.

Yes, you want to legalize NG-CDF, but you must also legalize the Oversight Fund for Senators. You want to legalize the national Government Affirmative Action

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Fund (NGAAF) and Women Enterprise Fund (WEF) but you must also legalize the Ward Fund and give Members of the County Assembly (MCAs) money for oversight.

Since the law says that the role of a MP is to Oversight but you have given him the role of implementation, the Senate must also be given the role of implementation. Do not tell me that as a Senator, I should oversight the governor but the MP has no one to oversight him- because he is now the implementing officer. The NGAAF money is being utilized for the implementation of projects because the reality is that many people think that we need that money for whatever---

No, we were all elected. For example, I am elected together with the governor and the women representative of Kisii County. The governor has money which he is using to do projects in the county government. The Women Representative also has money which she is using at the county government. Why do I not have money as a Senator?

We must interrogate these issues and be honest so that if we say get rid of NG-CDF, then we should give MPs money for overseeing projects which are done by the national government. If you want to keep the Senators, give us oversight funds which will make us oversight the governors. Figure out how you are going to organise overseeing by the Women Representatives, which will either be done by the MPs or by the Senator.

These are the issues that many of us have been raising about why our system is broken. The reason why we say our system is broken is because we have too many sections. That is why Kenyans are actually very uncomfortable allowing more money to either be given to Senators, MPs, MCAs or Women Representatives.

Kenyans do not want too many of our hands on this public money because we are irresponsible, unable to manage it or doing crazy things with it.

If you see some of the money that go to the county governments, you will be shocked. Even when it looks like a matter that we can give up on, I want to encourage my colleagues in this House. Let us make sure that we participate to ensure that our country is better.

Let us persuade our governors that we are not doing our oversight work to try to take their place. I heard somebody say that Senators are trying so hard to become governors. I would not care to be a governor by the way. Some of us do not care. Some of us just want to serve the public well, if anything, so that at least we leave some good name behind.

Finally, I heard my brother, Eddy, talking about Sen. Gloria Orwoba. My brother Eddy, I believe that matter was sorted out. Do not make Madam Orwoba become upset and obtuse because she is in this House legitimately. I believe that she will continue doing a good job.

Madam Temporary Speaker, I support the Motion. I would like to persuade all of us here that in my experience as a long-serving MP and now in Senate, whatever interpretation that happens, at the end of all this, we are still brothers and sisters in this Republic. We do not have any other country to go to.

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I thank you.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Senator.

Sen. Cherarkey, patience always pays. You must learn to be patient when other Senators are submitting. Please, proceed.

Sen. Cherarkey: Madam Temporary Speaker, as a Senator in this House, I also have a role to guide the House sometimes when there are lapses as per the Standing Orders and the Constitution.

Let me begin by saying that I support the SBC membership. My simple advice to the Senate Majority Leader is to at least rotate the membership in future. I can see we have Sen. Crystal Asige, Sen. Shakila Abdalla, a Nominated Senator from Lamu, and a number of colleagues. In order for people to learn, in future, at least let us have a rotational way of choosing the membership.

(Sen. Cheruiyot spoke off record)

Madam Temporary Speaker, you need to protect me from the Senate Majority Leader. I was protecting him a few minutes ago.

The Temporary Speaker (Sen. Veronica Maina): Until you started reprimanding him.

Sen. Cherarkey: No, I was just saying that as a way of learning and I protected him when he was under siege a few minutes ago. That is my advice because the Senate Majority Leader, Sen. M. Kajwang' and I have been here for some time. We thought the membership would be rotational. Borrowing the Senate Majority Leader's word, in the last session when we were forming Impeachment Committees, he insisted on rotational membership. I am just asking that in future, let us see how we can do it.

Madam Temporary Speaker, I do not doubt your capacity. I know you have all the time in the world after you left being the Secretary General (SG). I know you have the requisite experience. Therefore, I have no doubt in you and your colleagues. My only plea to you is that let us prioritise the business of the Senate.

Secondly, let us also be factual. On many occasions in the running of business in this House, we have raised issues of comfortability. I am happy that you have changed the cameras in the House, which means the quality of transmission has improved.

I can see many renovations and construction in the House. New books have been bought. I know the Commission might want to spend money before close of the financial year, but let us prioritise what is important. I wish we diverted that money for these renovations that are going on in Parliament to do county visits and oversight.

I saw the Senate Majority Leader trying to oversight Kericho County Referral Hospital alone. I wish it was done by the Senate Committee on Health chaired by Sen. Mandago and the team alongside him as the area Senator.

We should divert that money to oversight the counties. We can decide, for example, to divide the Senate into 10 groups, then visit at least every county using those resources. This is to enable us have more impact and for people to see that we are following on how the resources are being used by the counties.

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I was in Meru, Mandera, Nandi and Murang'a. The question that people are asking is that we send money to *mashinani*, but why do we not follow it up and see if it is working? That is the question that all Senators here are asked.

We need to be creative and innovative. Let us do away with the Senate *Mashinani* and start breaking away in 10 groups. In one weekend, two Committees can go to some regions so that we reach various counties. I hope the Senate Majority Leader will take it up with the House leadership and the SBC.

I want to appeal to the SBC to also be alive to what is happening. If we have a problem in the country, the way we had the state of the nation debate, at the SBC where you sit, you should be alive to it. If a matter happens in the morning and you are meeting at midday and a Member wants to bring it out in the afternoon, our Standing Orders have catered for it. We do not need to be morticians. Sometimes we need to be proactive. The SBC has rose to the occasion on several occasions.

I do not know what we will do regarding our Bills, Motions and Statements. I do not know how we will improve the processing of Statements, Motions and Petitions. It has become a problem. We have so many reports in the County Public Investments and Special Funds Committee and County Public Accounts Committee (CPAC).

Members always come to our Committees and ask what we are doing about a particular recommendation that we made. We need to sit as a House and see how we should process Statements, Petitions and Motions and also become creative.

Through the House leadership, I appeal to the Chairs of Committees. Please, do not discuss a Member's Motion, Statement or Bill without their involvement. It is collegiate that you are reading to them. Why would you discuss my Motion or Bill when I am not there?

Madam Temporary Speaker, for instance, I received feedback on my Bill from your Committee on social media, when I was taking *chai*, *mandazi* and *madondo* somewhere in Kilimani. It is important for collegiality and respect to engage Members who bring matters before the House.

Finally on an issue that is live, I want to appeal to our friends who are content creators. They came with drama and machismo for content creation on *TikTok* and to trend on *X* and *Facebook*.

People say that they are senior lawyers and advocates, but fools also get old. I have read that the ruling of the court was directed to the National Assembly. To infringe that the Senate is involved is a wrong premise, because the Constitution divided the roles of the two Houses; the National Assembly and the Senate.

When you read the ruling, it talks of the National Assembly. It involves the Speaker of the National Assembly, Hon. Moses Wetangula. If he is a party leader and at the same time the Speaker, it is the business of the National Assembly. The court did not say we can invite ourselves to the table in determining the court order. Let us be honest when we engage in terms of reading the law.

When you look at Article 262, the Constitution envisages a purposeful interpretation of the law involving court orders. Therefore, our brothers from the minority side sitting on the majority side--- The goodness with the Senate is that there is free sitting. It will just make news today and people will create content. Some of them have

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already posted. Somebody who just walked out *ameshaweka kwa TikTok* and other platforms.

The point I am trying to make is that let us be honest with ourselves. In fact, as I speak, and the Senate Majority Leader will support me on this, UDM did a post-coalition agreement as per Political Parties Act. Under the Political Parties Act, the law of Kenya allows both pre and post-coalition agreements.

UDA signed an agreement with UDM. In fact, Azimio la Umoja-One Kenya Coalition is no longer there. The Democratic Alliance Party (DAP) walked away with only one MP, a content creator called “Kasalasya” and some funny governor who is busy insulting anybody and everybody that moves, just like the Chinese who eat everything that moves.

When you talk about the National Alliance Rainbow Coalition (NARC) - Kenya, it does not even have a single Member of County Assembly (MCA). Does it have *Nyumba Kumi* or something like that? They have walked out of Azimio la Umoja-One Kenya Coalition. Who else has remained in Azimio la Umoja-One Kenya Coalition? Is it Wiper Democratic Movement? The Deputy Minority Whip is in the Wiper Democratic Movement. In fact, he should be removed from his seat because the party is no longer part of Azimio la Umoja-One Kenya Coalition.

We must be honest. If we want to interpret this Constitution, we must do it for the betterment of this country.

Madam Temporary Speaker, let us not interpret the Constitution for us to become politically convenient or relevant or to be celebrated. Let us allow the Constitution and be heard.

One funny thing colleague Senators are not telling you is that the courts did not determine who is the Minority and the Majority. As things stand, the Minority which is the ODM party and others are the minority because Azimio has disintegrated. In fact, UDA is becoming a majority because of the broad-based engagement with other political actors. Since the court order did not direct the Senate, it cannot be there. As a former Chairman of the Committee on Justice, Legal Affairs and Human Rights (JLAC) *Emeritus*, there is no court order against the Minority or the Majority sides of the Senate.

Secondly, today if the court order that came out was authenticated, I challenge Justice Martha Koome and the Judiciary to be proactive. They do not need to be morticians. They decide something that is long dead and gone and the DNA cannot be found and determined.

I tell our Members in the National Assembly and the Senate that we are properly constituted and we are the Majority side. Remember when we were electing the Speaker, the Minority side walked out and we elected the Speaker, but what happened? They came back.

Let us allow them to sit on our seats, do content creation and when the chips are down, they will come back to their senses. I appeal to the nation that there is nothing to worry about from us, legal scholars. That court order is only good for academic discourse, morning and evening television interviews.

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Madam Temporary Speaker, my Chair of County Public Accounts Committee (CPAC) and my Majority Leader are here, I appeal to them as per the court ruling that most CPAC reports and County Public Investment Committee (CPIC) should be considered by March. We need to move faster so as to ensure we do not offend the timelines set by law.

With those remarks, I leave it there. I also thank you and support the formation of the SBC, so that from tomorrow, we have business. It is good to see Sen. Mandago. I congratulate him. He is now a serious man in our community. He can sit when a girl is being betrothed because his son went through a rite of passage. I know people like Aaron still have a long way to go.

(Laughter)

My condolences to the Speaker and also to Sen. Kinyua for losing his beloved dad. We pray for them. Some of us could not go there because of what we saw. People were saying that some people walk without underwear. We could not sit in such a forum. Let us allow funerals to be funerals and go to rallies for politics.

I support, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): Thank you. Sen. Kajwang’.

Sen. M. Kajwang’: Madam Temporary Speaker, I have sat here with patience as I have been in this House for 10 years and yet today, I am the last to speak, even though I was in the House from 2.30 p.m. Speakers need to put in some algorithm because those of us who have been around can sometimes benefit the House out of our experience.

I did not sit here to score political points or to speak politics. I took time to encourage the SBC, the Motion which I support and the Members that have been proposed. We were in Naivasha just last week to reflect on the performance of the Senate and its mid-term assessment. The time from election to today is equal to the time from today to the next elections.

We must ask ourselves whether we have achieved anything significant. We only have one year and as you can see, political drums have started sounding and it might be difficult for us to achieve much in the remaining period. When we were in Naivasha, unfortunately by the time we were making the resolutions, if someone had called for the quorum bell, that meeting would have been dissolved. We were a few of us.

I want it to be on record and I want to put it to the public that there are three significant issues that the Senate discussed and which were supposed to be brought to the SBC for fast-tracking. With regard to the formula for allocation for revenue, we resolved that the Senate will not look at a situation where any county gets less than what it has been getting. When it came to reporting on what we did in Naivasha, issues that happened during the cocktail were more evident and prominent than the issues that happened during our working meetings.

Madam Temporary Speaker, we must give that assurance. There was also a proposal that the SBC should process and find a bipartisan team away from the Committee on Finance and Budget to process the proposals from the CRA.

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The second thing we resolved which SBC should consider and we agreed that a Motion was to come to this House was giving effect to Article 249(3) which requires Parliament collectively, the Senate and the National Assembly, to be involved in the provision of adequate budgets to independent offices and constitutional commissions. This does not need a constitutional amendment, it does not need an advisory opinion and it does not need interpretation by the courts of law.

What we need to do because the national Treasury and the entities that bring budgets to Parliament have chosen to take them to the National assembly is to resolve and generate a certificate at the hand of the Clerk of the Senate to the national Treasury and Executive to compel them to bring the budget of constitutional commissions as required under Article 249(3). I hope that this initiative is not going to die in the hands of this SBC.

Madam Temporary Speaker, ordinarily, when you have a Motion on constitution of a committee, the Members who are supposed to be in that committee ought to be in the House. This is so that they can take note of the mandate that the Senate is giving to them. I do hope they are following online because it would be untidy for us to say this and to support the establishment of a committee when they are not here.

I will wade into the issue of Article 108 and I wish Sen. Sifuna was here. I agree with him that Article 108 only talks about the Minority and Majority leadership of the National Assembly. This is where history sometimes is important. Every time we had a problem with the other House, many a time, the Leader of Majority in that House who happens to be a member of the Cabinet, hon. Aden Duale kept reminding us that the Majority and Minority Leaders of the Senate were useless and non-existent positions.

Madam Temporary Speaker, he said that those positions were unconstitutional and in his reading of the Constitution, Article 108 only provides for the Leader of Majority and Minority being drawn from the National Assembly. We have known of this since this Senate was established. That is why in 2014/2015, this Senate by resolution agreed to look at the Constitution and address the gaps that gave the short end of the stick.

That Committee was chaired by Hon. Kipchumba Murkomen and he was the then Majority Leader. It was a bipartisan Committee and it was vice chaired by Sen. Mutula Kilonzo. That is what this House should do and not descend into drama that makes us appear as if we are a branch of the National Assembly.

I will disagree with an interpretation that whatever decision is made at the National Assembly applies to the Senate. That will make us subordinate to the National Assembly. That is the conversation we should have.

What are the provisions in the Constitution that left gaps, that if left interpreted on the fact of it, puts the Senate at a disadvantage? Hon. Aden Duale went ahead and said that even the vehicles and privileges that the Senate Majority and Minority Leaders are enjoying are unconstitutional. He threatened to go to the Parliamentary Service Commission (PSC) to have those benefits withdrawn.

Madam Temporary Speaker, you will notice that even when you go for public functions or presidential events, you will find that the Leader of the Majority and

Minority Leaders in the National Assembly are given greater prominence than the Leaders of the Senate.

I would like to congratulate Sen. Aaron Cheruiyot for at least managing to make his presence felt but otherwise, if you are dealing with people who are just reading the Constitution the way it is, the letter and not the spirit, even the Leader of the Majority or Minority of the Senate will not be given space or considered when it comes to matters of protocol.

If we believe in bicameralism, this House must stand, must protect and defend its interests. I know that there are overriding political considerations. We come from political coalitions, but I will not be the one to dismantle the superior position of the Senate for political purposes and political *bonga* points.

If we want as a Senate to be in a position where we are taken seriously, let us do the things we said in Naivasha. We mandated the hon. Senator for Nyamira County, Sen. Omogeni. He has a constitutional amendment proposal. We said that we were going to prioritise that constitutional amendment proposal. I hope that he has addressed the issue of Article 108.

I do not think the drafter of Article 108 was deliberate to leave the Senate out when it came to the definition of leadership of the Houses.

Even if it were ruled that the party that is not in government is a majority, the heavens would not fall--- In the United States of America, President Obama rarely had a majority.

If you recall history, I think it is said he had a majority for about 79 days. When Senator Kennedy died, unfortunately, he lost that majority. He had to lobby Congress every time he wanted to pass a Bill, be it Obamacare or whatever kind of radical proposals he had.

I would be happy if we were in that situation because we would be running away from the tyranny of numbers and the Executive would now be compelled to come to Parliament and convince Parliament to take a position and vote on a matter.

It is not the end of the world, it is not overturning the government, it is not kicking the government or the Executive out of office, but it will enhance oversight and accountability.

Let me conclude by urging the House and the majority leader to let us go back to the spirit of the year 2014/2015 when he and I joined Parliament. We came in; we found the Senate was united in purpose. We were not united by the politics of Wamunyoro or the politics of those other divisions that you talk about. We were united for the purpose of defending and strengthening these institutions. I do hope that those of us who are going to county governments, like Sen. (Prof.) Tom Ojienda, will leave this Senate stronger and not leave it weaker.

We cannot be the Senate that says that whatever happens in the National Assembly shall, by extension, happen to the Senate. We are a bicameral system. We must defend and protect the interests of the Senate.

Madam Temporary Speaker, in my community, there is a story about the monkey. At creation, the monkey was not given a tail. When the monkey went around, he saw

other animals had tails. He looked at the cow; the cow had a tail. He looked at the cat; the cat had a tail. He looked at the other animals, they all had tails.

So, the monkey demanded, "Almighty God, please give me a tail." So, the story has it that the monkey was given a tail but was given the longest tail of all of them.

We might want to be the majority, but I will sympathise with Sen. Madzayo if he will be the Senate Majority Leader who will be coming here to explain the Social Health Authority and its efficiencies and inefficiencies; if he will be the Senate Majority Leader who will be coming here to explain the Housing Levy or the CBC.

That is why we say the monkey asked for a tail but was given a very long tail. Let us be careful what we ask for.

Thank you, Madam Temporary Speaker. I support the Motion.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. M. Kajwang'. Sen. Mandago, you are the next. Be mindful of the time, so that we can hear Sen. (Prof.) Ojienda after you.

Sen. Mandago: Thank you very much, Madam Temporary Speaker. I will be very brief. First, I support the Motion and the list that has been put before the House.

I support the team and also wish to congratulate the team that was earlier here for guiding the House and making sure the business of the Senate was able to continue.

Through the SBC, as the Senate Committee on Health, our Bills were fast-tracked, and we passed Bills that have enabled the rollout of Universal Health Coverage (UHC).

On today's agenda, I would only wish to ask the new team to prioritise the Bills that affect devolution because that is our core mandate. They should also prioritise Bills that originate from the Senate.

We have seen the attitude of the National Assembly towards the Senate, and I think, as a Senate, we have no business in prioritising what they bring to this House if they have no regard for this House.

In the proposed Constitutional Amendment Bill from the National Assembly, they seek to entrench NG-CDF into the Constitution. Being the House that at the moment still enjoys the monopoly of the budget-making process and determination, it would be extremely unfair for us as the Senate not to prioritise a constitutional amendment Bill, so that we can be participants in the budget-making process and ensure that counties get sufficient resources.

I, therefore, want to encourage the SBC to ensure that Bills that originate from this House and those that touch on devolution are given the utmost priority.

On the subject that has been introduced in this House, although not part of the agenda of this House, on the issue of majority and minority, I wish to agree with my colleague Sen. M. Kajwang' that as a Senate, we need to seize the moment and realign the sections of the Constitution that seems to have had omissions.

We all remember the Constitution-making process that, at the tail end of it, that process was hijacked by a section of the population.

Madam Temporary Speaker, I know you are an advocate of the High Court and the Republic of Kenya. The Law Society of Kenya (LSK) is all over in all the boards and all the necessary places because they put themselves in the Constitution.

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I have nothing against LSK, but if you look at the dominance they have in the Constitution and the positions that are given in the Constitution, it looks like in some sections of the population interest was not taken and the interest of counties and devolution and the Senate probably was forgotten in the process. We have an opportunity through Sen. Omogeni's Constitutional Amendment Bill to rectify that and make it work.

I also agree with my colleague Sen. M. Kajwang' that the Senate cannot go by the decisions of the National Assembly. We are the 'Upper' House, for heaven's sake. It is only the National Assembly that can follow the decisions of the Senate; not the vice versa.

I, therefore, do not agree with that line of thinking, but I support the Motion and the list that has been submitted.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Senator.

Sen. (Prof.) Tom Ojienda, you have the Floor.

Sen. (Prof.) Tom Odhiambo Ojienda, SC: Thank you, Madam Temporary Speaker. I hope this session of Parliament is reflective of the diversity in representation and a true reflection of the broad-based government as we have it right now.

I can see that this afternoon, we have Sen. M. Kajwang' our Senate Minority Leader Sen. Madzayo, sitting on the majority side. I have seen other Senators sitting on this side.

I saw Sen. Cherarkey sitting on the side of the minority. It is a true reflection that we are one House, and in exercising our mandate under Article 96 of the Constitution, we will oversight government and the role belongs both to the majority and the minority.

I support the Motion tabled for the Senate Business Committee and the composition of the committee because it reflects a diversity of experience; a diversity that will lead this House into the next phase.

May I take the opportunity to repeat the wise words that have been shared in this House by the Senator for Homa Bay County, Sen. M. Kajwang', on the need to prioritise the proposed constitutional amendment of Articles 109, 111, and 113 of the Constitution that speaks to the role of Senate in legislation.

The Senate cannot, in defining law or laws that touch on counties, exclude any law because every law that emanates from the National Assembly touches on counties. Therefore, of necessity and legally, every law should be subjected to the Senate, and every enactment from the National Assembly should pass through the Senate.

This afternoon, we saw a lot of action in the National Assembly. That is what I call legislative diversity. There was a bit of jostling here and there. The minorities sitting in the seats of the Majority Side and vice versa pursuant to a decision of the High Court by a three- bench judgement decision. I believe that from the Standing Orders, that decision is still subject to appeal and the lawyers should take up their role in dealing with those issues. I hope the National Assembly will set the question of who is the Minority and Majority. That is not a question, however, for the Senate because we are not part of that litigation.

Madam Temporary Speaker, the Senate Business Committee (SBC) has a role to exhaust the business of this House that was not concluded in the last Session. That is of importance because we must focus on Bills that touch on our counties. There are

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regulations that touch on the agricultural sector, especially the sugar sector. We have a new Sugar Board that has been created. There are regulations that must be prioritised by the Committee on Delegated Legislation. The Standing Committee on Agriculture, Livestock and Fisheries has business with the Rice Bill that was initiated in the last Senate. We have a lot of oversight to undertake on spending in counties.

The Standing Committee on Devolution and Intergovernmental Relations must look afresh at issues concerning the management of counties, especially the conflicts that we have seen between governors and deputy governors. We are not happy to always undertake impeachments. We do not mind handling impeachments of governors or deputy governors if they find themselves in this House. However, we encourage governors and deputy governors to sort out their mess in the counties so that we do not have questions that can be settled by governors in their counties find their way to this House.

We are alive to the fact that all the Committees of this House, especially the Committee that I served in the last Session, the Committee on County Public Investment and Special Fund (CPISF) and the County Public Accounts Committee (CPAC), deal with questions of expenditure and looking at the Reports of the Auditor-General on how counties spend funds.

In my own county, Kisumu County, we are happy to report that we have received disbursements of over Kshs12 billion. We hope that our governor Hon. (Prof.) Anyang' Nyong'o and his team, will spend these funds towards the projects that are budgeted for and ensure that we empower people. Let us focus on projects that will enhance the lives of the youth, women and ordinary persons like *boda boda* riders. Let us ensure that our markets are working and street lighting is well done in not only Kisumu City, but also other towns like Kombewa, Katito, Miwani and Muhoroni.

A county must embrace development that touches every person out there. We need to ensure that all sectors, including the agriculture and health sector work for our people. Our people should get what they need in health. The rollout of Social Healthy Authority (SHA) and Social Health Insurance Fund (SHIF) must work for our people. I support this Committee to the extent that it shall define the work of the Senate.

Lastly, it is important that we strengthen devolution. It is important that the Cabinet Secretary for the National Treasury and Economic Planning disburses funds in time. It is important that our governors use the funds disbursed to the 47 counties in a manner that is befitting and invites less audit queries. It is important that our governors ensure that the problem of pending bills is sorted out so that we do not have to come to the Senate every time and have those service providers cry out to us every season that they are not paid. We must ensure that we prioritise those who deliver services and ensure that our counties work so that we do not have pending bills accumulate interest over time.

Thank you, Madam Temporary Speaker. I support.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Professor.

Sen. Ogola Beatrice Akinyi, proceed.

Sen. Ogola: Madam Temporary Speaker, I rise to support the Motion brought to the Floor of the House by the Senate Majority Leader, Sen. Aaron. It is a priority to us as

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we begin the Session because we would like priorities to be set. I support the names of the Senators that have been brought up because they are outstanding. We believe in them to set the priority of the Senate. I wanted to support this early enough, so that I leave early enough for Addis Ababa. You all know that we have an outstanding candidate in Ethiopia in the following days, and a number of us should have left. Yesterday, I was having a conversation with my friend. I told them that I was going to leave by bus or on foot or fly to Addis Ababa because that is a path that we have followed all these years.

I support this Motion because there are serious issues that we should be attending to as a Senate. You have seen in the news the increasing numbers of issues of femicide all over the country. Those are top priority issues that we should be discussing as a House, if not as leaders. In the last few months, we have lost young girls in my community as reflected in the numbers that we are reading about in this country.

The other week, we lost a young lady called Mercy in the middle Ndhiwa Town. The other week, we also lost a girl who had been murdered and the body dumped in a sugarcane plantation. We appreciate that His Excellency the President is leading a similar campaign, which we are looking forward to. It will energise us as women Members of Parliament (MPs) and all of us. Those are issues that makes us support this Motion because we are looking forward to bringing such issues to the floor of the House.

Apart from the issues of femicide, the other day a patient was murdered in Kenyatta National Hospital and that is not the first time it is happening. These are issues we are looking forward to discuss. There are other issues that we have been keen on as leaders in this country, not limited to mysterious disappearances, deaths or abductions as we call them. Therefore, we need the SBC like yesterday to set the priorities that we are looking forward to discussing.

As my colleagues have said, there is the issue of pending bills in counties. We all appreciated when devolution came in and there was economic life in our counties. We saw the *boda boda* and traders grow to be outstanding business people because they had done a lot of business with the counties and there was money flowing. However, with the pending bills piling up of late, we do not see that vibrancy in the counties.

As we talk about the common topic that has been discussed concerning the Majority versus Minority, I am thinking like any other Kenyan. That as we struggle about who sits where, does it reflect on the services that we give to our people in the counties? Top of my agenda is the issue of the Independent Electoral and Boundaries Commission (IEBC). As the Panel is sitting down to get us new Commissioners, I am looking forward to the establishment of this Commission, so that outstanding issues of boundaries can be sorted out, including those in my county.

We are looking forward to the Ndhiwa Constituency getting its boundary reviewed because it is a very expansive constituency. We are looking forward to getting two constituencies, if not three, out of that. There are also Karachuonyo, Bondo, Alego Usonga and the Kisumu Central Constituencies in my region.

There are outstanding issues which, as a House, we should be paying attention to more than some of the issues that we have just heard this afternoon. So, as I support this Motion, I would like the proposed committee we are setting to set priorities that will tackle the issues that Kenyans are looking forward to.

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Madam Temporary Speaker, I support the Motion.

The Temporary Speaker (Sen. Veronica Maina): Thank you. The final Senator to speak is Sen. Joe Nyutu. Oh! Sen. Abass, sorry.

(Sen. Joe Nyutu stood in his place)

Just hold on, Sen. Joe Nyutu

Sen. Abass was here for a long time.

Sen. Abass, can you make it very short?

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

He had spoken. Sen. Abass, I am informed by the Clerk that you spoke.

Sen. Abass: I stood on a point of information.

The Temporary Speaker (Sen. Veronica Maina): Clerk, can you confirm? Was he on a point of information? Okay, can you make it very short then?

Proceed.

Sen. Abass: Thank you so much for giving me the opportunity. I will be very brief. First and foremost, I support the Motion. The new team Calendar of this House. The agendas of this House have been there a long number of times, and we are omitting so many important Bills. Instead, we are having so many repetitive Statements, I think this time, as the first session, I would ask the Members who have been elected for the House business to select and at least give priority to the important Bills that this House has taken so long on them.

Besides supporting the Motion, I take this opportunity to also thank His Excellency the President. When he visited Northern Kenya, he made a very important recommendation for the lives of the people in Northern Kenya.

The Northern Kenyan people have suffered many years because of not being able to access identity cards and passports. It was the most unfortunate thing that the measures that were put in place by previous regimes were so punitive and discriminative, that isolated the Northern Kenyan people from the rest of Kenyans.

Many young men and women could not even access their identity cards, they could not access passports for their kids, and some of the students could not even go to school or even do the exams because of the punitive measures that were put in place. Therefore, I send my heartfelt thanks to the President that what he has done is something that you can never forget.

Unfortunately, having said that I am surprised, some of the very senior leaders in this country, party leaders, were panicking, saying that this is going to bring *Al Shabaab* - this is going to open up so many things - that the Government wants to use the Somali identity cards and the Somali registration to allow foreigners to come in to vote. That should not be the case.

We are not that petty. The Somalis have been there since the Independence of this country. Actually, the Somalis took part in Mau Mau. They were even sending their animals to feed the Mau Mau fighters. If you want, I will give you all the cuttings. Even

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our animals were sold because of supporting Mau Mau. Actually, in 1952, our animals were taken and sold. All of them were auctioned. So, I do not know how soon the Somalis have now become people who are dangerous to this country.

On issues to do with terrorism, it is an international issue. Therefore, I want to appeal to all Kenyans that this country needs to move together and that this country needs to accommodate one another, so that we can have a cohesive country.

With those few remarks, I say again thank you so much, Your Excellency, the President, and we applaud you for the good work you have done of removing those discriminative things among others. Even the census of Northern Kenya was reduced by 40 per cent. If we compare the 2009 Census and the 2019 Census, the 2009 numbers were even more. They reduced the figures by 40 per cent. I mean, that kind of business is not going to help any Kenyans.

With those few remarks, I beg to support the Motion.

The Temporary Speaker (Sen. Veronica Maina): Sen. Joe Nyutu.

Very short indeed. Give him the microphone.

Sen. Joe Nyutu: Thank you, Madam Temporary Speaker. I also rise to support this Motion that the members elected to join the House Business Committee be approved by this House. This could not have come at a better time because as we all know, we will in this House be discussing and coming up with the fourth basis of sharing revenue amongst the counties.

As this Committee comes in place, then that priority should be made, and as my many other colleagues have submitted, we would want it to prioritise matters that favour the Senate and have a direct bearing on the Senate. In doing so, let them see to it that anything that the National Assembly wants from us, despite horse trading between us and the National Assembly, the business approved by this Committee will be business that will be in tandem with the interests of the Senate and the people of Kenya.

Speaking very briefly about the matter that has arisen in this House, regarding who is the Majority and who is Minority, I think we should respect the Court's decision. Even as I say that, I think we need to relook at the whole leadership in this House. Why do I say that?

Kenya Kwanza is currently working with ODM. Looking at the leadership on the Minority side, the Senate Majority leader, and the Deputy Minority Whip, are all members of ODM which is working with Kenya Kwanza. So, submit to this House that we should look at leadership once again, look at the numbers that Kenya Kwanza has joined with ODM, which is already working with Kenya Kwanza. Then, the rest that are not in that particular coalition should form the new minority.

I think although there has been an argument that the Court's decision did not relate to the Senate, I think it is only fair that we relook at the leadership status in this House. Of course, there have been very many shifts.

I submit and support the formation of this particular Senate Business Committee.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): I call the Senate Majority Leader to respond. Before I do that, let me give guidance on the important question that has been raised, and ridden together with this debate on the Senate Business Committee.

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It would be remiss of the Speaker to ignore the serious interest that has been shown in the question of who holds the Majority or who holds the Minority within the Senate, especially about the judgement or the finding that has been made in respect of the petition, which Senators have been contributing to the National Assembly and an order that has been issued by court directed to the Hon. Speaker of the National Assembly.

It will, therefore, be in good order that the Speaker gives a direction on that issue, so I will pend that direction of the Speaker to the next sitting to give a direction on the position of the Speaker in relation to who holds the majority or who holds the minority in relation to the Senate. Having given that direction, I now invite the Mover of the Motion, the Majority Leader, to reply.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Madam Temporary Speaker. I really appreciate colleagues who have taken the time to speak on this matter. Under normal circumstances, this is not a Motion that we normally debate.

In fact, in the history of this House, as far as I can recall, we have always dispensed such Motions within 10 or 20 minutes. However, maybe Members missed the microphone and the cameras. Therefore, it was only fair for us to allow people to say something. Members have spoken on many things, but I want to appreciate the contribution, actually, of every Member that has spoken, apart from the debates that we have had on majority and minority, something which does not arise.

One of the reasons I never contested - Members raising it - is because I know that here in the Senate, the question of majority and minority does not arise. After all, it is as plain as can be. Even a plain census on which party, without including the disputed political parties of United Democratic Movement(UDM), for example, holds the majority, UDA on its own, together with Ford Kenya and Democratic Party, have 24 Senators, which settles that conversation.

However, be that as it may, I felt that it would not be appropriate for me to interrupt people's expression of opinion on this matter because that is what democracy is about. Opinion can never be limited. The only point at which I felt like rising was when a colleague referred us to Article 108 of our constitution, something that is akin to a taboo subject to those who understand the operation of this House.

If there is a clause of the Constitution that has been used to disparage this House in the counterpart House, it is Article 108. It broke my heart that one of the leaders today actually agreed with the opposition and insisted that this House is subservient to the decisions of the National Assembly and that when they make a decision, we are supposed to follow suit without question.

I allowed it to slide because I believed that with the wisdom of time and age, that Member would come to appreciate the importance of this House's independence and the reason why our decisions remain final and cannot be challenged or debated in the subsequent House.

You know for a fact, as Sen. M. Kajwang alluded to, that this Constitution has been found to be inconsistent in terms of its use of the terms National Assembly and Parliament. That is why you see, for example, that there are state officers that we actually vet alongside the National Assembly, like the Inspector-General of Police, Governor of Central Bank, and others that were left out, which points out glaring errors. It might be in

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the letter, but not in the spirit of the Constitution, of how Parliament and National Assembly have been used interchangeably. Perhaps it was the works of an over-enthusiastic draftsman, or somebody cheekily did that to spite this House, and we cannot be the ones that agree to that kind of error and say that a house of equal importance in bicameral legislation can take leadership from the other house. I do not agree with that, but the rest of the things that have been said are what makes this house a house of debate. It is good, and it was nice to see Members debate and engage on issues.

I appreciate that, whether pro or against. You know the work of opposition is not easy. Sometimes you have to come and do certain things just for the cameras. I did that for the last five years in the last term of Parliament, and we were used to it. Then, Sen. Mwaruma would frown at me because he said that I was delaying Government business. Government business must continue.

Today, things change and in the future, you never know what will happen because that is the essence of politics. However, I want to appreciate that, further down the line, many Members have agreed with us that we need to prioritize a lot of business before this House. The state of resource use in our counties will trouble every Senator.

We have to wait for some dubious institutions such as Infotrak, Wekeza, some funny institutions that have no history of doing professional work that can be judged by the truth of time to establish whether their work is professional or otherwise, to give us the ranking of the performance of governors and county governments. This is a dereliction of duty on the part of the Senate. This House must come up with mechanisms upon which--- the template and the tools for measuring the performance of a county government. We cannot continue to sit here as intellectuals and just be happy to see people post. We know how many of these findings are procured; that if you pay, then you can be ranked to be on top.

You do not need to be a genius to know governors' performance. If, for example, Governor George Natembeya was performing as well as that opinion poll wants to show us, then he would be making news for the things that he is doing in Trans Nzoia and not for the insults that he is spewing.

I have a particular problem with leaders and governors who are known more for their political jabs than their performance at the county level, including respected leaders like Senior Counsel James Orengo.

If, as a county governor, the only thing people read about you is what you have said about what is happening nationally. Still, nothing about industries in your county or how you have increased Own-Source Revenue, then there is a problem in your county. This House needs to legislate the ways and means of measuring performance in county governments, and those tools are there. There are things that we can check.

How have you, as a governor, increased Own-Source Revenue from the time that you came in? How have you reduced the deficit in terms of fiscal expenditure between recurrent expenditure and what you spend on development? What is your corruption index? How have you reduced pending bills? Are you accruing more or less?

Indeed, Sen. Eddy, are those difficult things that you at the Budget and Finance Committee cannot lead this house into establishing so that we have to resign to some

dubious institutions to tell us how county governments are performing? As a House, we must do better.

Therefore, I agree that we have very serious legislative work ahead of us this term. I want to plead with colleagues to let us conclude this business and determine the House Business Committee. They get down to work immediately, despite the fact that it is 5.58 p.m. upon the voting on this Motion. I am sure we shall retire to Room 4 to determine the business for tomorrow because we must fold up our sleeves and do justice to devolution.

With those very many remarks, I beg to reply and urge the House to support this list.

I thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Majority Leader, for that very passionate response and reply to the Motion that is on the Floor of this House.

I want to request that the Serjeant-at-Arms ring the Division Bell for three minutes.

(The Division Bell was rung)

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, we now have quorum. I will now proceed. Hon. Senators, pursuant to Standing Order No.84(1), I make a determination that this matter does not affect counties. You can take your seats.

(Question put and agreed to)

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, thank you for that voice vote. After the House rises, the Members of the Senate Business Committee (SBC) are requested to meet in Committee Room 4 immediately.

ADJOURNMENT

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, this is the conclusion of the business of the day and there being no other business on the Order Paper, the Senate, therefore, stands adjourned until tomorrow, Wednesday, 12th February 2025, at 9.30 a.m.

The Senate rose at 6.04 p.m.

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