

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Thursday, 12<sup>th</sup> June, 2025

*The House met at the Senate Chamber,  
Parliament Buildings, at 2.34 p.m.*

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

### PRAYER

#### DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

**The Speaker** (Hon. Kingi): Do we have quorum?

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

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

*(The Quorum Bell was rung)*

**The Speaker** (Hon. Kingi): Hon. Senators, we now have quorum.  
Clerk, proceed to call out the first Order.

### MESSAGE FROM THE NATIONAL ASSEMBLY

#### NATIONAL ASSEMBLY DECISION ON THE MUNG BEANS BILL (SENATE BILLS NO.13 OF 2022)

**The Speaker** (Hon. Kingi): Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.46(3), I received the following Message from the Speaker of the National Assembly regarding the decision of the National Assembly on The Mung Beans Bill, (Senate Bills No.13 of 2022). The Message dated Thursday, 22<sup>nd</sup> May, 2025 was received in the office of the Clerk of the Senate on Monday, 26<sup>th</sup> May, 2025. Pursuant to Standing Order No.46(4), I now report the Message.

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Pursuant to the provisions of Standing Order No.41(1) and No.149 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

WHEREAS The Mung Beans Bill (Senate Bills No.13 of 2022) was published vide Kenya Gazette supplement No.206 of 30<sup>th</sup> December, 2022 as a Bill seeking to provide for the development, regulation and promotion of the mung bean sector in Kenya; the support of farmers of mung beans in each county in the production and marketing of the produce and the regulation of the production and sale of mung bean products by county governments and the Agriculture and Food Authority; and,

WHEREAS the Senate passed the said Bill on 21<sup>st</sup> February, 2024 and referred it to the National Assembly for consideration in accordance with the provisions of Article 110(4) of the Constitution;

FURTHER WHEREAS by a decision made on 24<sup>th</sup> September, 2024 the National Assembly rejected a Motion for the Second Reading of the said Bill thereby remitting the Bill to a mediation committee pursuant to the provisions of Article 112 of the Constitution;

NOW THEREFORE, in accordance with the provisions of Article 112 of the Constitution and Standing Orders No.41 and No.149 of the National Assembly Standing Orders, I hereby convey this decision of the National Assembly to the Senate and seek the appointment of seven Senators to a mediation committee to consider the Bill in accordance with the provisions of Article 113 of the Constitution.

Hon. Senators, consequent to the said decision of the National Assembly, the Speaker of the National Assembly appointed the following Members of the National Assembly to a Mediation Committee to attempt to develop a version of the Bill that both Houses of Parliament will pass in accordance with Article 113 of the Constitution-

- (1) Hon. Justice Kemei, MP
- (2) Hon. Gabriel Kagombe, MP
- (3) Hon. Ferdinard Wanyonyi, MP
- (4) Hon. Monica Marubu, MP
- (5) Hon. Jared Okelo, MP
- (6) Hon. Geoffrey Odanga, MP
- (7) Hon. Sabina Chege, CBS, MP

Hon. Senators, pursuant to the provisions of Standing Order No.166(2) of the Senate and in consultation with the Senate Majority Leader and the Senate Minority Leader, I will at the appropriate time appoint Senators to the Mediation Committee.

I thank you.

Next Order.

### PAPERS LAID

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, Thursday, 12<sup>th</sup> June, 2025-

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REPORT ON NEW LOANS CONTRACTED BY THE  
GOVERNMENT FROM JANUARY TO APRIL, 2025

Report to Parliament by the National Treasury and Economic Planning regarding all New Loans Contracted by Government from 1<sup>st</sup> January, 2025 to 30<sup>th</sup> April, 2025.

REPORT OF THE COB ON COUNTY GOVERNMENTS BUDGET  
IMPLEMENTATION REVIEW FOR THE FIRST NINE  
MONTHS OF FY2024/2025

Report of the Controller of Budget (CoB) County Governments Budget Implementation Review for the first nine months of the Financial Year 2024/2025.

I thank you.

*(Sen. (Dr.) Khalwale laid the documents on the Table)*

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

**Sen. Kisang:** Thank you, Mr. Speaker, Sir. I beg to lay the following Paper on the Table of the Senate today, 12<sup>th</sup> June, 2025-

REPORT ON INQUIRY INTO SHORTAGE OF AND POTENTIAL  
FOR LOCAL MANUFACTURING OF SMART ENERGY METERS

Report of the Standing Committee on Energy on inquiry into the shortage of smart energy meters in Kenya and the potential for their local manufacturing.

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

**The Speaker** (Hon. Kingi): The Chairperson, Standing Committee on Information Communication and Technology.

REPORT ON CONSIDERATION OF THE TECHNOLIS BILL  
(NATIONAL ASSEMBLY BILLS NO.6 OF 2024)

**Sen. Miraj:** Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today 12<sup>th</sup> June, 2025-

Report of the Standing Committee on Information, Communication and Technology (ICT) on its consideration of the Technopolis Bill (National Assembly Bills No.6 of 2024).

I thank you.

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

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**The Speaker** (Hon. Kingi): Hon. Senators, as you may have noted, the Senate Majority Leader laid on the Table of the Senate this afternoon the report of the National Treasury and Economic Planning on all new loans contracted by the Government of Kenya from 1<sup>st</sup> January, 2025 to 30<sup>th</sup> April, 2025. The report by the National Treasury on the stated period contains details on all new loans signed between the national Government and various creditors.

As hon. Senators are aware, Section 31(1) of the Public Finance Management (PFM) Act states as follows-

“The Cabinet Secretary shall submit to Parliament every four months a report of all loans made to the national Government entities and county governments in accordance with Article 211(2) of the Constitution. Pursuant to Section 31(3) of the PFM Act, the report submitted to Parliament should contain-

- (a) The names of the parties to the loan;
- (b) The amount of the loan and the currency in which it is expressed and in which it is repayable;
- (c) The terms and conditions of the loan, including interest and other charges payable and the terms of repayment;
- (d) The amount of the loan advanced at the time the report is submitted;
- (e) The purpose for which the loan was used and the perceived benefits of the loan and such other information as the cabinet secretary may consider appropriate.”

Hon. Senators, given the significance of the national date in a PFM framework, I hereby commit the Report of the National Treasury and Economic Planning on all new loans contracted by the Government of Kenya from 1<sup>st</sup> January, 2025 to 30<sup>th</sup> April, 2025 to the Standing Committee on Finance and Budget for consideration. The Committee is required to table a report on the matter at an appropriate time.

I thank you.

*(The Report on New Loans Contracted by the Government was committed to the Standing Committee on Finance and Budget)*

Next Order.

## NOTICE OF MOTION

### ADOPTION OF REPORT ON INQUIRY INTO SHORTAGE OF AND POTENTIAL FOR LOCAL MANUFACTURING OF SMART ENERGY METERS

**Sen. Kisang:** Thank you, Mr. Speaker, Sir. I beg to give notice of the following Motion-

THAT, the Senate adopts Report of the Standing Committee on Energy on inquiry into the shortage of smart energy meters in Kenya and the potential for their local manufacturing, laid on the Table of the Senate on Wednesday, 11<sup>th</sup> June, 2025.

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**The Speaker** (Hon. Kingi): Before I asked the Clerk to call the next Order, I have a Communication to make.

Hon. Senators, kindly take your seats.

### COMMUNICATION FROM THE CHAIR

#### VISITING DELEGATION OF EMBU COUNTY ASSEMBLY COMMITTEE ON DELEGATED LEGISLATION

**The Speaker** (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon, of a visiting delegation of Members of the Committee on Delegated Legislation of the County Assembly of Embu. The delegation is undertaking a benchmarking visit with their counterparts in the Senate.

Hon. Senators, I request each member of the delegation to stand when called out, so that they may be acknowledged in the Senate tradition.

- |                                 |   |                                 |
|---------------------------------|---|---------------------------------|
| 1. Hon. Yvonne Karambu Mati     | - | The Chairperson                 |
| 2. Hon. Fredrick Mugendi Gatumu | - | The Vice-Chairperson            |
| 3. Hon. Johnson Muchangi Njuki  | - | Member                          |
| 4. Hon. Mary I. Kavinda         | - | Member                          |
| 5. Hon. Masters Leonard Muriuki | - | Member                          |
| 6. Hon. Augustine James Njeru   | - | Member                          |
| 7. Hon. Sammy Harrison Muturi   | - | Member                          |
| 8. Mr. James Munyi              | - | Deputy Clerk                    |
| 9. Mr. Derrick Muchiri Kariuki  | - | Fiscal Analyst                  |
| 10. Ms. Agnes Ndila             | - | Legal Counsel                   |
| 11. Ms. Ann Wawira Ileri        | - | Communications Officer          |
| 12. Ms. Daisy Rutere            | - | Senior Hansard Editor           |
| 13. Mr. Lewis Kwaria            | - | Serjeant-At-Arms                |
| 14. Mr. Leonard Njiru           | - | Aide to Hon. Augustine<br>Njeru |
| 15. Mr. Frank Makinda           | - | Senior Clerk Assistant          |

On behalf of the Senate and my own behalf, I extend a warm welcome and wish you a fruitful visit.

I call upon the Senator for Embu County to extend a word of welcome to the delegation, under a minute.

Sen. Mundigi, you may proceed.

**Sen. Munyi Mundigi:** Asante Bw. Spika kwa kunipa fursa kuwakaribisha Wabunge na wafanyakazi kutoka Kaunti ya Embu. Karibuni sana, mujifunze yale tunayoendeleza hapa *Parliament*. Wakati huu wa ugavi wa pesa, Maseneta wote tunaunga mkono kaunti zote.

Bw. Spika, Kaunti ya Embu ni mojawapo ya kaunti ndogo 11 ambazo tunang'ang'ana kuona kama tunaweza kuongezewa pesa. Ningependa kuwaambia MCAs

kwamba ikiwa tutapata bilioni nne na zaidi kwenye bajeti, naomba muhakikishe zinatumika kwa njia inayofaa.

Ningependa kumueleza Sen. Omogeni na zile kaunti zingine kubwa zinazotuunga mkono kwamba Kaunti ya Embu ina shida ya *pending bills* na *wage bills*. Ikiwa tutapata zile pesa, nawahakikishia kwamba tutatimiza mambo ya maji, elimu na barabara. Najua *Members of County Assembly (MCAs)* wa Embu Kaunti watafanya kazi inayofaa.

Bw. Spika, nawakaribisha. Kama hizo pesa zitapatikana, muziangelie na mufanye kazi ya *oversight* vizuri.

Asante.

*(Sen. Madzayo walked into the Chamber)*

**The Speaker** (Hon. Kingi): Senator for Kilifi County, please, take your seat.

### COMMUNICATION FROM THE CHAIR

#### SENATORS TO OBSERVE PROVISIONS OF SENATE STANDING ORDERS DURING DEBATES

Hon. Senators, I have the following Communication to make arising out of points of order raised relating to a personal statement made by the Senator for Nakuru County, Sen. Tabitha Karanja Keroche, MP.

Hon. Senators, as you may recall, at the sitting of the Senate held on Thursday, 29<sup>th</sup> May, 2025, the Senator for Nakuru County, Sen. Tabitha Karanja Keroche, MP, made a Personal Statement pursuant to Standing Order No.58 that sought to inform the Senate and the general public that the Senator was in good health and had not been hospitalised as reported.

In the Statement, the Senator indicated that there was a smear campaign orchestrated by the Governor of Nakuru County, who is using public resources to malign her character.

Upon the Senator's conclusion of her Statement, I drew the attention of Hon. Senators to the provisions of Standing Order No.101(1), which states---

The Senate Majority Leader, you may walk in, this is fairly long.

*(Sen. Cheruiyot walked into the Chamber)*

Upon the Senator's conclusion of her Statement, I drew the attention of Hon. Senators to the provisions of Standing Order No.101(1) which states-

“(1)Neither the personal conduct of the President, nor the conduct of the Speaker or of any judge, nor the judicial conduct of any person performing judicial functions, nor any conduct of the Head of State or Government or the representative in Kenya of any friendly country or the conduct of the holder of an office whose removal from office is dependent upon a decision of the Senate, shall

be referred to adversely, except upon a substantive Motion of which at least three days' notice has been given.”

This prompted several points of order from the Senator for Kakamega County, Sen. (Dr.) Boni Khalwale, MP; the Senator for Nairobi City County, Sen. Edwin Sifuna, MP and the Senator for Narok County, Sen. Ledama Olekina, MP.

Hon. Senators, in the point of order raised by Sen. (Dr.) Khalwale, the Senator sought the intervention of the Speaker to expunge the Statement made by the Senator for Nakuru County for infringing provisions of Standing Order No.101(1). Sen. Sifuna's point of order was in connection to what constitutes “adverse reference” to a holder of an office whose removal from such office is dependent upon a decision of the Senate. On the other hand, Sen. Olekina's point of order was in support of the point raised by Sen. (Dr.) Khalwale.

Hon. Senators, after listening to the points of order by the three Senators, I undertook to issue a substantive ruling on the application of Standing Order No.101(1) in Senate debates.

In preparing this Communication, the following matters came out for determination-

- (1) What is the scope of Standing Order No.58; and,
- (2) What constitutes adverse reference in the context of Standing Order No.101(1).

Allow me, therefore, to address the first question, which is, the scope of Standing Order No.58. As Hon. Senators are aware, Standing Order No.58 states-

“During Statements Hour, a Senator may, by the indulgence of the Senate, explain matters of a personal nature although there is no question before the Senate, but such matter may not be debated.”

This Standing Order has previously been used on several occasions in this Parliament. For instance, on 17<sup>th</sup> September, 2024, the Senator for Vihiga County, Sen. Godfrey Osotsi, MP, made a Statement on his nomination to the position of Deputy Party Leader of the Orange Democratic Movement (ODM).

In the Statement, the Senator's comments centered on his elevation to the said position and the heavy responsibility placed on him to assist in steering the Party's policy and direction on pertinent issues affecting the country. The Senator also used the opportunity as a rallying call for the Party to remain united.

On 31<sup>st</sup> July, 2024, the Senator for Marsabit County, Sen. Mohamed Chute, MP, made a statement that sought to clarify his appearance before the Ethics and Anti-Corruption Commission (EACC) on 11<sup>th</sup> June, 2024.

In the Statement, the Senator clarified that his appearance before the EACC was on invitation by the EACC to provide information arising from several complaints the Senator had filed regarding misappropriation of funds in Marsabit County.

In another instance, on 2<sup>nd</sup> May, 2024, the Senator for Nandi County, Sen. Samson Cherarkey, MP, made a Statement concerning the denial of access to his verified X (formerly Twitter) account. Sen. Cherarkey expressed concern on his lack of access to

his account, which the Senator argued was tantamount to denial of his ability to effectively engage with his constituents and the public.

Hon. Senators, ordinarily, personal statements in the Commonwealth are mechanisms that provide a limited opportunity for Members of Parliament (MPs) to explain matters of a personal nature. By practice, personal statements are not subject to intervention or debate on account that they are personal.

As such, therefore, the contents of the statements are submitted to the Speaker to ensure that they are confined to matters of a personal nature and the Members granted leave by the Speaker to make such Statements are not allowed to depart from the approved text. The approval of such statements is given with a high degree of caution on the part of the Speaker, to ensure that parliamentary proceedings remain focused and not derailed.

In this respect, personal statements, as Standing Order No.58 implies, should be giving explanations and should be restricted to a specific matter that a Senator wishes to explain. While the facts of the matter may be stated briefly, this should not stray into general arguments or seeking responses.

These are the parameters that have been and will be applied when considering requests for personal statements. I urge all Hon. Senators to observe them when preparing personal statements.

Hon. Senators, the second question that required my determination is what constitutes adverse reference in debates within the meaning of Standing Order No.101(1).

As Hon. Senators are aware, adverse reference in the context of parliamentary debates means unfavorable or defamatory statements or allegations of an incriminatory nature against individuals or institutions.

Standing Order No.101(1) is a safeguard measure that protects individuals who are not in the Senate and, therefore, lack the privilege to defend themselves. This is rooted in the principle that those who are not present in the Senate and hence cannot respond to comments made by Senators, are not targeted or maligned in the course of proceedings.

While all Senators are entitled and, indeed, obligated to bring to the attention of the Senate any matter, which one believes merit to be investigated to safeguard good governance, this must be done without resorting to personal attacks on the office holders.

It is necessary to exercise caution and restraint, not to delve into debate that may form grounds for removal from office. There is an elaborate procedure for such debate as provided for under Articles 145, 150 and 181 of the Constitution; Section 33 of the County Governments Act; and Standing Orders No.78, 79 and 80, which allow the Senate to make a distinct decision on the matter.

Comments that touch on the grounds for removal should, therefore, be reserved for the appropriate substantive processes, while general matters of concern may be addressed through the relevant legislative tools.

Hon. Senators, going forward, I expect that we adhere to the provisions of Standing Order No.101(1) in debates in the Senate. Moderation, civility and restraint are some of the hallmarks of parliamentary debate. It will be out of order for any Senator to

make adverse reference to the conduct of office holders referred to in the Standing Order without a substantive Motion. However, statements of fact are permissible in debates on a Question before the Senate.

As regards the application of Standing Order No.58, Statements must be confined within the scope I have highlighted and they must be submitted to the Office of the Clerk for processing. Likewise, going forward, the presidium will strictly approve Statements that have been processed in accordance with the Standing Orders. For avoidance of doubt, the Chair will not entertain requests for approval of Statements in the Chamber.

The Senate is accordingly guided.

I thank you.

*(Sen. Cherarkey spoke off record)*

I thought this Statement is elaborate enough.

Yes, Senator for Nandi.

**Sen. Cherarkey:** Thank you, Mr. Speaker, Sir. I need your guidance on a number of issues, and as a Member of this House, I will abide by your directions. Can a witness discuss the conduct or the state of a Member of the Senate who sits in the Senate? When you look at Article 96(4), it says-

“(4) The Senate participates in the oversight of State officers by considering and determining any resolution to remove the President or Deputy President from office in accordance with Article 145.”

Mr. Speaker, Sir, using your powers under Standing Order No.1, does a witness who appears before the House have powers to discuss the conduct of Members of the Senate, who sits in Plenary in their presence or absence? I am at a loss because I cannot discuss the Senator for Nairobi City County, for example, without a substantive Motion.

Mr. Speaker, Sir, in that same spirit, one of the witnesses yesterday purported, and I am happy and grateful that you stopped pursuing that line--- However, is it possible to strike it off the record of the Senate because those comments were made in bad faith?

The principle of natural justice demands that you must hear both sides of the story. Those comments were made in bad faith by the Cabinet Secretary for Interior and National Administration. For a fact, he never taught me when I was in school. He was among the librarians in the Law School that I attended. There are even allegations that he was doing STGs in some of the classrooms.

I really want that matter to be put to rest. A number of clients, including the great fathers of Nandi, never slept through the night because they know me as one of the most brilliant, hardworking and top-performing Senators of this Republic of Kenya.

Mr. Speaker, Sir, can you issue a directive that a witness who appears before you in plenary or even our committees, should not have powers to discuss any conduct of a Member? I will be eternally grateful for what you did.

As they say in Catholic; *sema neno moja tu na roho yangu itapona.*

I thank you, Mr. Speaker, Sir.

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

**Sen. Sifuna:** Mr. Speaker, Sir, now that we are discussing the question of specific substantive Motions; if you look at Standing Order No.101(4), it requires that we do not impute improper motive on any other Senator.

I want to know whether this Standing Order includes the Chair when it speaks of “no Senator”. Yesterday, there was an imputation from the Chair that some of us come here to collect *TikTok* videos. It is something that has upset me greatly.

I was elected to this House to represent people and most of those people look up to me. I remember very well two famous governors who used to produce very good content in the 2013-2022 period; they were dancing on platforms. One of them is now a Cabinet Secretary and the other is the Speaker of the Senate.

Mr. Speaker, Sir, when did it become wrong for us to end up on social media, depending on the work that we do? Is it correct for the Chair sitting there to impute improper motive on a Senator who has come to do their job that he was sent here to do by the people who elected him?

**The Speaker** (Hon. Kingi): Hon. Senator for Nairobi City County, you are out of order. If you read Standing Order No.101, you cannot discuss the conduct of the Speaker in the manner you are doing. Go back to Standing Order No.101 and appreciate its contents. For as far as this point of order raised by the Senator for Nandi County, I will look at the HANSARD and give a substantive guidance on that particular matter.

Let move on to the next Order.

Yes, Senator for Nakuru County.

*(Sen. Sifuna spoke off record)*

Senator for Nairobi City County, I have clarified on that particular matter and that is the position of the Chair.

Senator for Nakuru, proceed, please.

**Sen. Tabitha Keroche:** Thank you, Mr. Speaker, Sir.

*(Sen. Sifuna spoke off record)*

Senator for Nairobi City County, thank you.

**The Speaker** (Hon. Kingi): Proceed.

**Sen. Tabitha Keroche:** Just for clarification, I have heard your statement and as you protect those people who are not in this House, kindly also protect us, the Senators in this House.

The minute you bring a Statement such as the one I did, just know that I did not start it. The person mentioned is the one who had started it. Therefore, I had to clarify to the people of Kenya everywhere in the streets that I am not sick because they were asking me if I am unwell. Up to today, people are still asking me if I am well. Even as I was entering here, I think there is a new Serjeant-at-Arms who told me that it was nice to see me well and went ahead to ask if I am healed.

I had to come and really make a clarification, so that Her Excellency Susan Kihika does not again go on live television and start claiming that her Senator is sick. She is wishing me death by claiming that I am three minutes from the grave, just because I am doing my job diligently. She is feeling the pinch of the oversight role I play in Nakuru County.

I can never start anything and mention her name here, if it did not come from the public. I came here because that issue came from the public; I wanted to clarify to the people that I am well. Senators, I repeat that I am healthy and fit. You can even look at me, I have never been sick and I thank God. For those who are sick in hospital, we continue praying for them to get well. Anybody who can wish another to be sick must be sick up here.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Senator for Nakuru, I can assure you that balance will be guiding on the applicability of Standing Order No.101.

Yes, Nominated Senator Veronica, certainly it is not a point of order.

**Sen. Veronica Maina:** Mr. Speaker, Sir, is it in order for the Senator for Nakuru to almost put a censure on the direction you have read in the Communication you have given to the House?

**The Speaker** (Hon. Kingi): Sen. Veronica, I have already guided the Hon. Senator.

**Sen. Veronica Maina:** It is very wrong for her to continue while she knows she actually went on the same televisions and spoke on the personal issues of the Governor of Nakuru County.

**The Speaker** (Hon. Kingi): Sen. Veronica, let us not generate this into an argument. Have your seat, Sen. Veronica.

Senator for Nakuru, I have given you a lot of latitude to ventilate your matter. I advise you because what I picked from your lengthy intervention is; as we seek to protect, we are not really protecting, but this is what you said - those who are not in the House, we should also not lose sight on protecting those who are in the House.

Hon. Senators, I am quoting what the Senator said.

*(Sen. Sifuna spoke off record)*

**The Speaker** (Hon. Kingi): Hon. Senators, a ruling has been made by the Chair. Kindly abide.

Next Order.

The Chairperson Standing Committee of Justice, Legal Affairs, and Human Rights, you may proceed to table your report.

**PAPER LAID**

REPORT ON CONSIDERATION OF THE PRESIDENTIAL MEMORANDUM  
ON REFERRAL OF THE CONFLICT OF INTEREST BILL, 2023  
(NATIONAL ASSEMBLY BILLS No.12 OF 2023)

**Sen. Veronica Maina:** Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, 12<sup>th</sup> June, 2025-

Report of the Standing Committee on Justice, Legal Affairs and Human Rights on the Report on Consideration of the Presidential Memorandum on the Referral of the Conflict of Interest Bill, 2023 (National Assembly Bills No.12 of 2023).

*(Sen. Veronica Maina laid the document on the Table)*

**The Speaker** (Hon. Kingi): Secretariat, can you make copies of the report that has been tabled by the Justice Legal Affairs and Human Rights Committee (JLAHRC) available to all the Senators?

Next Order.

**QUESTIONS AND STATEMENTS****STATEMENTS**

**The Speaker** (Hon. Kingi): Statements pursuant to Standing Order No.53(1).

Sen. Hamida Kibwana, you may proceed.

**Sen. Kibwana:** Thank you, Mr. Speaker, Sir. I have two Statements.

OPERATIONAL STATE OF RADIOTHERAPY EQUIPMENT  
AT KENYATTA NATIONAL HOSPITAL

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Health on a matter of national concern regarding the operational status of radiotherapy equipment at the Kenyatta National Referral Hospital, (KNH), following public complaints at the hospital's own admission about persistent machine breakdown.

The Kenyatta National Referral Hospital, being the largest national referral facility in the country, plays a critical role in the diagnosis and treatment of cancer. However, recent concerns raised by patients and advocates indicate that essential radiotherapy machines, including linear accelerators, are frequently non-functional or completely broken down, leaving hundreds of patients in distress and without access to timely cancer treatment.

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The hospital, too, vide a press release on 28<sup>th</sup> May, 2025 by the Acting Chief Executive Officer, admitted that the linear accelerator machine, has failed and was out of service.

In the Statement, the Committee should address the following-

(1) The operational status of all radiotherapy machines and equipment at Kenyatta National Hospital, reasons for the frequent breakdowns, including whether they are due to lack of maintenance, obsolete technology, or budgetary constraints.

(2) Strategies in place for repair, replacement or upgrade of non-functional machines, including the budgetary allocations toward radiotherapy services in the current financial year.

(3) Whether there are plans to decentralize radiotherapy services to other public hospitals to ease the burden on KNH and enhance access to patients in underserved regions.

(4) The contingency measures in place to ensure uninterrupted treatment for cancer patients during periods of equipment failure and long-term solutions to strengthen oncology infrastructure and service delivery across national and county referral hospitals.

Mr. Speaker, Sir, the following is the second Statement.

#### IMPLEMENTATION STATUS OF THE BUS RAPID TRANSIT SYSTEM

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Roads, Transport and Housing on a matter of national concern regarding the---

*(Loud consultations)*

Mr. Speaker, can I get some silence, please?

**The Speaker** (Hon. Kingi): Hon. Senators, allow the hon. Senator to be heard in silence, please.

**Sen. Kibwana:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Roads, Transport and Housing on a matter of national concern regarding the implementation status of Bus Rapid Transit (BRT) system in Nairobi and other urban areas.

The BRT project was envisioned as a transformative urban mobility initiative aimed at decongesting the city, reducing carbon emissions and offering efficient and affordable public transportation. Years since its launch, however, the project remains incomplete, with key corridors, particularly along Thika Road, Mombasa Road and Ngong Road, exhibiting minimal progress or outright stalling. The public continues to endure traffic gridlocks and the delays also risk escalating project costs and diminishing public confidence in infrastructure delivery.

In the Statement---

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*(Sen. Nyamu and Sen. Tabitha Keroche  
consulted loudly)*

**The Speaker** (Hon. Kingi): Order, Hon. Senators. Sen. Karen Nyamu and the Senator for Nakuru County, there is a difference between the Chamber and the Senators' Lounge.

**Sen. Kibwana:** Thank you, Mr. Speaker, for the clarification.

In the Statement, the Committee should address the following-

(1) The progress of the BRT project, reasons behind the prolonged delays and current stalling of construction and operationalization, including timelines for completion of each corridor.

(2) The roles of various Government agencies involved, particularly the Nairobi Metropolitan Area Transport Authority (NAMATA), the Kenya Urban Roads Authority (KURA) and the Ministry of Roads and Transport.

(3) Funds allocated, disbursed and utilized on the BRT project to date and whether there has been any contractual or procurement challenges affecting implementation.

(4) Accountability frameworks and implementation safeguards to ensure the timely and cost-effective completion of the BRT initiative.

I thank you.

**The Speaker** (Hon. Kingi): Now, Hon. Senators, I have just had a consultative engagement with the leadership of both sides of the House. Arising out of those consultations, I will move to re-arrange today's Order Paper, pursuant to Standing Order No.45(2).

We will move to Order No.8, and thereafter, we will come back to the Order that we have just started.

Order, Hon. Senators. Again, after further consultations with the leadership, we will proceed with the Statements until such a time that the leadership gets back to me.

Proceed, Sen. Methu.

#### SAFETY OF POTATOES GROWN IN NYANDARUA COUNTY

**Sen. Methu:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries, on a matter of national concern, namely, the safety of potatoes grown in Nyandarua County.

Nyandarua County is a leading potato producer and plays a critical role in enhancing national food security and supporting rural livelihoods. However, a recent research attributed to scientists from Egerton University has raised alarm by casting doubt on the safety and quality of these potatoes.

The research alleges that farmers in the region use excessive pesticides on potatoes, causing the produce to have excessive pesticide residue above recommended limits, which is harmful for human consumption. If unchallenged, such assertions risk

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damaging consumer confidence, eroding market demand and inflicting severe economic hardship to farmers who depend on this crop.

In the Statement, the Committee should address the following concerns-

(1) The authenticity and scientific validity of the claims attributed to Egerton University researchers alleging the presence of harmful pesticides residue in potatoes produced in Nyandarua County.

(2) Whether any studies or safety assessments have been conducted by the relevant authorities, including the Ministry of Agriculture, Kenya Plant Health Inspectorate Service (KePHIS), Kenya Bureau of Standards (KeBS), or the Kenya Agricultural and Livestock Research Organization, (KALRO), regarding potatoes grown in Nyandarua County, including their findings.

(3) The measures by the Ministry of Agriculture and affiliated regulatory bodies to dispel misinformation, uphold consumer confidence, and protect the integrity of Nyandarua County's agricultural produce.

(4) Interventions being pursued to support farmers, including awareness programmes on safe pesticide use, enhanced inspection protocols, certification processes and strategies to restore and sustain the market.

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

#### MEASURES IN PLACE TO ENSURE REVIEW OF CONSTITUENCY BOUNDARIES

**Sen. Okenyuri:** Mr. Speaker, Sir, I am reading this Statement on behalf of Sen. Onyonka.

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Justice, Legal Affairs and Human Rights on a matter of national concern regarding the review of constituency boundaries.

The Independent Electoral and Boundaries Commission, (IEBC) as required by Article 89(2) and (3) of the Constitution, is responsible for ensuring continuous review of constituency and ward boundaries at intervals of not less than eight years, and not more than 12 years.

In the Statement, the Committee should address the following-

The measures in place to ensure immediate review or subdivision of large constituencies in counties such as Kisi, Nyamira, and Migori, among others by the IEBC, ahead of the 2027 general elections, to promote equitable representation and manageable electoral units in line with Articles 89 and 95 of the Constitution.

#### REDUCTION OF TEA PRICES BY COMPANIES IN THE NORTH RIFT AND OTHER PARTS OF THE COUNTRY

**Sen. Cherarkey:** Thank you, Mr. Speaker, Sir. I rise under Standing Order No.53(1), to seek a statement from the Standing Committee on Agriculture, Livestock and Fisheries, on a matter of national concern regarding the reduction of tea prices by

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companies in North Rift and other regions in the country, considering that the tea prices in other parts of the country remain at a higher and stable price.

In the Statement the Committee should address the following-

(1) The reasons only tea factories, mainly located in Nandi, Kericho, and Bomet counties, have in recent months reduced their buying price of tea from farmers to as low as Kshs17 per kilo cumulatively, without engaging the farmers in the price determination process.

(2) The measures in place to ensure that the Tea Board of Kenya regulates the entry of unscrupulous business persons who exploit farmers and to promote fair and stable tea prices across the country.

(3) The total amount deducted and remitted by tea factories in Nandi County during the Financial Year 2023/2024 and Financial Year 2024/2025, indicating how these funds are being utilized, including details of finance projects and any other corporate social responsibilities activities undertaken.

(4) The measures in place by the Minister of Agriculture and Livestock Development and the Tea Board of Kenya to cushion small-scale farmers from the low prices of tea.

(5) Strategies the Government intends to implement to ensure that farmers receive fair bonuses and fair prices for their produce, especially in the light of prevailing low prices and market stability under the guaranteed minimum returns.

Mr. Speaker, Sir, with your indulgence, let me proceed to my second Statement.

#### ATTACKS ON LIVESTOCK BY MYSTERIOUS WILD ANIMALS IN NANDI COUNTY

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources on a matter of countywide concern, namely the persistent attacks on livestock in Nandi County by mysterious stray wild animals believed to be from the leopard family.

In the Statement, the Committee should address the following-

(1) Why the Kenya Wildlife Service (KWS) has failed to take action against the mysterious wild animals that have continuously attacked livestock for the past six months in Bonjoge area, despite repeated complaints from the local communities;

(2) Specific details regarding the identity of the animals responsible for the attacks;

(3) Steps taken to either capture and return them to their natural habitat or neutralize the threat posed by these wild animals; and,

(4) Actions taken by the State Department for Wildlife to minimize conflict between humans and wild animals within Nandi County and across the country, including plans to compensate affected livestock farmers while also ensuring the protection of Bonjoge Endangered Wild Animal Sanctuary in Kabwareng Ward in Aldai Sub-County, Nandi County.

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Sen. Mwaruma.

DISCREPANCIES BETWEEN SUPPLEMENTARY BUDGET I AND II  
FOR FY2024/2025 IN TAITA TAVETA COUNTY

**Sen. Mwaruma:** Thank you, Mr. Speaker, Sir, for this opportunity. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Finance and Budget on a matter of countywide concern regarding discrepancies between Supplementary Budget I and Supplementary Budget II for the Financial Year 2024/2025 in Taita-Taveta County, particularly on allocations for the settlement of pending bills.

In Supplementary Budget I, the county government allocated Kshs360.7 million towards pending bills. However, this allocation was later reduced by Kshs80.7 million in Supplementary Budget II, with no clear explanation provided for the adjustment.

Further, concerns have been raised over the authenticity and approval process of Supplementary Budget II.

In the Statement, the Committee should address the following-

(1) The discrepancies in the approved and the two supplementary budgets for the Financial Year 2024/2025 submitted by the County Government of Taita Taveta;

(2) Whether Supplementary Budget II followed the proper channels and stages of approval, including the correspondence between the county government and the office of the Controller of Budget regarding both supplementary budgets;

(3) Account for the Kshs80.7 million initially allocated to pending bills in Supplementary Budget I and the vote head or expenditure line it was redirected to in Supplementary Budget II; and,

(4) Whether the County Government of Taita Taveta intends to honour bursary payments as appropriated in line with the recent court rulings affirming the obligation of county governments to disburse funds already allocated in the approved budgets.

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Sen. Karungo.

INCREASED LAND AND BUILDING RATES IN  
KIAMBU COUNTY GOVERNMENT

**Sen. Thang'wa:** Thank you very much, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Land, Environment and Natural Resources on a matter of countywide concern regarding the imposition of land rates by the county government of Kiambu.

Residents of Kiambu County have raised serious concerns over the manner in which land rates are currently being imposed by the county government. Specifically, they cite the lack of public access to a valuation roll, absence of notification of charges or absence of notification of changes to land rates and the unexplained surge in the amounts demanded.

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This is compounded by inadequate service delivery in areas such as roads maintenance, waste management and other essential county functions.

Mr. Speaker, Sir, in this Statement, the Committee should address the following-

(1) Whether the County Government of Kiambu has a legally prepared and adopted valuation roll.

(2) If such a valuation roll exists-

(a) when it was prepared;

(b) by whom;

(c) when it came into effect;

(d) the process followed in its preparation, including dates of preparation and adoption;

(e) evidence of public participation during its development, where and how the public can access and inspect the evaluation roll; and,

(f) why the valuation roll has not been gazetted, published or publicized as required by the law.

(3) The method and basis used to calculate the current land rates being demanded by the county government.

(4) Details of any enforcement measures undertaken or planned with regard to recovery of land rates.

Mr. Speaker, Sir, this matter touches on the fundamental rights of property owners and the principles of fair taxation and public accountability and, therefore, merits urgent consideration by the relevant committee.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Sen. Omtatah.

#### OPERATIONAL STATUS OF THE NATIONAL POLICE SERVICE COMMISSION

**Sen. Okiya Omtatah:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Justice, Legal Affairs and Human Rights on a matter of national concern regarding the operational status of the National Police Service Commission (NPSC) in light of the existing vacancies in its membership.

Mr. Speaker, Sir, there have been more than two months since vacancies arose in the membership of the National Police Service Commission (NPSC), leaving the Commission without the constitutionally prescribed quorum. This situation raises serious concerns about the management of transitions in independent commissions as well as the operational status of these commissions during such periods.

In the Statement, the Committee should address the following-

(1) The current state of operations at the National Police Service Commission in the absence of a quorate commission, including an assessment of the validity of decisions and actions by the Commission regarding transfer, promotion and discipline of police officers, among other administrative matters; and,

(2) The contingency plans in place to prevent such governance gaps and ensure continuity of operations at independent commissions during such transitions in the future.

Signed, Andrew Omtatah, MP, Senator from Busia County, 10<sup>th</sup> June 2025.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Thank you.

The Senator for Kisumu County, Sen. Tom Ojienda.

ROLE OF TECHNOLOGY IN ENHANCING TRANSPARENCY  
AND ACCOUNTABILITY IN PUBLIC PROCUREMENT  
IN NATIONAL AND COUNTY GOVERNMENTS

**Sen. Ogola:** Mr. Speaker, Sir, this is a request for a Statement as requested by Sen. (Prof.) Tom Ojienda, SC, and approved by yourself.

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Finance and Budget on a matter of national concern namely, the role of technology in enhancing transparency and accountability in public procurement across the national and county governments.

In the Statement, the Committee should address the following-

(1) Extent of implementation and operationalisation effectiveness of e-procurement systems within Government entities.

(2) Impact of these systems in addressing procurement irregularities, delays and incidents of corruption.

(3) Measures in place to address challenges such as digital literacy gaps, infrastructural limitations and resistance to the adoption of the e-procurement technology.

(4) Existence and effectiveness of public participation and oversight mechanisms integrated into e-procurement platforms.

(5) Plans in place to further leverage technology to enhance procurement integrity, transparency and overall efficiency.

CONDUCT AND PROFESSIONAL STANDARDS  
OF COUNTY ENFORCEMENT OFFICERS

**Sen. Ogola:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Devolution and Intergovernmental Relations on a matter of national concern regarding the conduct and professional standards of county enforcement officers.

While county enforcement units are central to enforcing devolved laws, frequent complaints have emerged over the heavy-handed treatment of informal traders and members of the public by the enforcement units.

In the Statement, the Committee should address the following-

(1) Whether a national framework exists to guide the recruitment, training and deployment of county enforcement officers.

(2) Whether the Kenya School of Government (KSG) has developed standard training modules for the training of enforcement officers across counties.

(3) Legislative interventions to ensure county enforcement practises uphold human dignity, protect informal livelihoods and curb abuse of power.

RESILIENCE OF KENYA'S NATIONAL  
INFRASTRUCTURE TO CLIMATE CHANGE

**Sen. Ogola:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Roads, Transportation and Housing on a matter of national concern regarding the resilience of Kenya's national infrastructure to climate change.

In the Statement, the Committee should address the following-

(1) The climate resilience and adaptation strategies integrated into the planning, design, construction and maintenance of national infrastructure.

(2) Funding mechanisms and resource allocations dedicated to strengthening infrastructure resilience to climate change impacts from the Financial Year 2021/2022 to date.

(3) The challenges encountered in implementing resilience measures and recommendations for strengthening national capacity for adapting infrastructure to evolving climate risk.

Thank you, Mr. Speaker, Sir.

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

BUSINESS THE WEEK COMMENCING  
TUESDAY, 8<sup>TH</sup> JULY, 2025

**The Senate Majority Leader** (Sen. Cheruiyot): I thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.57(1) to present the business of the week commencing Tuesday, 8<sup>th</sup> July, 2025.

Hon. Senators are aware that at the rise of the House today, 12<sup>th</sup> June, 2025, the Senate will proceed on a three-week recess and regular sessions will resume on the 8<sup>th</sup> July, 2025.

I know there is a likelihood that we will be called back here for a Special Sitting, given that there are quite a number of legislations that are important to the country and are in the mediation process. Should our colleagues succeed to get a breakthrough, then they will guide us. If they do not, it is *adios* until 8<sup>th</sup> July, 2025 at the rise of the House this evening.

As we conclude business this week, this is the status of legislative business before us-

There are 53 Bills, of which 37 are at the Second Reading stage and 16 are at the Committee of the Whole stage. There are 32 Motions pending conclusion. Additionally,

26 Petitions are pending conclusion, 18 of which are due for reporting by various standing committees. This is quite troubling. I do not recall the last time---

*(Loud consultations)*

**The Speaker** (Hon. Kingi): Order, Hon. Senators. May the Senate Majority Leader be heard in silence. Let us take our seats, Senators for Taita Taveta, Nyandarua and Mandera counties.

You may proceed, Senate Majority Leader.

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. This is the first time I have seen such a high number of Petitions due for reporting. They are 18 in total, which is a high number. Therefore, I urge our chairpersons to expedite the work before them, particularly that which has statutory timelines.

Part of statute established by law is when parliamentary business is considered out of timelines. It is considered an annulity and there are instances where the courts have declared so. We do not want citizens to petition this House. The Senate makes solid findings only to be struck out or go unnoticed due to time delays. I urge all chairpersons, vice-chairpersons, and committee members to ensure business is concluded as soon as possible.

Mr. Speaker, Sir, there are 489 Statements pursuant to Standing Order No.53(1) that are under consideration by the various standing committees. On 8<sup>th</sup> July, 2025, when the Senate Business Committee (SBC) meets, they will prepare the business for that week.

The tentative business on 9<sup>th</sup> of July will be various questions to various ministries including, Ministry of Tourism and Wildlife, Ministry of Land, Environment and Natural Resources, Ministry of Youth Affairs, Creative Economy and Sports, other Cabinet Secretaries set out to appear on 9<sup>th</sup> July, 2025 when we resume from recess.

The Public Finance Management (Amendment) Bill, 2025, Office of County Attorney Act, various county government amendments laws and a number of Motions are before us.

In conclusion, I take this opportunity to thank all the Senators for their effort during Part III of the Fourth Session. I hope that we shall vote shortly. There is a new trend being introduced in the House where people canvass the business of the House behind the scenes. While it is not bad, I believe the vote is the actual determinant that says the truth.

Concerning the formula issue, in all the other occasions, Members have convinced each other by vote. This is the third week and we are yet to vote on the initial Motion because of subsequent amendments.

I plead that as we vote when we move to the next Order. Whatever result is not fatal, as we are now discussing the amended version of the Motion. This means that even if it is defeated, we will revert to the original Motion. If it carries the day, then that is final. I urge us to take time today and vote on this Motion.

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I do not find conversing for too long a clean way of transacting legislative business. Let us vote. If you convince people, we proceed. If you do not convince people, you pave away to allow the next person to convince the rest of us. That is how you transact business in this House. Therefore, I do not want to stand in the way of the vote that I am proposing because I know it is the next order that we are about to consider.

With those many remarks, I beg to lay.

*(Sen. Cheruiyot consulted the Speaker)*

**The Speaker** (Hon. Kingi): Order, Hon. Senators. Before I allow comments on the Statements that have been sought, we will move to handle Order No.8.

*(Interruption of Statements)*

Clerk, you may proceed to call that Order.

## MOTION

### ADOPTION OF REPORT ON THE FOURTH BASIS FOR ALLOCATING SHARE OF NATIONAL REVENUE AMONG COUNTIES

THAT, the Senate notes the Report of the Standing Committee on Finance and Budget on the Fourth Basis for Allocating the Share of National Revenue Among the Counties, laid on the Table of the Senate on Thursday, 17th April, 2025, and that pursuant to Article 217(1) of the Constitution, approves the Fourth Basis for Allocating the Share of National Revenue Among the Counties for the Financial Years 2025/2026 to 2029/2030 as follows-

**County Allocation = (Baseline Allocation Ratio\*Ksh.387.425 billion) + (Ksh. 2 billion shared equally among the identified 11 counties) + {[ (0.45\*Population Index) + (0.35\*Equal Share Index) + (0.12\*Poverty Index) + (0.08\*Geographical Size Index] \*Additional County Equitable Share above Ksh. 389.425 billion}.**

*Where –*

- i. Baseline Allocation Ratio = The allocation factor derived from each County's allocation for the Financial Year 2024/2025;*
  - ii. The 11 identified counties are: - Elgeyo/Marakwet, Embu, Isiolo, Kirinyaga, Laikipia, Lamu, Nyamira, Samburu, Taita/Taveta, Tharaka Nithi and Vihiga;*
  - iii. The Population Index is based on the 2019 Kenya Population and Housing Census (KPHC);*
  - iv. The Poverty Index is based on the 2022 Kenya Poverty Report by the Kenya National Bureau of Statistics (KNBS); and*
- i. Geographical Size is capped at 10%.*

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*(Sen. Ali Roba on 3.6.2025)*

*(Resumption of debate interrupted on 10.6.2025)*

**The Speaker** (Hon. Kingi): Hon. Senators, when debate was interrupted on the 10<sup>th</sup> June, 2025, the Senate was debating the amendments as proposed by Sen. Omogeni. That is what is to be debated. The Floor is open. We will proceed.

Yes, Sen. Omogeni.

**Sen. Omogeni:** Mr. Speaker, this issue of formula is a negotiation. We have had a discussion between myself, the Chairperson of the Committee on Finance and Budget and other Senators. In that spirit of give and take and accommodating everybody, I intend to drop my amendment to give way for an amendment that will shortly be introduced by the Senator for Kitui, Sen. Wambua.

The Motion will drop the initial money that was to be shared among 11 counties from the initial Kshs4.46 billion if the equitable share is at Kshs405 billion. So, we are dropping it down to Kshs3 billion with the idea that if we are able to get an increase of the equitable share to Kshs415 billion, then we can ---

**The Speaker** (Hon. Kingi): Sen. Omogeni, you are---

**Sen. Omogeni:** I want to inform the House that I am dropping my amendment from the Order Paper.

*(Proposed amendment by Sen. Omogeni dropped)*

**The Speaker** (Hon. Kingi): Hon. Senators, Sen. Omogeni having dropped his amendment means we are back to the original Motion as drafted by the Committee on Finance and Budget. So, we are now proceeding to debate the original Motion.

Sen. Wambua, you may take the Floor.

**Sen. Wambua:** Mr. Speaker, I rise to support the original Motion by the Committee on Budget and Finance. However, I propose an amendment to that Motion.

I beg to move-

THAT the Motion be amended by deleting the phrase “County Allocation = (Baseline Allocation Ratio\*Ksh.387.425 billion) + (Ksh. 2 billion shared equally among the identified 11 counties) + {[ (0.45\*Population Index) + (0.35\*Equal Share Index) + (0.12\*Poverty Index) + (0.08\*Geographical Size Index) ] \*Additional County Equitable Share above Ksh. 389.425 billion}.” appearing after the words “as follows-” and substituting thereof with the following –

a) For County Equitable Share below Ksh. 415 billion –

County Allocation = (Baseline Allocation Ratio\*Ksh.387.425 billion) + (Ksh. 3 billion shared equally among the identified 11 counties) + {[ (0.45\*Population Index) + (0.35\*Equal Share Index) + (0.12\*Poverty Index) + (0.08\*Geographical Size Index) ] \*(County Equitable Share -Ksh. 390.425 billion)}.

b) For County Equitable Share of Ksh. 415 billion and above

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County Allocation = (Baseline Allocation Ratio\*Ksh.387.425 billion) + (Ksh. 4.46 billion shared equally among the identified 11 counties) + {[(0.45\*Population Index) + (0.35\*Equal Share Index) + (0.12\*Poverty Index) + (0.08\*Geographical Size Index)] \*(County Equitable Share - Ksh. 391.89 billion)}.

It is in an amended version. The Motion is amended by deleting the phrase “the county allocation is equal to baseline allocation ratio of Kshs307 billion; a sum of Kshs425 billion plus Kshs2 billion shared equally among the identified 11 counties, 45 per cent population index, 35 per cent equal share index, 12 per cent poverty index and eight per cent geographical size index, appearing after the words as follows and substituting thereof with the following.

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

**The Speaker** (Hon. Kingi): What is your point of order, Senator for Nandi County?

**Sen. Wambua:** I am moving an amendment.

**Sen. Cherarkey:** There is no problem, why are you mad?

Mr. Speaker, you need to protect us. We are not in a market. We must do things as per the law and the Standing Orders. Standing Order No.68 provides that amendments must be in writing and be supplied to Members early enough. This is what our Standing Orders say. I do not have a problem with the amendment. However, I have a problem on the procedure of moving an amendment. We cannot allow backdoor amendments to the original Motion.

**The Speaker** (Hon. Kingi): Senator for Nandi County, the amendments are contained on page 1049 in the Order Paper.

**Sen. Cherarkey:** Also, a further clarification is that the amendments being moved to the relevant Motion should be in writing in accordance to Standing Order No.67. We need the express approval by yourself and specific removal of those words before we revert to the main Motion. It is a process of introducing the new amendment to the main Motion that you have allowed, which I have a problem with.

**The Speaker** (Hon. Kingi): Senator for Nandi County, just take your seat. The Senator for Nyamira County, having withdrawn his proposed amendments, we reverted to the original Motion. I called upon the Senator for Kitui County to make his comments on the original Motion. While supporting the Motion, he came up with amendments, which is totally in order. Therefore, allow him to move his amendments and, in which case then, we will not debate the original Motion. We have to dispense with the proposed amendment. The amendments are contained on page 1049 in the Order Paper.

Proceed.

**Sen. Wambua:** Sen. Cherarkey has learnt.

Mr. Speaker, Sir, the county---

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

**The Speaker** (Hon. Kingi): Senator for Nandi, let us make progress.

**Sen. Cherarkey:** Mr. Speaker, Sir, under Standing Order No.101, you cannot allow him to make sniping snippets against what I have said. Our Standing Orders belong

to the Senate. Can he withdraw and apologize? Otherwise, I will object and reject his amendments before he even debates.

**The Speaker** (Hon. Kingi): That is noted, Senator for Nandi County. Have a seat, Senator for Kitui.

Senator for Nandi, Sen. Samson Cherarkey, some things are really unnecessary.

**Sen. Wambua:** Mr. Speaker, Sir, I withdraw and apologize.

**The Speaker** (Hon. Kingi): Order, hon. Senators.

**Sen. Wambua:** Mr. Speaker, Sir, I had moved to amend my original amendment by deleting the phrase-

“County allocation is equal to baseline allocation ratio of Kshs387.425 billion plus Kshs2 billion shared equally among the identified 11 counties, plus 45 per cent population index, 35 percent equal share, plus 12 per cent poverty index and eight per cent geographical size.”

*(Loud consultations)*

Mr. Speaker, Sir, there are loud consultations behind me.

**The Speaker** (Hon. Kingi): Hon. Senators, these proposed amendments are very key and it is good that you get to understand what the hon. Senator is proposing in order to vote based on information that you understand.

Proceed, hon. Senator.

**Sen. Wambua:** For county equitable share below Kshs415 billion, I am proposing that the county allocation shall be equal to the baseline allocation ratio of Kshs307.25 billion. This will become the baseline for all the counties plus Kshs3 billion shared equally.

If Senators can listen to this, this would benefit many counties.

*(Loud consultations)*

**The Speaker** (Hon. Kingi): Hon. Senators, I thought consultations on this formula were concluded. Why not allow the hon. Senator to move the amendments, please?

**Sen. Wambua:** Mr. Speaker, Sir, a sum of Kshs3 billion shared equally among the identified 12 counties, 45 per cent population index, 35 percent equal share, 12 per cent poverty index and eight per cent geographical size index.

For county equitable share of Kshs415 billion and above, the county allocation will be calculated as follows-

The baseline allocation will be Kshs387 billion for all the counties plus an affirmative action share of Kshs4.446 billion, shared equally among the identified 12 counties, then 45 percent population index, 35 per cent equal share index, poverty index of 12 percent and eight per cent geographical size index.

Lastly, by deleting paragraph 2 of the original Motion; after the word “where,” and substituting thereof the following-

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“The 12 identified counties are Elgeyo Marakwet, Embu, Isiolo, Kirinyaga, Laikipia, Lamu, Nyamira, Nyandarua, Samburu, Taita Taveta, Tharaka Nithi and Vihiga.”

Mr. Speaker, Sir, the import of the amendment that I am pushing is that we should have a situation where no county loses any money using this formula, irrespective of the amount of money that is given for us to share among counties. For now, what we know is that the National Treasury and the National Assembly have proposed Kshs405 billion to be the money that will be shared among counties.

We have our own position in the Senate of Kshs465 billion. Mediation will kick in and the work of the Senators that we are sending for mediation is to ensure that we get a lot more money to share. If the worst comes to the worst and we get exactly what the National Assembly and the national Treasury have proposed---

*(Sen. Oketch Gicheru consulted loudly)*

**The Speaker** (Hon. Kingi): Sen. Eddy, you have to have some respect for other leaders.

**Sen. Wambua:** Mr. Speaker, Sir, if we get Kshs405 billion, then what will happen is that every county, including the ones that we have identified as small counties, will benefit from that allocation. I can read the mood of the House. Hon. Members want to vote on this Motion and on this amendment, I just would like to urge them to do one thing.

Our call to duty is to ensure that devolution succeeds. If devolution succeeds in Kitui County by getting all the money that there was to be allocated and then we deny Mandera or another county money, then we will not be contributing to the success of devolution. If devolution fails in one small county, it will have failed even in the biggest counties that we have. We must have that spirit and we should carry each other along.

Mr. Speaker, Sir, I urge the 35 counties represented by hon. Senators in this House to agree that we invoke Article 203 of the Constitution on affirmative action when considering this formula. This is so that those counties that are receiving little allocations will get something that can make them do basic things, like construction of ECD classrooms and roads and also that this money, will not be used for recruitment of people; as we were told the other day, recruitment of people close to governors.

Mr. Speaker, Sir, with those remarks, I move my amendment and ask Sen. Roba to second.

**Sen. Ali Roba:** Thank you, Mr. Speaker, Sir. As I second this Motion, I will make a statement in support of the secondment.

The House stands for protection of devolution. The devolved family comprises of 47 counties. The 47 counties have to function properly with some aspect of development as well as recurrent expenditure management. Our extensive consultation to avoid what happened in the Third Senate, where the level of controversy tore this House apart was meant to find a reason to consider these 12 counties that get little money and they be

given Kshs3 billion, equally shared among them, then the remained by shared using two hybrid formulas.

Mr. Speaker, Sir, I would like to sincerely clarify because I have heard from a number of Senators contribute and make reference to the formula of the committee, as only the formula that carries the variables of population, equal share, poverty and geographical land size. The formula of the Committee is a hybrid formula where at Kshs387.425 billion and above, we have applied the Third Basis of revenue sharing to hold each county harmless. We have applied the formula of population, equal share, poverty and geographical land mass, whereby, population is at 45 per cent, equal share at 35 per cent, poverty at 12 per cent and at geographical land size at eight per cent.

Mr. Speaker, Sir, the subsequent amendment to carry the 12 counties that are getting very little money, meant that the money we are holding constant for purpose of holding harmless has increased from Kshs387 billion to Kshs390.425 billion, in order to get any additional amount beyond Kshs390 billion, to be shared using the second part of the formula, which is population at 45 per cent, equal share at 35 per cent, geographical land size at 8 per cent, and poverty at 14 per cent.

Mr. Speaker, Sir, we have extensively debated this amendment. This position is that of consensus. I would like to second it and plead with my colleagues, the hon. Senators, to find it within themselves that we conclude voting on this formula, so that we are able to process the County Allocation of Revenue Bill (CARA), which will go to horizontal share of revenue between county governments as well as establishing the ceilings.

Mr. Speaker, Sir, I beg to second.

Thank you.

**The Speaker** (Hon. Kingi): Hon. Senators, please let us take our seats.

Hon. Senators, I will now proceed to propose the Question.

*(Question proposed)*

Hon. Senators, these are proposed amendments to the main Motion. In the main Motion, you are entitled to 20 minutes, if you take to the Floor contributing. These are proposed amendments. If we then grant 20 minutes per Senator speaking, we will not make much progress. We need to dispense with these amendments, so that we go back to the main Motion. I, therefore, propose, if agreeable, if you can restrict time on---

*(Hon. Senators spoke off record)*

Well, with your concurrence, then we can straight away move on. I can put the Question to allow you to vote.

Serjeant-at-Arms, please ring the Quorum Bell for five minutes.

*(The Quorum Bell was rung)*

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Order, hon. Senators. Serjeant-at-Arms, kindly draw the Bar and close the doors.

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

Hon. Senators, we are going to division on the proposed amendment by the Senator for Kitui. I will, therefore, proceed to put the question.

Senator for Kiambu, kindly take your seat.

*(Sen. Thang'wa sat at his place)*

I will now put the question, which is-

(a) THAT the Motion be amended by deleting the phrase-

“County Allocation = (Baseline Allocation Ratio\*Ksh.387.425 billion) + (Ksh.2 billion shared equally among the identified 11 counties) + {[0.45\*Population Index) + (0.35\*Equal Share Index) + (0.12\*Poverty Index) + (0.08\*Geographical Size Index)] \*Additional County Equitable Share above Ksh. 389.425 billion}.” appearing after the words “as follows-” and substituting thereof with the following-

(a) For County Equitable Share below Ksh. 415 billion-

County Allocation = (Baseline Allocation Ratio\*Ksh.387.425 billion) + (Ksh. 3 billion shared equally among the identified 11 counties) + {[0.45\*Population Index) + (0.35\*Equal Share Index) + (0.12\*Poverty Index) + (0.08\*Geographical Size Index)] \*(County Equitable Share -Ksh. 390.425 billion)}.

(b) For County Equitable Share of Ksh. 415 billion and above

County Allocation = (Baseline Allocation Ratio\*Ksh.387.425 billion) + (Ksh. 4.46 billion shared equally among the identified 11 counties) + {[0.45\*Population Index) + (0.35\*Equal Share Index) + (0.12\*Poverty Index) + (0.08\*Geographical Size Index)] \*(County Equitable Share - Ksh. 391.89 billion)}.

(b) deleting paragraph 2 after the word “where” and substituting thereof with the following-

“The 12 identified counties are Elgeyo-Marakwet, Embu, Isiolo, Kirinyaga, Laikipia, Lamu, Nyamira, Nyandarua, Samburu, Taita-Taveta, Tharaka-Nithi and Vihiga.”

Clerk, is the system up and running? Hon. Senators, you can log in and proceed to vote because the system has been running for the last 56 seconds.

*(Hon. Senators proceeded to vote)*

*(Several Senators stood at their place)*

**The Speaker** (Hon. Kingi): Order, Hon. Senators. Please, let us take our seats. Senator for Migori County, kindly take your seat.

Now, Hon. Senators, the result of the division is as follows.

## DIVISION

## ELECTRONIC VOTING

*(Question, that the proposed Amendment by Sen. Enoch Wambua to the Fourth Basis Formula be approved, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cheruiyot, Kericho County; Sen. Crystal Asige, Mombasa County; Sen. Dullo, Isiolo County; Sen. Gataya Mo Fire, Tharaka-Nithi County; Sen. Githuku, Lamu County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo-Marakwet County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Ltumbesi Lelegwe, Samburu County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Okiya Omtatah, Busia County; Sen. Omogeni, Nyamira County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Thang'wa, Kiambu County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

**NOES:** Nil

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

**AYES:** 27

**NOES:** Nil.

**ABSENTIONS:** Nil.

The Ayes have it.

*(Question carried by 27 votes to nil)*

*(Question of the Motion as amended put and agreed to)*

*Resolved accordingly-*

THAT, the Senate notes the Report of the Standing Committee on Finance and Budget on the Fourth Basis for Allocating the Share of National Revenue Among the Counties, laid on the Table of the Senate on Thursday, 17th April, 2025, and that pursuant to Article 217(1) of the Constitution, approves the Fourth Basis for Allocating the Share of National Revenue Among the Counties for the Financial Years 2025/2026 to 2029/2030 as follows-

(i) For County Equitable Share below Ksh. 415 billion-  
County Allocation = (Baseline Allocation Ratio\*Ksh.387.425 billion) + (Ksh. 3 billion shared equally among the identified 12 counties) + {(0.45\*Population

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Index) + (0.35\*Equal Share Index) + (0.12\*Poverty Index) + (0.08\*Geographical Size Index)] \*(County Equitable Share -Ksh. 390.425 billion)}.

(ii) For County Equitable Share of Ksh. 415 billion and above-  
County Allocation = (Baseline Allocation Ratio\*Ksh.387.425 billion) + (Ksh. 4.46 billion shared equally among the identified 12 counties) + {[ (0.45\*Population Index) + (0.35\*Equal Share Index) + (0.12\*Poverty Index) + (0.08\*Geographical Size Index)] \*(County Equitable Share - Ksh. 391.89 billion)}.

Where –

i. *Baseline Allocation Ratio = The allocation factor derived from each County's allocation for the Financial Year 2024/2025;*

ii. *The 12 identified counties are: - Elgeyo/Marakwet, Embu, Isiolo, Kirinyaga, Laikipia, Lamu, Nyamira, Nyandaua, Samburu, Taita/Taveta, Tharaka-Nithi and Vihiga;*

iii. *The Population Index is based on the 2019 Kenya Population and Housing Census (KPHC);*

iv. *The Poverty Index is based on the 2022 Kenya Poverty Report by the Kenya National Bureau of Statistics (KNBS); and*

v. *Geographical Size is capped at 10%.*

**The Speaker** (Hon. Kingi): Serjeant-at-Arms, you may undraw the bar and open the doors.

*(The Bars were undrawn and doors opened)*

Hon. Senators, the effect of this vote is that the original Motion has been amended. Therefore, I will propose the question on the Motion as amended.

*(Several Senators stood at their place)*

Hon. Senators, please take your seats.

*(Question of the Motion as amended proposed)*

Now, Hon. Senators, having proposed the question, the Floor is open for debate.

If you allow, I will call the Mover to reply. We cannot put the question when the Mover has not replied. With your consensus, I will call upon the Mover to reply.

**Sen. Ali Roba:** Thank you, Mr. Speaker, Sir, for this opportunity.

I move to reply. We have built consensus on this issue through various proposed amendments, a lot of discussions and several engagements with various Senators. We have also moved an amendment Motion that has been voted on. I believe that the Hon. Senators' contributions have been taken into account during the entire process. As such, I beg to reply.

Thank you.

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

*(The Quorum Bell was rung)*

Serjeant-at-Arms, kindly, close the doors and draw the bar

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

Hon. Senators, we are now going into Division on the Motion as amended. Therefore, I will proceed to put the Question.

Now, hon. Senators, you may log in and proceed to vote.

*(Hon. Senators proceeded to vote)*

## MOTION

ADOPTION OF REPORT ON THE FOURTH BASIS FOR  
ALLOCATING SHARE OF NATIONAL  
REVENUE AMONG COUNTIES

## DIVISION

## ELECTRONIC VOTING

*(Question, that the Amended Motion on the Fourth Basis  
Formula be now Approved, put and the Senate  
proceeded to vote by County Delegations)*

**AYES:** Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Crystal Asige, Mombasa County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Gataya Mo Fire, Tharaka-Nithi County; Sen. Githuku, Lamu County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kavindu Muthama, Machakos County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo-Marakwet County; Sen. (Dr.) Ltumbesi Lelegwe, Samburu County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Omogeni, Nyamira County; Sen. Omtatah, Busia County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Thang'wa, Kiambu County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

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

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**AYES:** 28  
**NOES:** Nil  
**ABSENTIONS:** Nil  
The “Ayes” have it.

*(Question carried by 28 votes to nil)*

## **BILL**

### *Second Reading*

THE BUSINESS LAWS (AMENDMENT) BILL  
(SENATE BILLS NO.51 OF 2024)

## **DIVISION**

### **ELECTRONIC VOTING**

*(Question, that the Business laws (Amendment) Bill  
(Senate Bills No.51 of 2024) be now read a Second  
Time, put and the Senate proceeded to  
vote by County Delegations)*

**AYES:** Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Crystal Asige, Mombasa County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Gataya Mo Fire, Tharaka-Nithi County; Sen. Githuku, Lamu County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kavindu Muthama, Machakos County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo-Marakwet County; Sen. (Dr.) Ltumbesi Lelegwe, Samburu County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Omogeni, Nyamira County; Sen. Omtatah, Busia County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Thang’wa, Kiambu County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

**The Speaker** (Hon. Kingi): Hon. Senators, the results for this Division are as follows:

**AYES:** 28  
**NOES:** Nil  
**ABSENTIONS:** Nil  
The “Ayes” have it.

*(Question carried by 28 votes to nil)*

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

**The Speaker** (Hon. Kingi): Serjeant-at-Arms, you may now open the doors and withdraw the bar.

*(The Bars were undrawn and doors opened)*

Hon. Senators, we will go back to comments on the statements that had been sought by Hon. Senators.

*(Resumption of Statements)*

Sen. Omogeni, we are now in comments on the statements that had been sought.

**Sen. Omogeni:** Yes, Mr. Speaker, Sir. I want to comment on the Statement that was brought ---

*(Hon. Senators consulted loudly)*

**The Speaker** (Hon. Kingi): Order, Hon. Senators.

**Sen. Omogeni:** Yes, Mr. Speaker, Sir, I want to comment on the statement that was brought by Sen. Thang'wa. With very good intentions, we passed The Rating Act and we wanted to support our county governments to increase their own source of revenue, collect rates so that they can give efficient services to the people residing in counties.

However, there are governors who have totally misused---

**The Speaker** (Hon. Kingi): Now, hon. Senators, please, take your seats.

**Sen. Omogeni:** Mr. Speaker, Sir, there are governors who have totally abused the new Rating Act. In the County of Nairobi City, I have seen instances where houses that were allocated almost 40 years ago, where very senior citizens are already residing, those are the only homes they have known--- Now those homes are being auctioned by my good friend, Sen. Sakaja. He is evicting people from those homes and then a cartel ends up buying those houses.

That was never our intention. This idea of taking away people's homes in a very arbitrary manner is inhumane. I hope Governor Sakaja will listen to me. I heard on Sunday the President advising him in a church service that he should approach this matter by engaging the people who are already residing in those homes.

How can it be that to recover rates of about Kshs104,000, you auction a house valued at Kshs12 million or Kshs15 million? This is a scheme of robbing very dedicated civil servants who bought those houses long ago and who have used those homes as their homes. Let me even pose a question. You are supposed to collect rates to provide services. Where I live and I am challenging Governor Sakaja to come here and give a

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contrary view, I have never seen any vehicle from the County Government of Nairobi collecting garbage and yet, every year I pay rates to the County Government of Nairobi City.

In our court, we collect money together, we repair our roads. However, the Governor of Nairobi City County is insisting that if you have not paid rates, he will come and auction your house. That is not the way to go. We must call him to order. I want him to come here and tell us what plans he has put in place for garbage collection.

If you ask Senators here, in our respective estates, we have never seen a vehicle from a Nairobi City County Government coming to collect garbage. We have never seen, maybe Sen. (Dr.) Khalwale has seen it. I have never seen where I live, a vehicle owned by a County Government of Nairobi coming to collect garbage. We are using private companies. All he wants is just to collect money.

If you are collecting money, we must also hold you to account. We want him to come here, let him tell us how much he collects from Nairobi City County. Let him tell us the vehicle he has put in place to collect garbage. Otherwise, what we are doing is just creating an avenue for people to enrich themselves at the expense of citizens who are not getting services.

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

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

Mr. Temporary Speaker, Sir, I am urging the Government of the day to call Governor Sakaja to order and protect senior citizens who own homes in Nairobi. They are now at the mercy of Governor Sakaja and some mandarins from the County Government of Nairobi City.

That was never our intention when we passed the Rating Act. That was never the intention. So, I am really urging the committee in charge to summon him, we should see him sitting there the way we sat yesterday ---

**The Temporary Speaker** (Sen. Abdul Haji): Thank you, Senator. Hon. Senators, for the comments on statements, each Senator will have three minutes, so that we can conclude and move to the next order.

Sen. Cherarkey.

**Sen. Cherarkey:** Mr. Temporary Speaker, Sir, grant me two minutes. I rise on the issue of constituency boundary review ahead of 2027. We need clear guidelines on this, as the county boundary and constituency review was postponed. I am pleased that the President has gazetted the Independent Electoral and Boundaries Commission (IEBC) commissioners. With the reading of the budget today, we hope the IEBC will put in place and give us---

I hope that as we review constituency boundaries, we remain cautious in protecting constituencies classified as protected, such as Lamu. I am aware of several in the Mount Kenya and Rift Valley regions and across the country. We must ensure these protected constituencies remain safeguarded. In the review, we should consider the

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Kenya National Bureau of Statistics (KNBS) Population Census data to support this protection.

Finally, I wish to comment on the Statement regarding increased land and building rates in Kiambu County. I am saddened. I have engaged several businessmen and women in Kiambu Town, Thika and across Kiambu County. The Governor and the county government are harassing them. As a Member of the County Public Accounts Committee (CPAC), who has served with distinction for the last eight years, I am aware that Kiambu County lacks a complete valuation roll and does not have a full assets and liabilities register. On what basis are they assessing the payment of rates and rents?

I thank the distinguished Senator for Kiambu County, my brother, Sen. Karungo Thang'wa, for this upright Statement. When waiving rates and rent, as Governor Sakaja is doing, we must reach a consensus. While we agree that people in Nairobi should not live rent-free, there must be accountability.

According to the Commission on Revenue Allocation (CRA), Nairobi City County has a revenue potential of Kshs63 billion, yet it is only collecting Kshs12 billion. As we discuss the Division of Revenue Bill (National Assembly Bills No.10 of 2025), we must relook at own-source revenue to ensure everybody enjoys service delivery.

The Senate Majority Leader tells me that Sen. (Dr.) Khalwale has seen a garbage truck collecting waste in this area. We wonder if this is due to the fact that the governor comes from this region or it depends on the estate where you live. If you live in an estate where Sen. Methu resides, I doubt he has ever seen a garbage truck in his life, as he lives near Kiambu and on a road reserve. He can confirm this. How can garbage collection happen on a road reserve?

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

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

**Sen. Methu:** Mr. Temporary Speaker, Sir, with tremendous respect to my brother, Sen. Cherarkey, first, he was among those crying due to imputing improper motives on a Senator. Did you hear the Senator for Nandi County allege that I live on a road reserve in Kiambu? I am very surprised and wonder how Sen. Cherarkey would even know where I live.

The only persons I have seen visit my place are yourself and Sen. Karungo. You must find Sen. Cherarkey out of order for insinuating that I live on a road reserve. I am a law-abiding citizen. Given the political side I belong to, if I were living on a road reserve, I would not be there now. I would have been chased long ago. You must find him out of order. He must withdraw and apologize. I live in Nyandarua at a place called Njabini. I am sure Sen. Cherarkey does not know where I live.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Cherarkey, you are indeed out of order. Please, apologise to Sen. Methu and withdraw the fact that he lives on a road reserve.

**Sen. Cherarkey:** Mr. Temporary Speaker, Sir, I withdraw and apologize. I was the Vice-Chairperson of Sen. Methu in CPAC and used to deliver documents to his house. I do not know why he is denying it, unless he showed me the wrong house. It is on record that I have served as the Vice-Chairperson of CPAC. While I withdraw and

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apologize, Sen. Methu should be careful. I could be shot or encounter *mbwa kali* if I go to that same house. However, I withdraw and apologize; I was speaking in jest.

In conclusion, I support all the Statements.

**The Temporary Speaker** (Sen. Abdul Haji): Very well. The final speaker is Sen. Beatrice Akinyi.

**Sen. Ogola:** I thank you, Mr. Temporary Speaker, Sir. From the onset, I would like Sen. Methu to understand that one does not need to visit someone to know where they live. This can be observed through their operations.

I support the Statement by the Senator for Nyandarua County, Sen. Methu, regarding the quality of potatoes grown in Nyandarua County. This issue extends beyond Nyandarua to our agricultural systems and farmers across the country. My specific concern is the excessive use of pesticides.

A doctor once told me that many diseases people suffer from today stem from what they consume, essentially, the food we eat. That is why we call on county governments, which are executing the agriculture function, to ensure there are enough extension officers to guide and advise farmers. This concern may be linked to the increasing number of cancer patients. I therefore support this Statement.

Secondly, I support the Statement by Sen. (Prof.) Ojienda on the conduct and professional standards of county enforcement officers. Counties must prioritize training. In my studies on corporate governance, I have learned that continuous training and retraining are essential whenever personnel are engaged.

Many county enforcement officers are political supporters hired soon after elections, leading to enforcement units composed of individuals with varying qualifications. Their training must be reviewed to ensure they have the necessary skills to interact professionally with traders. They must also recognize that their salaries come from the contributions of these traders. Therefore, the conduct and professional standards of county enforcement officers must be reassessed.

Additionally, I propose that the Government considers retraining and retooling all public officers at every level through the Kenya School of Government due to their harmonized training.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Seki.

**Sen. Seki:** Thank you very much, Mr. Temporary Speaker, Sir. I support the Statement by the Senator for Kiambu County, Sen. Karungo wa Thang'wa, on the issue of land rates in the county. It is true that our counties face challenges, particularly regarding land rates, where the county is imposing high rates, making it difficult for residents to pay.

This emanates from inadequate consultation within the county. The introduction of land rates by a county government should be a consultative process, where a valuation roll is subjected to review by residents to allow for agreement and input. County governments must seek approval through county assemblies before implementing such rates. It should not be a decision imposed unilaterally by county executives, administrators or governors.

I understand this because somebody has just said that assets and liabilities have been approved by the county governments through the local governments particularly on

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the allotment letters. However, in terms of rates where you need to do the change of user, change the use of the title from the freehold probably to leasehold, these are things that need some processes. I believe that if county governments can involve members of the county and make sure that the business people are not oppressed, so that the kind of business that they are doing also through those plots, is well articulated.

I also support the Statement by Sen. Cherarkey on the issue of human/wildlife conflicts. Human/wildlife conflict is a problem in our counties particularly counties like Kajiado and Taita-Taveta. Even the Nairobi National Park has been a big problem.

**The Temporary Speaker** (Sen. Abdul Haji): Hon. Senators, we are out of time for Statements and Questions.

Sen. Seki, you have one minute.

**Sen. Seki:** This human/wildlife conflict is very bad in our counties. The Kenya Wildlife Service (KWS) must be put on notice because you can see Sen. Cherarkey has brought a Statement where cheetahs have been a menace in his county.

In my county, we have a problem of lions eating children. I have a problem where a lion has eaten a child in my county just here next to Nairobi National Park. This is a big problem in our counties and nationally. The national Government through KWS must be put on notice in this Statement.

**The Temporary Speaker** (Sen. Abdul Haji): Hon. Senators, we have come to the end of Questions and Statements. At this juncture, I would like to rearrange the Order Paper, so that we move to Order No.19.

Next Order.

## BILL

### *Second Reading*

#### THE SOCIAL PROTECTION BILL (NATIONAL ASSEMBLY BILLS NO.12 OF 2025)

**The Temporary Speaker** (Sen. Abdul Haji): Senate Majority Leader, please, proceed.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to move that The Social Protection Bill (National Assembly Bill No.12 of 2025) be now read a Second Time.

I have had the distinct honor of moving important Bills in this House, but from a person that is socially conscious of the needs of vulnerable people in our society, I would say this is perhaps the most important. In our country, we have various forms of social protection measures that we give out. Unfortunately, due to lack of proper organisation by successive administrations, we have a one-size-fits-all approach to social interventions across our country. There are many conversations that are lost because our needy people do not have somebody to speak out for them.

On many occasions, the conversations on social interventions is left to the elite here in Nairobi who can speak on these particular issues, who are articulate, have

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representations and nobody speaks for the needy. I am just laying the basis before I move this Bill. I challenge you, colleague Senators, that you must take your legislative responsibility more seriously and ensure that you speak for the people that sent you here. Sen. Eddy, my good friend, you were not sent here by very well-to-do people. I know the people of Migori. They are just as much like the people of Kericho that I represent. Their standing on the wealth radar of the country is almost average.

There are many things that we do as a country, I will come to the social intervention programmes, what we send to persons with a disability and to the social support programme of those citizens that are 70-year plus. If you go to your county, Sen. Ogola and ask in a public gathering in Homa Bay where you come from, you will find that there is a 70-year-old who is in the safety net and they are being supported, then you will find another one who is not with no clearly defined process upon which this exercise is done. There is a lack of specific focus on this special category of Kenyans.

There is even a very live conversation, this is a wrong time to have it, but we need to have this conversation as a country. This issue of zero rating of bread and milk, how many of your constituents, Sen. Eddy, buy milk and bread from shops and supermarkets? About 99 per cent, if not 100 per cent, of the people that you represent in this Parliament wake up to take milk with *ngwaci*, *nduma* or even without any 'accompaniment' if that is what your people call it. Despite this, many times when you have a conversation about the cost of bread, it is made to appear as if it is a national problem, yet the Kenyans that actually consume bread on their breakfast do not form the larger population.

About 99 per cent of the people that many of us, that come from the rural counties, represent in this House, that is not part and parcel of their basic requirements, yet you are told that it needs to be zero-rated because it is food of the poor. Therefore, my constituents, who are very poor, do their share in paying the tax burden to the country, but then that same tax that has been deducted from them is used to shoulder the burden of those who enjoy bread and milk.

If you are to move it to Nairobi, for example, and other cities like Mombasa, Nakuru, Eldoret and the bigger cities, what Kenya has not been able to successfully do is to stratify the locations and the areas through which those that need to benefit from social intervention from the Government and support live and are able to access these services. Why should I, who lives in a fairly affluent neighborhood, want to buy--- If you read why, for example, bread and milk is subsidized, at the same price with people who come from our informal settlements---

If it is a subsidy of some sort to help the urban poor, that should not be a problem because we must be a society that appreciates that people are not at the same place in terms of their spending abilities. Is it not possible to classify so that those who benefit from these social interventions are targeted and, therefore, we do not burden the entire country benefiting people who do not necessarily need it.

Take the example of the issue that we had a few weeks ago; examination fees. There was a big headline saying President William Ruto has stopped payment of exam fees for students. I dug deeper to try and understand what exactly the conversation is. The unfortunate thing with our newspapers, the editors and people that speak in the media, is that we see every Government policy decision through the prism of politics. It is so

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fashionable to critique governments of the day, successive administrations, but more specifically, the current one, for reasons that you and I know, but are not very far from the reasons of what you said yesterday when we were interrogating the matter that was before us in this House.

I was mentioning the example of payment of examination fees. Even as we try to shoulder the burden of parents who cannot afford to pay examination fees for their students, is it not a fact that there are those who can afford and, therefore, there must be a basic understanding of how you separate those who can afford and those who cannot afford, so that you do not end up running a near socialist republic because we are nearly becoming one?

Mr. Temporary Speaker, Sir, for every other policy nowadays, we are told, no, free primary education was introduced or another free was introduced. This is without ever reverting back to ask ourselves who is paying for all these free things that we want to enjoy in this country. We are told these ones are demonstrating; they need a salary increment. Yes, let us pay them, and then another load shows up.

There is disconnect between our financial sense and the realities of the country that we live in. We are a country that is pennywise, but pound foolish. We believe that it is possible to ignore sense, but believe the shillings will make sense. It is not possible from an economic perspective and we must begin to think and reflect back on the proper way of rolling out our social intervention programmes.

Then when we do interventions in the exam sector, we can have a conversation and say, for example, those who go to public primary schools, being certain that anyone in this day and age who allows their children to go to public primary schools needs Government support. Then those who go to a certain categorization of schools and academies can do with either half subsidies or no subsidy at all and their parents will be okay with it. However, we should not undermine the millions of other children who can benefit from these programmes based on the fact that it is not economically viable to make some of these programmes.

Mr. Temporary Speaker, Sir, I was laying the basis for us to appreciate that as a country, a time has come for us to be under the full realization that it is not possible to have a one-size-fits-all proposal on various social intervention programmes and believe that things will definitely be okay.

The specifics of this Bill is that it seeks to provide a framework for the administration of non-contributory social protection interventions in Kenya and establish the National Board for Social Protection. It also creates a comprehensive legal framework to guide implementation of social protection programmes that support vulnerable individuals and households.

At least we have been able to map out the households through the Kenya National Population Survey of 2019 and the previous years. You can therefore tell the number of households that are in our counties. That is the data that we use for guiding policy decisions, just like the formula we have just passed. Therefore, this Board that we are creating is to advise and guide as well as ensure that these programmes are not run blindly.

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If Sen. Cherarkey can recall, I said previously in this House that I will not move another Government Bill that creates another board. However, the specific nature of this Bill must make sense. I also hope that when we go to Committee Stage, we can put in the transition clause the bodies or Government entities that do social interventions and which must be wound up as a result of the creation of this Board, so that we do not end up with hundreds of boards that duplicate their roles.

We are trying to reduce the cost of running Government and that cannot be achieved if we continue to have many boards. I have also said that we need to make special exception for boards such as this. I have laid the basis on why this is extremely important in a country where social intervention programmes are not rolled out in the form and the manner that they are rolled out.

Mr. Temporary Speaker, Sir, I believe and it is my understanding that when we create this Board, they will interact with the Ministry of Education and ask them about the cost and payment structures, the support and capitation sent to public institutions that exist in this country and how they measure that, so that we do not end up in a situation where we believe it is possible to standardize and pay for the whole country.

We must appreciate that we are not an oil-rich nation and that we have almost run out of fiscal headroom to either, borrow or tax Kenyans and yet, the cost of running government continues to increase. You can also see the kind of headlines we have where people believe that it is possible to continue paying and meeting every bill from health, education and all these other things without some level of measure. It is therefore the creation of a board such as this that needs to be needs-specific and ensure that we give.

Mr. Temporary Speaker, Sir, additionally, this Bill seeks to cushion persons in need against risks and contingencies, build human capital capabilities and resilience among those in need and promote the overall well-being of vulnerable persons. We know one of the biggest signature successes of this administration. You know, we live in a country where when a government does right, it is nothing, but wait until something goes wrong somewhere, then it makes headlines.

One of the boldest decisions that President William Ruto took upon taking on the reins of power was the intervention on Government policy on those that are in the social support programme, the vulnerable and the elderly. They are paid before civil servants are paid. Previously in the previous administration, they would sometimes wait for three, four, five, six or seven months before getting their monies.

I saw the statement here last week. It is part of documents that I table here every other day - month on month payment to the vulnerable. However, we need to ensure that the amount sent to them is enough to meet their basic needs and all people who meet the criteria of being vulnerable people and need to be supported end up benefiting. That is part and parcel of that.

Mr. Temporary Speaker, Sir, social protection is essential to address poverty and all those things that I have mentioned. Under Part I, clauses one to six are general terms. Clause seven to 27 provide for this Board I have mentioned and its functions, which include the Cabinet Secretary relating to social protection, designing and implementation.

I would like also to highlight the roles of county governments in social protection as contained in the Bill. County governments will be responsible for implementing

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national Government policies through county-specific legislation. I had mentioned earlier that the specific needs of a certain category of people in Homa Bay may not necessarily be the same as those in Kericho, Nyandarua or Garissa where you come from, Mr. Temporary Speaker, Sir, as well as the other counties.

Mr. Temporary Speaker, Sir, counties will also develop the inter-operable county registries for social protection beneficiaries, ensuring that they can counter-match what the national Government has and what the county government has. Sen. Cherarkey can remember that during the previous term, we passed in this House the County Statistics Bill because we said that it is not only important to use the Kenya National Bureau Statistics (KNBS). Even our counties need to develop capacity to develop their own statistics.

Therefore, Part IV and V are for the various offenses. Clause 49 to 56 provide for repeal of the Social Assistance Act, transition of staff and the things I was talking about earlier.

Mr. Temporary Speaker, Sir, with those remarks, I beg to move and request Sen. Beatrice Ogola to second. This is because, faced with the choice of two young men who are hot-blooded and a lovely mother like Sen. Beatrice, I would choose her to second this Bill. They will contribute to it.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Beatrice.

**Sen. Ogola:** Thank you, Mr. Temporary Speaker, Sir. I also thank the Senate Majority Leader for granting me the opportunity to second this Bill.

I resonate so well with the ideals that you have just explained here. Sometime back when I was a young woman, but growing into leadership, and at the time of the grand coalition then, you must have been in school then and Sen. Cherarkey and Sen. Eddy were elsewhere that we might not mention today. Then, I was growing up in Homa Bay District, as a young woman leader. I had been chosen by the District Development Committee (DDC) to sit at the policymaking body nationally, at the initial social protection that dealt with the coming up of the elderly cash transfer form. That is why I am excited and willing to second and support this Bill.

Mr. Temporary Speaker, Sir, however, when we started with the elderly cash transfer, before the orphans and children's cash transfer came in, I would like to relate a story that has worked well for this country. Initially, two areas, Nyeri and Bondo, were picked as pilot areas for obvious reasons. The then President was from Nyeri while the Prime Minister was from Bondo.

Mr. Temporary Speaker, Sir, that has been a success story in the country. At the implementation time, they began by paying out cash of Kshs2,000 to the identified elderly people. You should have seen the state in which those old elderly people were. Apart from the fact that they were aged, a number of them were also sick. When they were brought to pick the initial Kshs2,000, which was paid in cash, they were brought like they were being taken to a hospital. You should have seen the success story and pictures after the initial reception of the Kshs2,000.

A number of these elderly people were even taking care of orphans despite the fact that they were elderly. This tremendously transformed their lives. Initially, support was given in terms of kind. The Government would provide maize and beans as support

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to such people. However, an idea came that people needed to live in dignity, that, even though they were elderly, they needed to decide what they wanted to do with themselves. You do not need to prescribe for somebody what they are going to eat in terms of maize and beans. So, with the provision of the Kshs2,000, they were able to plan for what they needed. Where you needed some rice, I would need some fish or just buy soap for my family.

A number of those elderly people used this little money that we thought was so little to pay school fees for some of the orphans that they were staying with. I can give evidence of such elderly people that ended up paying fees with the little they had apart from the subsistence of taking care of themselves.

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

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

Therefore, Madam Temporary Speaker, I stand here to say that this initial initiative has continued to expand and now there are many in number. This is a real success story in this case.

Finally, Madam Temporary Speaker, in consequent months when these elderly people were paid, a number of us asked ourselves whether they were still the elderly people that we saw initially at the commencement of the project because they were people who consequently had lives in themselves, looked happier and were living in a dignified way.

Madam Temporary Speaker, we live in an African set-up in a community and we cannot lose our brotherhood. We must be a people in terms of leadership or families, who care about the vulnerable. It is on that basis that I rise to second and support this Bill.

Madam Temporary Speaker, allow me to give out certain key thoughts from myself on the Social Protection Bill (National Assembly Bills No.12 of 2025). As we talk about the elderly, there have also been commendable programmes by the Government on the orphans and vulnerable children, which closely followed after the elderly cash transfer that was initiated at the time of the Grand Coalition Government. However, there are seriously vulnerable cohorts in our society that I would like to single out.

As a country, we must pay attention when we talk about social protection to certain calibre of people amongst ourselves. Do we ever think about college and university students out there? I am not talking about their tuition money. I am talking about certain support that I see lacking. The Government certainly is giving some support. I would like to talk from a personal experience I have had a number of students that I relate with. I know all the leaders here and elsewhere relate with them. It breaks my heart when I see the life that some of the university and college students live in a number of our institutions.

Just recently, I realized that there are some students in our universities and colleges, because they are not able to pay rent and buy food, even when fees has been paid, live in very miserable situations. The basis of this Bill that I support is banked on the fact that people need to live with dignity. A child, young person or anybody who lives

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and grows in dignity grows to be a strong personality and people who are confident of themselves. That is what this nation needs.

I am happy that the objects of this Bill are about cushioning some of these people in their livelihoods. It is about helping people to grow well, promoting quality life and equity. I am talking about social justice amongst everybody else and especially as a Kenyan.

Madam Temporary Speaker, I have talked about these college and university students. As a country, we must think about those cohorts. As I have said, even though the Government and guardians might provide for fees, there are specific students who are languishing in poverty in our colleges. What as a nation are we doing about them? Can we not have a mechanism in which we can pick out some of these students, so that they grow in their professions, but not languishing in poverty?

The other reason I support this Bill is because there is another cohort in our society. The Mover of the Bill has talked about the urban poor. I would like to expound on that. I live next to a sub-county headquarters, which is a peri-urban place in Ndhiwa Town. As urban areas sprout and as a number of people move there, some of them go to look for jobs and means of livelihood, but at the end of it, they do not get. Most of the time, I cry for a number of women because I meet them each time I go home. There are a number of women who go to live in urban centres in search of some work and means of livelihood. Since jobs are not forthcoming, they join the growing population of the urban poor. As we talk about this Social Protection Bill (National Assembly Bills No.12 of 2025), as a country, we must think about that cohort.

I have often related a story in that same town where I came face to face with a number of young girls who had gone to do daily chores of cleaning houses somewhere I had visited. My heart was broken on that particular day. When their host decided to serve them with a cup of tea after they had finished the work they were doing and they were given lunch, those women were hesitant to eat that food. Their reason was that there was no way they would be given breakfast and take lunch at the same time. They opted to keep that food, so that they take it home to their children. That tells us that in this country, there is a cohort of people that we must pay attention to. It is on that basis that I second this Bill. I want to emphasize that the Board that will be put in place must widen the scope and identify different cohorts of people that we need to take care of as a country.

Another group that comes to my mind in the communities that we live in are parents. We have those who are single or terminally ill and are bed-ridden. Some of them have young children who cannot look after themselves. I often encounter that group of people when I am in my home in the village. When you walk around, you find mothers who are terminally ill, but they have children who cannot fend for themselves. Those are the groups we must focus on.

Madam Temporary Speaker, as I second this Bill, there are also points of interest that finally support or serve these people that I have talked about. These are our schools and hospitals. Even though they are entities on their own, they are convergent points that serve those vulnerable groups.

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Like I said, I live in a peri-urban place and we have schools, especially in urban centres. In some of those schools, we have children who come from wanting families. Like I have said, for some of them, a mother or father might be terminally ill, but they have children. In this country, there are children who go to school while hungry. They go to school to learn without food. I support this Bill because I expect that these to be some of the entry points that must be focused on.

The approach that we must give this Bill is that it must be all-inclusive even in terms of Government structures. We must have different sectors that pay attention to these vulnerable groups. This is a Bill that expounds ideals that I believe in because I have lived seeing. These are ideals that will restore the dignity of a number of our people in the society. Like I have said, dignity ensures that people grow in a strong way.

Madam Temporary Speaker, as I second this Bill, one thing that must be looked into is the Board that will be created. There will be a chairperson who will be appointed by the President and two principal secretaries. Those are national outfits. There is only one person who will be nominated by the Council of Governors (CoG).

We must take note that social protection cuts across all levels of government. In any case, all vulnerable groups that we are talking about live in the counties. Therefore, there is need to look into the membership of Board, so that we bring in more representation of the counties.

Madam Temporary Speaker, with those remarks, I second this Bill.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, hon. Senator. Hon. Senators, I will now propose the question.

*(Question proposed)*

This is now the time for Senators to make contributions on this Bill. I now invite Sen. Eddy Oketch.

Hon. Senators, because of the nature of the proceedings of today, we have to create some time for the Adjournment Motion because we will be going on recess. Due to the number of minutes remaining, I would like that time to be shared. We have two Senators; Sen. Eddy Oketch and Sen. Cherarkey. We do not have to finish, but we need time for the Adjournment Motion. Therefore, I direct that you share 10 minutes.

Sen. Cherarkey, you can take the Floor first. I will stop you at an appropriate time.

**Sen. Cherarkey:** You do not need to because I will be precise.

Madam Temporary Speaker, from the outset, I rise to support the Social Protection Bill (National Assembly Bills No.12 of 2025) based on Articles 54, 56 and 57. Those Articles state that persons with disabilities are entitled to be treated with dignity and respect. Therefore, their rights must be protected. Of essence is their economy, well-being and welfare, access to health, materials and devices for the persons with disability.

The law has been passed to accommodate and ensure that Persons with Disabilities (PWDs) are well taken care of. Our Constitution has provided for the vulnerable in the society. Some children are vulnerable especially those born into poor

families. It is important that we set into that assent. The youth should be part of the conversation of this country and the Constitution has taken care of that.

Under Article 37 of the Constitution, each Kenyan has been given the right to demonstrate. However, the scenes in Nairobi City at the moment are unfortunate. Article 37 of the Constitution gives the right to freedom to demonstrate, to picket and to strike, but it does not give the right to destroy, burn vehicles, bring disorder and lawlessness within the---

*(Sen. Cherarkey spoke off record)*

**The Temporary Speaker** (Sen. Veronica Maina): Check on your microphone.

**Sen. Cherarkey:** Madam Temporary Speaker, I am talking of Article 55 of the Constitution, which addresses the rights of young people. We have a number of young people who are yet to get opportunities. The Government is doing a lot through the affordable housing programme, the scholarship programme and education. In as much as Kenyans - and majorly the youth have a right to demonstrate under Article 37 of the Constitution - their rights only envisage peaceful demonstrations and protests.

The scenes we have seen today afternoon within Nairobi City are unfortunate. This is because there is vandalism, burning of vehicles and lawlessness. Article 37 of the Constitution did not envisage such a situation. What we are seeing on our streets are acts of criminality. I urge the security agencies to deal firmly with those acts of lawlessness. No Kenyan should lose their lives or property because Article 37 of the Constitution is being violated.

Article 56 of the Constitution talks about minorities and marginalized groups. I agree with Sen. Ogola when she said that we must look at those who are marginalized and ensure the minorities have a say. The other day, the President pushed for identification cards to be given to minorities and marginalized people in this country, especially those in the northern part of this country. I was happy with this, but shocked that some leaders were uncomfortable with that. We all know of the Makonde Tribe from the coastal region who did not have identity. This is part of the affirmative action into what we call social protection.

Article 57 of the Constitution talks of the older members of the society. We have established homes for the elderly, but our African culture dictates that the parents take care of you when you are young, and when they get old, you are supposed to take care of them. I am sure that the same happens in Murang'a County where you come from.

The Catholic Church has done a commendable job by establishing homes for the old like Nyumba ya Wazee and many others. Previously, the Senate was referred to as *nyumba ya wazee*, but things have changed right now because majority of us, in the Senate, are young people. In as much as our culture does not advocate that we take our older parents to homecare homes or caregiving, we must be alive to the fact that there are some old people who do not have children or people to depend on. That is why Article 57 of the Constitution has provided for their rights.

I need to rush through this for us to move to the Adjournment Motion. I am happy that long-term limitations, aging illness, injury and disability and caregiving have also

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been addressed. We all know people who suffer from terminal illnesses and we must look at it.

We must look at the issue of cash transfer especially when it comes to the older members of our society. In 2024, we had 1.7 million people registered under *Inua Jamii Programme*. That money is paid through e-Citizen. I thank the Government for that initiative. Those people receive Kshs2,000 per month on their M-Pesa through the e-Citizen Programme.

Safaricom and other agencies have done very well. I saw Safaricom deny their role in providing locations of the suspects when the police are looking for them. I want to believe them and to call upon Safaricom and other telecommunication companies in the country not to reveal any personal details because that will be infringing on the right to privacy. They do a good job, but we must deter them from going into an unholy alliance of revealing personal details of any Kenyan.

Madam Temporary Speaker, you are a senior counsel in this country and you know that such information can only be provided when there is a court order. In 2023, 1.5 million people were under the Government social support of *Inua Jamii Programme*. They are under social programmes and I will just run through. There is the Cash Transfer for Orphans and Vulnerable Children (CT-OVC), the Older Persons Cash Transfer (OPCT) now known as *Inua Jamii Senior Citizens' Scheme*, where each receives Kshs2,000 and the Persons with Severe Disability Cash Transfer (PWSD-CT) Programme, which involves caregiving.

The setup of this Board is very critical. As a country, we must be realistic and deliberate in providing social health and social protection mechanisms that can protect the vulnerable in the society. The true test of a nation is not the wealth, military hardware, democracy or our fluency in English or Kiswahili. The true test of a nation is how it treats the vulnerable in the society.

The Government is struggling to raise revenue. The Kenya Revenue Authority (KRA) has projected to collect around Kshs2 trillion and the budget has a deficit with Kshs4.2 trillion. We agree there are challenges, but we must take care of the vulnerable in the society through cash transfer and feeding programmes. I appeal to the nation that we must take care of the vulnerable in our society because it is their right.

You and I are some of the distinguished lawyers in this country. I pursued my Master's degree in Constitutional Law and Governance at the University of Nairobi. We, therefore, must be alive to right inherent and no one should be denied their right. The Professor of Human Rights, Dr. Mutakha Kangu, taught me white rights, civil rights, political rights and human rights. The establishment of this Board is important. As we read the budget, we must factor in these factors.

I am running through in order for us to have time for my colleagues to contribute to this Bill. I appeal to the Senate Majority Leader that we should amend Clause 23 because we are legislating ourselves out of business. It says such monies as may be appropriated by the National Assembly for the purposes of the Board. I invite the Senate Majority Leader to Article 249(3) of the 2010 Constitution, which says Parliament shall appropriate monies to independent commissions and others within the law.

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Allow me to say this for the benefit of the HANSARD and the record. We need to amend this provision of the law because Parliament as per Article 93 of the Constitution is the Senate and the National Assembly. It says Parliament shall allocate adequate funds to enable each commission and independent office to perform its functions and budget of each commission and it shall be a separate vote.

We will amend Clause 33 to say “monies as may be appropriated.” The Mover and the Secunder of the Motion are here. The issue of social protection care is not just a function of the national Government. It is a shared function just like a disaster. I appeal to the Senate Majority Leader that social protection should not just be the work of national Government, but county governments as well. I was told that Governor Isaac Ruto used to give the old people Kshs1,000. That was a social protection mechanism. Unfortunately, his friend, the Governor of Nandi County has never thought about the old people. When the old people will speak, he will not go anywhere. *Hiyo itakuwa wakati ambayo atataka mate yao*, and it will not be good.

The Mover requested me to second and that is why I am very proficient. According to the 2022 Kenyan National Bureau of Statistics, 39.8 per cent or over 20 million Kenyans were living below the poverty line. Can you believe that 16 million of us in this country cannot afford basic needs such as food, shelter and clothing? Can you believe there are Kenyans who are still walking naked, without clothes or even food?

Some of us when we were in primary school at St. Francis Cheptarit Primary School in Mosoriot, we had even patched *virakas* to most of our shorts until you could not see the colour of the short. So, these are the challenges that we still struggle with up to today. As we talk today, in 2021, 5.4 million Kenyans were found to be urban poor. Urban poor are people who live in Nairobi, but they are poorer than the poor in the villages. I want to agree with the Senate Majority Leader that we must put the Social Protection Bill in the categories of orphans, vulnerable children and poor older members of the society. I went to Tuyabei over the weekend and there is an old mzee called Chepkwony. He is so poor, he is old and now the community is coming up to build a house for him.

I normally see Madam Temporary Speaker donating *mboco*, rice and iron sheets. You are doing a good job and we wish you well in your future endeavors. We are doing a lot to protect the members of the vulnerable in the society.

Regarding Persons with Disabilities (PwDs), I want to thank an organization like *Jeshi la Wokovu* (Salvation Army) because they are running care giving homes. The Catholic Church and a number of religious institutions are also running care giving homes. I want to warn young Kenyans, if you have the capacity and ability - as the Senate Majority Leader said - take care of your old parents. Do not take them to *Nyumba ya Wazee*. If you do so, you will be cursed. If God has blessed you with all the resources, please take care of your parents at home. It does not take a lot. Build them a nice house.

I was embarrassed when we visited the homes of some elected leaders because their parents live in dilapidated and dejected places. I do not want to name names because it will not be very good. I am warning those Members of Parliament, both in the Senate, National Assembly and other elected leaders, please, build homes for your parents otherwise, next time I will come and table their names plus the pictures. I was

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embarrassed and I felt ashamed. As young people, God has given us a chance to have at least something. We should at least build homes for our parents.

I went to one of the senior Government officials and you might know that person. During the funeral, you could see the house. There was no water. There was nothing. There was no electricity. I do not want to go to that direction. God in Heaven sees such individuals. People fear persons affected by shocks, unpaid and deficient, unsupported caregivers. I know children are suffering in the Middle East and other areas because they are caregivers. I want to appeal to Senators because this is a good.

The social care services also include rehabilitation services. I appeal to NACADA that there are many young people, even those who are demonstrating today, most of them are high on drugs. Some of them are drug or alcohol addicts. We must make a deliberate effort to take them to rehabilitation centers. I think it is no longer an issue of one region. In one region, I am told ECDE centres are being closed because the young men are no longer procreating as God envisaged. Instead of sleeping on top of the bed, they are now sleeping under the bed. Therefore, a number of ECDE centres have been closed.

Madam Temporary Speaker, of course, you know that region from the way you are smiling. So, we agree, let us allow what God told us to do. Let us procreate for the better of this nation.

On psychological support, despite care services and home-based care, I do not know what the Senate Majority Leader means, but I was concluding. If there is a time that the entire Senate and Parliament should be on social care protection-- I want to repeat because the Mover of the Motion said that the true test of the nation will not be known by the military hardware, the democracy, the beautiful human rights or how we write many long speeches on social media. The true test of a nation is how they treat their most vulnerable in need.

Madam Temporary Speaker, with those colorful words, allow me to end and support.

I thank you.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you very much, Sen. Cherarkey, for those contributions. I will not say anything regarding the Members of Parliament that you have referred to; Senators and senior Government officials, who you have alleged have not built their parents any homes. I will say nothing, but I will just underline it.

There being no other contributor on the dashboard, I call the Majority Leader to reply maybe to one of the transformative signature Bills he will get to present before this House.

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Madam Temporary Speaker.

Sen. Ogola, I listened to your entire speech and I must say, I was moved by your deep understanding of social protection. I think this is your area of expertise. I have heard you speak fairly well on many subjects. This is one of those items that you have spoken with so much depth.

Madam Temporary Speaker I see Sen. Eddy panting back to the House.

**The Temporary Speaker** (Sen. Veronica Maina): So, what is your point of order, Sen. Eddy?

**Sen. Oketch Gicheru:** Madam Temporary Speaker, the Bill that you have called the Majority Leader to reply on is a very important Bill to the entire country. It has got implication on tax revenue of this country and the people we want to help. You were guided when I got up to speak that because we want to make sure that there is a time left for the Adjournment Motion, we would have a chance to speak to this perhaps on another date.

To get the Majority Leader to reply to it is to deny us an opportunity to contribute to this Bill. There are a lot of amendments that we think will be important for the country. If you do not contribute to, it will be a disservice to us.

**The Temporary Speaker** (Sen. Veronicah Maina): Sen. Eddy, you know the extent to which you are out of order because you walked out then. By the time Sen. Cherarkey finished, you were not in the Chamber.

**Sen. Oketch Gicheru:** Madam Temporary Speaker, that was after consultation with you.

**The Temporary Speaker** (Sen. Veronicah Maina): Did you expect Madam Speaker to walk out and get you?

**Sen. Oketch Gicheru:** No, we consulted and I respected the first part.

**The Temporary Speaker** (Sen. Veronicah Maina): That was never going to happen. If you need time, the best you can do is approach with wisdom and caution and request the Majority Leader to share his time; not to address the Speaker right now the way you have because you were not there when that opportunity was closed out.

If you wish I have given you a guide. If you wish to share the time with the Majority Leader, approach him. You were not in the House. If I insist on procedure, I will ask the Majority Leader to proceed. That is why I have given you a chance to ask him to give you time. Also, you have not explored the avenue available to you under Standing Order No.110. Were you in the House when Sen. Cherarkey finished? Sen. Eddy, you can do better than you are doing now.

I have guided you under Standing Order No.110. I will then ask the Majority Leader to proceed.

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Madam Temporary Speaker. I was willing to share my time with Sen. Eddy if he so wished.

**The Temporary Speaker** (Sen. Veronica Maina): He is interested in an exchange, which the Chair is not interested in.

Proceed, Majority Leader.

**The Senate Majority Leader** (Sen. Cheruiyot): In any case, this is the Second Reading Stage where Members contribute and share their thoughts. The most important part of the Bill is where we do work, which is what is called the Committee of the Whole.

If you feel, as I listened to Sen. Beatrice, share the things you want to change in the Bill. I have listened to Sen. Cherarkey also on parts of the Bill that he feels need to be amended. I want to appreciate colleagues who took time to contribute to this Bill. On Tuesday, actually, I mentioned on the need for colleagues to remain in the House. Our

sitting time is not that long. Just four hours, three times a week with the exception of Wednesday.

Virtually every other evening, many of you do not remain in the House with the exception of maybe Sen. Mungatana, Sen. Cherarkey. Sen. (Dr.) Khalwale also does a fairly good job. There are hardly 10 Senators who see the rise of the House at 6.30 p.m., every other afternoon, and we must learn to practice that. From the old people that I found in this House when I came here, they would stay until 6.30 p.m. and they were fairly very senior people; people who had served as Cabinet Ministers, and so on and so forth. I wish my colleagues in this current Thirteenth Parliament could borrow that practice, because for some reason, people actually find it hard to stay until 6.30 p.m.

Madam Temporary Speaker, I appreciate the two colleagues who contributed to this Bill. I know there are many others who would have wished to, but such is work. I have become accustomed to this, actually, that on many occasions when I move Bills, two, three other people speak, the rest say, oh, we want to put this to a vote, so that we conclude. Nonetheless, we have to make do with what we have.

With those many remarks, I beg to reply.

Madam Temporary Speaker, pursuant to Standing Order No.66(3), I want to request the deferment of the putting of a question until a later date.

I thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Majority Leader. The putting of the question is deferred.

*(Putting of the Question on the Bill deferred)*

I want to re-organise the Order Paper and now move to Order No.27.  
Proceed, Sen. Majority Leader.

## MOTION

### ADJOURNMENT OF THE SENATE PURSUANT TO THE APPROVED CALENDAR

**The Senate Majority Leader** (Sen. Cheruiyot): Madam Temporary Speaker, pursuant to Standing Order No.31(3), the Senate do adjourn until Tuesday, 8th July, 2025.

Madam Temporary Speaker, that you understand that at the rise of the House this afternoon, this House will actually proceed on recess.

**The Temporary Speaker** (Sen. Veronica Maina): Majority Leader, can you first move the Motion?

**The Senate Majority Leader** (Sen. Cheruiyot): Sorry, Madam Temporary Speaker. It was Order No.19 or 27?

Madam Temporary Speaker, I beg to move-

THAT, pursuant to Standing Order No.31(3), the Senate do adjourn until Tuesday, 8th July, 2025.

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This is a fairly straightforward matter because you do understand that at the rise of this House--- I am struggling.

*(Loud consultations)*

I would wish to request my colleagues behind me to kindly consult in low tones.

**The Temporary Speaker** (Sen. Veronica Maina): Can the Majority Leader be heard in silence, Sen. Eddy? Majority Leader will be heard in silence. The attitude this afternoon is all wrong. You got a chance, you walked out; you come in and you are just grumbling with the other Senators. That is not correct. Let the Majority Leader be heard in silence.

Proceed, Majority Leader.

**The Senate Majority Leader** (Sen. Cheruiyot): It is a very brief Motion, actually. I request that colleagues take time to visit their constituents and do other parliamentary business that is before them.

I am almost certain, though not fully, that actually at the rise of the House this evening, once we do this recess, there will still be an opportunity to meet before the end of this recess because this particular matter of the Division of Revenue Bill, which we hope our colleagues who are serving in the Mediation Committee will conclude quickly, so that we get to meet and speak on that particular matter when they eventually call us.

Therefore, Madam Temporary Speaker, with those many remarks, I beg to move and request Sen. (Prof.) Margaret Kamar to second.

**Sen. (Prof.) Kamar:** Thank you very much, Madam Speaker. I rise to second the Motion of adjournment.

This House has been very busy. Remember yesterday we even changed the programme and spent the whole day here. Members have worked very hard. It is good, as the Leader of Majority has said, that we take a break, reflect and meet our constituents. Breaks are extremely important, not only for recharging our energy, but also for consulting our constituents.

Madam Temporary Speaker, Senators have been extremely busy with oversight. Various committees have travelled across the country engaging governors from different regions. We are in a very good momentum. In the Standing Committee on Education, we have met 18 governors this session, focusing on the education sector, particularly Early Childhood Development Education (ECDE) centres. As we head into recess, we have encouraged Members to visit the ground and verify some of the issues discussed with governors. In education, we are prioritizing three key areas; ECDE, libraries and Vocational Training Centres (VTCs). Several submissions have been made.

I also encourage Members to ensure that whenever a committee engages a governor, the host Senator should obtain the information and take the lead in verifying it. It is my hope that as we go for recess, the host Senators of the governors who have appeared before various committees will move with speed to verify the reports received from them. This is important, as our role in this House is to protect devolution. As its guardians, we must monitor ongoing activities and evaluate county performance.

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I wish all Members well during this short three-week break. Let them enjoy, return refreshed and ready to accomplish more. This recess should also serve as an opportunity to enhance our oversight role effectively.

With those remarks, I second the Motion.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Sen. (Prof.) Kamar.

*(Several Senators stood up in their places)*

Senators, please, resume your seat.

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

*(Question proposed)*

### ADJOURNMENT

**The Temporary Speaker** (Sen. Veronica Maina): Hon. Senators, it is now 6.30 p.m., time to adjourn the House. The Senate, therefore, stands adjourned until Tuesday, 8<sup>th</sup> July, 2025, at 2.30 p.m.

I wish you a very good recess. Thank you.

The Senate rose at 6.30 p.m.