



THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT



Fourth Session

Thursday, 17th July, 2025 – Afternoon Sitting

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 17th July, 2025

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

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

PRAYER

DETERMINATION OF QUORUM
AT COMMENCEMENT OF SITTING

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

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

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

(The Quorum Bell was rung)

Hon. Senators, kindly take your seats. Clerk, kindly call the first Order.

MESSAGE FROM THE NATIONAL ASSEMBLY

PASSAGE BY THE NATIONAL ASSEMBLY OF THE CONSTITUTION OF KENYA (AMENDMENT)
BILL (NATIONAL ASSEMBLY BILLS NO.4 OF 2025)

The Speaker (Hon. Kingi): Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.46(3), I received a Message from the Speaker of the National Assembly regarding the passage, by the National Assembly, of the Constitution of Kenya (Amendment) Bill (National Assembly Bills No.4 of 2025).

The Message dated Wednesday, 2nd July, 2025, was received in the Office of the Clerk of the Senate on the same date, while the Senate was on recess.

Pursuant to Standing Order No. 46(5), I now report the Message-

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

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WHEREAS, the Constitution of Kenya (Amendment) Bill (National Assembly Bills No.4 of 2025) was published *vide* Kenya Gazette Supplement No.22 on 26th February, 2025 to amend the Constitution of Kenya to entrench the National Government Constituencies Development Fund, Senate Oversight Fund and the National Government Affirmative Action Fund;

AND WHEREAS, the National Assembly considered the said Bill and passed it with the support of more than two-thirds of all the Members of the National Assembly at the Second and Third Readings on Tuesday, 1st July, 2025, in the form attached hereto;

FURTHER WHEREAS, as at the time of the introduction of the Bill in the National Assembly, the co-sponsors of the Bill had indicated that Sen. Hillary Sigei, MP, and Sen. Danson Mungatana, MP, would co-sponsor and be in charge of the Bill in the Senate;

NOW THEREFORE, in accordance with the provisions of Article 256 of the Constitution and the Standing Orders Nos.41 and 142 of the National Assembly Standing Orders, I hereby refer the Bill to the Senate for consideration. ''

Hon. Senators, Standing Order No.163(1) requires that a Bill which originates in the National Assembly be proceeded with in the same manner as a Bill introduced in the Senate by way of First Reading, in accordance with Standing Order No.144. Accordingly, I direct that the Constitution of Kenya (Amendment) Bill (National Assembly Bills No.4 of 2025) be listed in the Order Paper for First Reading at the appropriate time.

Further, since the Bill seeks to amend the Constitution of Kenya by parliamentary initiative, the provisions of Article 256 of the Constitution and Standing Order No.140 shall apply in the processing of the Bill in the Senate.

The House is guided accordingly.

I thank you.

Next Order.

PAPERS LAID

Proceed, Chairperson, Standing Committee on Devolution and Intergovernmental Relations.

REPORT ON THE OFFICE OF THE COUNTY ATTORNEY (AMENDMENT) BILL, (SENATE BILL NO. 47 OF 2024)

Sen. Abass: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, 17th July 2025-

Report of the Standing Committee on Devolution and Intergovernmental Relations, on its consideration of the Office of the County Attorney (Amendment) Bill, (Senate Bill No. 47 of 2024).

(Sen. Abass laid the document on the Table)

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Sen. Mumma: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, 17th July 2025-

REPORT ON THE 2025 HEARING OF
THE IPU HELD IN NEW YORK

Report of the Parliament of Kenya Delegation to the 2025 Hearing at the Inter-Parliamentary Union held at the United Nations in New York, United States of America, on 13 to 14 February, 2025.

(Sen. Mumma laid the document on the Table)

The Speaker (Hon. Kingi): Next Order.
Proceed, Senate Majority Leader.

NOTICES OF MOTION

APPOINTMENT OF SEN. MADZAYO AND SEN. OKENYURI TO THE BOARD
OF TRUSTEES FOR THE POST-SERVICE MEDICAL SCHEME FOR MPs

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to give notice of the following Motion-

THAT, pursuant to the Resolution of the Parliamentary Service Commission (PSC) on 23rd June, 2025 with respect to the Trust Deed and Rules for Post Service Medical Scheme for Members of Parliament, the Senate appoints Sen. Justice (Rtd.) Stewart Madzayo, EGH, MP and Sen. Esther Okenyuri, MP, to the Board of Trustees for the Post-Service Medical Scheme for Members of Parliament (MPs).

ADOPTION OF THE REPORT ON THE GAMBLING CONTROL BILL,
(NATIONAL ASSEMBLY BILLS NO.70 OF 2023)

Sen. Chesang: Mr. Speaker, Sir, I beg to give notice of the following Motion-

THAT, the Senate adopts the Report of the Mediation Committee on the Gambling Control Bill (National Assembly Bills No.70 of 2025), laid on the Table of the Senate on Wednesday, 16th July, 2025; and that, pursuant to Article 113(2) of the Constitution and Standing Order No.167(3) of the Senate, approves the mediated version of the Bill.

NOTING OF REPORT ON THE 2025 HEARING
OF THE IPU HELD IN NEW YORK

Sen. Mumma: Mr. Speaker, Sir, I beg to give notice of the following Motion-

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THAT, the Senate notes the Report of the Parliament of Kenya Delegation to the 2025 Hearing of the Inter-Parliamentary Union held at the United Nations in New York, United States of America, from 13th to 14th February 2025, laid on the Table of the Senate on Thursday, 17th July 2025.

The Speaker (Hon. Lusaka): Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

Statements pursuant to Standing Order No.52(1).

Proceed, Sen. Essy Okenyuri.

THE WORLD EXPO 2025

Sen. Okenyuri: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.52(1) to make a Statement on a matter of international concern regarding the World Expo 2025.

Mr. Speaker, Sir, World Expos, officially known as International Registered Exhibitions, are global platforms where national nations converge to explore solutions to the world's most pressing challenges through engaging and immersive experiences. They attract tens of millions of visitors, enable countries to build iconic pavilions and leave lasting legacies in host cities. The first World Expo was held in 1851 in London, and since then 36 have taken place.

These Expos have grown to become unparalleled global events in terms of size, scale, duration and attendance. Since Expo, 2000 Hannover, they have been held every five years, with the last one hosted in Dubai in 2021, delayed due to COVID-19.

Mr. Speaker, Sir, the World Expo 2025 is currently underway in Osaka, Kansai, Japan, under the theme, “*Designing Future Society of Our Lives.*” It actually runs from 13th April to 13th October, 2025, featuring 158 countries, seven international organisations and millions of global attendees.

Kenya is proud to be among the participating nations. By the end of June, 2025 over 700,000 visitors had toured Kenya's Pavilion, including Princess Aiko, the eldest daughter of Japan's Emperor and Empress.

I wish to commend the following for the exemplary efforts in showcasing Kenya on the world stage; Hon. Lee Kinyanjui, Cabinet Secretary, Ministry of Investments, Trade and Industry; Ms. Regina Obam, the Principal Secretary, State Department for Trade; Mr. John Olutua, the Principal Secretary, State Department for Tourism and Ms. Floyce Mukabana, the Chief Executive Officer (CEO), Kenya Export Promotion and Branding Agency (KEPROBA).

During Kenya's National Day of Honour on the 24th June, 2025, guests received Kenyan flowers, drawing widespread admiration for their scent and quality. This gesture created long queues at our pavilion and revived interest in Kenya's floriculture sector, which had suffered during the pandemic period. I am confident this exposure will help

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reclaim our market share in Japan. Kenyan tea was also served and cultural performances celebrated in richness of our heritage. Videos featuring our tourist attractions from Maasai Mara to the coastal beaches offered visitors a glimpse of Kenya's beauty.

Mr. Speaker, Sir, while Kenya's presence was commendable, more can be done. Notably, KEPROBA must be adequately funded to ensure Kenya secures independent pavilions in future expos. Unlike Kenya, countries such as Egypt, Angola and Mozambique had standalone pavilions, allowing them greater freedom to tell their national stories.

At the Kenya-Japan High Level Business Forum, it was noted that the current trade imbalance, which is on a ratio of 1:18 in favour of Japan, needs to be addressed. A major obstacle to agricultural exports is the lack of a direct cargo flight. Transshipment often compromises the freshness and quality of farm produce due to temperature fluctuations.

Tourism is another area where we can gain. Sadly, gate fees at the Maasai Mara recently rose from Kshs9,000 to Kshs27,000 for foreign tourists, which has pushed many Japanese tourists to Tanzania. In 2024, Tanzania received 5.2 million tourists, compared to Kenya's 2.4 million tourists, reversing our pre-COVID lead.

Mr. Speaker, Sir, as we look ahead to World Expo 2030 in Saudi Arabia, preparations must begin now. Kenya will have another opportunity to showcase its tea, coffee, nuts, flowers and even emerging exports like avocados.

I thank you.

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

STAFF WELFARE AT CHANDARANA FOOD
PLUS SUPERMARKET CHAIN

Sen. Sifuna: Mr. Speaker, Sir, thank you for your kind indulgence to allow me to read this Statement on the welfare of staff who work for Chandarana Food Plus Supermarket Chain.

I rise pursuant to Standing Order No.52(1) to make a Statement on a matter of general topical concern, namely the welfare and general working conditions of staff at the Chandarana Food Plus Chain of Supermarkets, especially at their Diani Branch.

My office has received a complaint from staff at the retailer alleging cases of mistreatment, discrimination---

(Loud consultations)

The Speaker (Hon. Kingi): Order, Hon. Senators. May the Senator for Nairobi City County, be heard in silence, please.

Sen. Sifuna: Thank you, Mr. Speaker, Sir. My office has received a complaint from staff at the retailer alleging cases of mistreatment, discrimination, harassment, racism and unlawful termination of contracts, a clear pointer to levels of illegality and poor welfare at one of the biggest supermarket chains in the country.

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I feel obliged, therefore, to speak out on the matter because it may be a microcosm of a larger problem within not just the retail sector, but across the low-income demographic in the entire country.

For a long time, Kenyan low-income earners have, in a desperate attempt to earn an honest living, endured horrible working conditions and unimaginable abuse from many employers and organisations. Many of these go unreported, but with this silence, their cancer might metastasize into a national disaster needing urgent mitigation.

Needless to say, low-income earners are the drivers of the economy and their contribution to the Gross Domestic product (GDP) and the national growth cannot be gainsaid. Despite this reality, this demographic is also the most vulnerable to poor conditions of working and weak employment safeguards and is generally prone to bear injustice without requisite support from the authorities.

Mr. Speaker, Sir, Article 41 of the Kenyan Constitution prohibits discrimination in recruitment, promotion, pay and conditions of work. Further, the Employment Act, 2007 guarantees every worker access to fair labour practises, fair remuneration and reasonable working conditions as it clearly defines the fundamental rights of employees. However, there exist wide implementation and policy gaps when it comes to private sector and when it comes to these laws being put in practice to protect workers. Indeed, a large section of the private sector remains weak on implementation of employment laws and subsequent protection of the working public. The exploitation must be addressed in its entirety and the root causes remedied immediately.

Apart from cases of workplace harassment being a hidden phenomenon, in many of the establishments where the public moves in and out, nearly all of us have at some point encountered employees undergoing overt harassment by their employers. Sixty-two years after Independence, it is time to put our collective foot down and squarely tackle the mistreatment of low-income earners, especially in the retail chain sector.

It behooves investors running businesses in the country to treat their local staff with dignity just like it is our collective responsibility, as Kenyans, to create an enabling atmosphere that promotes thriving enterprise in the country as a key cog in employment. It is immoral to simply expect to have a nation of loyal taxpayers without that labour resource being nurtured and protected as the goose that lays the golden egg.

Mr. Speaker, Sir, I call upon the Ministry of Labour, trade unions and elected leaders to fearlessly speak out for workers facing such difficulties regardless of the sector they work in. It is important to note that the fear of victimisation is a major cause of silence among victims. It is imperative for leaders to bridge that gap by being firm and principled on the side of justice for the underprivileged.

I further call upon the owners and the management of Chandarana Food Plus chain of Supermarkets to address the matter of discrimination and harassment not only at their Diani branch, but in all their units across the country. This is a responsibility bestowed by law and by fair labour practises.

I also wish to urge Parliament to work towards tightening laws whose weak implementation tends to open the door for such employee mistreatment within the workforce. Together, we must protect the low-income earners in the country from further exploitation.

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I thank you, Mr. Speaker, Sir.

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

BUSINESS OF FOR THE WEEK COMMENCING
TUESDAY, 22ND JULY, 2025

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, this is a Statement by the Majority Leader regarding the business of the week that commences on 22nd July, 2025 pursuant to Standing Order No.57(1).

Mr. Speaker, Sir, this is the status of legislative business for that week. We have 59 Bills, of which 40 are at the Second Reading and 19 are at the Committee of the Whole stage pending consideration. There are 32 Motions, three of which are pursuant to Standing Order No.238, all of which have been discussed and are now pending conclusion. Further, we have 28 petitions that are pending conclusion by respective committees and like I observed last week, 19 of them are due for reporting already.

I can see a number of chairpersons in the House, including Sen. Faki, Sen. Mumma and perhaps some are sitted behind me that I cannot see them. If you are a chairperson of a committee and you have a petition that is due for reporting, we are being very unfair to the citizens that petition this House because they do so believing that we can deliver justice expeditiously. Therefore, I hope that we can do that because that is part of our constitutional mandate.

We had an interesting one last week, the one by Mr. Omusundi, which we are already counting the 30 days as we continue to see that violation. It was quite poetic injustice, not justice this time.

I spoke about it and on Friday, last week, I went to a function as a chief guest and the Member of the National Assembly had actually branded a photo of themselves on that particular bus. I almost asked them to remove it, but then I figured, the 30 days are not yet over. I hope the secretariat is following up on the resolution of that matter.

Mr. Speaker, Sir, I was just making that point to remind our chairpersons on the importance citizens attach to this House, especially with regards to petitions. There is a reason why this House receives almost three times the number of petitions more than our counterpart House. I want to request our chairpersons to, please, not let that very stellar performance and good record of this House disappear.

Hon. Senators will also note that, as indicated in Order No.10 and 11 in today's Order Paper, two Bills are scheduled for division at the Second Reading Stage.

Further, at Order No.12, the President's Reservations to the Conflict of Interest Bill (National Assembly Bills No.12 of 2023), are equally scheduled for division at the Committee of the Whole Stage. I therefore request our party whips to mobilise the requisite delegations for the divisions to be undertaken to ensure progress is made on this Bill.

In particular is the two Bills that we concluded in the previous days; that is, the County Allocation of Revenue Bill 2025(Senate Bills No.9 of 2025) and the Equalisation Fund Appropriation Bill 2025(Senate Bills No.7 of 2025), which we concluded yesterday after a very interesting debate from Members who gave their perspectives on who

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deserves to be equalized and who does not. It was quite interesting to listen to the various perspectives.

Mr. Speaker, Sir, those Bills are now at the Second Reading Stage. I hope we can conclude and vote on them this afternoon, so that next week, we conclude on them and our counties can begin the operations.

We are almost getting to the last week of July and we have not considered the County Allocation of Revenue Bill 2025(Senate Bills No. 9 of 2025), which is the final instrument that delivers funds to counties.

In today's Order Paper, we equally have the County Additional Allocations (No.2) Bill (Senate Bills No.8 of 2025), another important Bill as well that followed almost the same route like the Equalisation Fund Appropriation Bill 2025(Senate Bills No.7 of 2025). I look forward to the debate on that one because there is good reason why that Bill came up.

Therefore, I request that if we can, let us prioritise voting on those very important pieces of legislation this afternoon for our county governments. I will appreciate.

On Tuesday the 22nd July, when the Senate Business Committee (SBC) meets, we shall consider the business for the week, which will include business not concluded on today's Order Paper as well as other businesses that are indicated in the Notice Paper.

On Wednesday 23rd July, 2025, we will include Questions to the Cabinet Secretaries as approved by the SBC as well as Motions. Next week, we have the Cabinet Secretary in Charge of Youth Affairs, Creative Economy and Sports who will respond to questions from a number of colleagues.

We also have the Cabinet Secretary for Cooperatives, Micro, Small and Medium Enterprises responding to a number of questions, as well as the Cabinet Secretary in Charge of Environment, Climate Change and Forestry.

Mr. Speaker, Sir, the Bills that I have mentioned earlier that are at the Second Reading Stage include the County Governments (State Officers Removal from Office) Procedure Bill (Senate Bills No.34 of 2024) and the Tobacco Control (Amendment) Bill (Senate Bills No.35 of 2024), which quite a number of Senators have had interesting perspectives on.

There is also the County Governments (Amendment) Bill (Senate Bills No.25 of 2023) and the Street Naming and Property Addressing System Bill (Senate Bills No.43 of 2024), which is a very important Bill that will actually respond to part of the issues that were raised in the petition by Mr. Omusundi.

The other Bills that are at the Committee of the Whole include; the Sports (Amendment) Bill (Senate Bills No.33 of 2024); the Public Fundraising Appeals Bill (Senate Bills No.36 of 2024); the Heritage and Museums Bill (Senate Bills No.8 of 2023); the Environmental Laws (Amendment) Bill (Senate Bills No.23 of 2024); The Statutory Instruments (Amendment) Bill (National Assembly Bills No.2 of 2023), the National Dialogue Committee (NADCO) Bill, The County Governments Election Laws (Amendment) Bill (Senate Bills No.2 of 2024), a NADCO Bill as well and the Labour Migration and Management (No.2) Bill (Senate Bills No.42 of 2024).

These are Bills that are in the Committee of the Whole Stage. I want to request colleagues that if possible, we can schedule time next week and prioritise the conclusion of Bills that we have finished in moving of the amendments and all that is required is to vote. I would like to request Members to prioritise their attendance to the House so that we conclude on those Bills.

We also have Motions on reports of the various Standing Committees, including the Committee on Devolution and Intergovernmental Relations, into the state of markets in Vihiga and Bungoma counties arising from a Statement that had been sought by Sen. Osotsi and Sen. Wakoli from the two counties.

There is a progress report also from the National Cohesion, Equal Opportunity and Regional Integration Committee. I want us to debate this because it is one of the takeaway items that came out of the Motion that this House debated after the June 25th protest of 2024. Many times, we keep on being asked about what else we have done after speaking for that long.

This Committee has done fairly good work although not to the level that we asked of them at that particular time. However, the reason I am seeking your indulgence, hon. Members, is because we need to look at what Sen. Chute's Committee on National Cohesion, Equal Opportunity and Regional Integration has done so far, so that we can infuse further ideas about how to make this Report conclusive.

Mr. Speaker, Sir, I really request we have a conversation on this next week, so that Members can speak to it with passion. This is one of the things that keeps us, as a country, on tenterhooks every other time; the fact that opportunities are not shared equally. The Senate can lead the way in ensuring that we grant equal opportunity to all Kenyans.

By the way, Parliament would just make a good example because I served in the Parliamentary Service Commission (PSC) and I know we have a regional representation policy. Every time we do employment in Parliament, part of what we consider is the geographical representation of the candidates that are being considered, especially, when there is mass employment. A quota of the positions are allocated to every region, including even in internship opportunities.

This Parliament has internship opportunities for lawyers, for example, and one of the things that we do is that we offer those opportunities per county. If this year we have county one to 15 - because there are 15 slots now unless they have been increased - those 15 counties sit out for the next three years until the rest of the 32 counties out of the 47 have gotten an opportunity to present a candidate. Such are the kind of interventions that this House can recommend to ensure that as a country, even in terms of employment and equal opportunities in all, the span and breadth of the public sector is represented. That needs to be covered in this Report.

Therefore, I want to urge Members that next week when we discuss this Report, please, bring your A game, so that we will can be done.

Mr. Speaker, Sir, finally, the projected business for Thursday, 24th will be any other business that will not have been concluded on Tuesday and Wednesday.

I thank you, Mr. Speaker, and hereby lay this Statement on the Table of the Senate.

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(Sen. Cheruiyot laid the document on the Table)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM IKUNDU PRIMARY AND JUNIOR SCHOOL

The Speaker (Hon. Kingi): Hon. Senators, before we move to the next Order, I have this Communication to make.

I would like to acknowledge the presence in the Public Gallery this afternoon, of visiting teachers and students from Ikundu Primary and Junior School in Murang'a County. The delegation comprises 46 students and five teachers who are in the Senate for a one-day academic exposition.

Hon. Senators, in our usual tradition of receiving and welcoming guests to Parliament, I extend a warm welcome to them and on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I will call upon the Senator for Murang'a, under one minute to welcome the delegation---

(Sen. Cherarkey stood in his place)

Hon. Senator, take your seat.

The Senate Majority Leader (Sen. Cheruiyot): Forgive him. He is a good man.

(Laughter)

The Speaker (Hon. Kingi): Majority Leader, you cannot dictate how the Chair is going to handle his business.

Hon. Nyutu, in under one minute, kindly extend one word of welcome.

Sen. Joe Nyutu: Thank you, very much, Mr. Speaker, Sir, for this opportunity and for correcting the mischief by the Majority Leader.

I take this opportunity to welcome the pupils and teachers of Ikundu Primary School. This is a school in Maragua Constituency and to be specific, in Nginda Ward of the same Constituency. I encourage them to stay during their visit. Let them see what is done in this House, the upper House. We basically handle matters devolution.

Mr. Speaker, Sir, this is a very progressive school. I want to assure the pupils of Ikundu Primary School and their teachers that we have faith in them and their future is very bright.

I thank you.

The Speaker (Hon. Kingi): Next Order.

MOTION

APPROVAL OF SENATE NOMINEES FOR APPOINTMENT
TO THE BOARD OF TRUSTEES OF THE POST-SERVICE
MEDICAL SCHEME FOR MEMBERS OF PARLIAMENT

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

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to move-

THAT, pursuant to the Resolution of the Parliamentary Service Commission (PSC) of 23rd June, 2025 with respect to the Trust Deed and Rules for Post-Service Medical Scheme for Members of Parliament, the Senate appoints Sen. Justice (Rtd.) Stewart Madzayo, EGH, MP, and Sen. Esther Okenyuri, MP, to the Board of Trustees for the Post-Service Medical Scheme for Members of Parliament (MPs).

This is the approval of Senate nominees for appointment to the Board of Trustees for the Post-Service Medical Scheme for MPs. I request Sen. Ledama Olekina to second.

Sen. Olekina: Thank you, Mr. Speaker, Sir. I second the Motion as moved.

(Question proposed)

The Speaker (Hon. Kingi): Hon. Senators, the Floor is open for debate. Remember that this matter was elaborately explained to us during our last Naivasha Retreat. It was adequately interrogated by us during that meeting. Therefore, I would urge you instead of spending more time to debate on the same matter that was explained and interrogated by us, with your concurrence, I proceed to put the question.

The Senate Majority Leader (Sen. Cheruiyot): Put the question.

(Question put and agreed to)

The Speaker (Hon. Kingi): Next Order.

MOTION

ADOPTION OF MEDIATION COMMITTEE REPORT ON THE GAMBLING
CONTROL BILL (NATIONAL ASSEMBLY BILLS NO.70 OF 2025)

Sen. Chesang: Mr. Speaker, Sir, I beg to move-

THAT, the Senate adopts the Report of the Mediation Committee on the Gambling Control Bill (National Assembly Bills No.70 of 2025), laid on the Table of the Senate on Wednesday, 16th July, 2025; and that, pursuant to Article 113 (2) of the Constitution and Standing Order No.167 (3) of the Senate, approves the mediated version of the Bill.

I ask Sen. Sigei to second.

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

The Speaker (Hon. Kingi): Yes, Hon. Sigei.

Sen. Wakili Sigei: Mr. Speaker, Sir, I second the Motion that has just been tabled by Sen. Alan Chesang. I affirm that the mediated version of the Gambling Bill is a product of a Joint Committee of the National Assembly and this House. Initially, when the Bill came into the House, certain amendments were proposed. This led to a reconstitution of the Mediation Committee to consider the proposals that particularly came from this House.

In particular, part of the new introductions to the version of the Bill currently before the House is a requirement for those trading in the business to have 30 per cent ownership to local representation, especially those who want to trade online. This was a position earlier provided, requiring any gambling agency to submit 30 per cent of its shareholding to local investors.

The Committee, in its discussion, provided that the only way we can enhance the business community in that sector is by improving support and taxes to these countries. This requires them to relinquish a certain percentage of their shares and meet specific conditions, including provision of physical space and registration processes normally required for local entities.

The version now tabled will speak to a number of concerns, noting that this is one of those businesses that exists almost across the world. Gambling, as you know, has been regulated globally due to the need to ensure that young members of society, who do not necessarily understand gambling, are protected from being consumed by the sector if regulations are not properly in place. This Bill will enhance protection and control to support mechanisms that ensure everyone involved in gambling complies with certain provisions of the law.

Mr. Speaker, Sir, I second the Motion. I ask Members of the House to support the Motion, so that the Bill can progress to the next level for processing.

I thank you.

(Question proposed)

The Speaker (Hon. Kingi): Now, the Floor is open for debate. Senator for Nandi County, proceed.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. While I note that the Mediation Committee of the Senate and National Assembly have done extremely well, our representative failed to note that under Article 96 of the Constitution of Kenya 2010, our role is to protect devolution.

In addition, the Fourth Schedule of the Constitution of Kenya, 2010 outlines a critical role for county governments. This includes the issuance of licences, not only for other activities, but also for gambling. While I appreciate there is an amendment that has been proposed by the Committee, we should have elaborated because there are many licenses that we issue.

Mr. Speaker, Sir, when you visit a number of our local shops somewhere in Nandi Town, you will notice the wall is mosaic. It is not because it is a design of that shop, but because of the many licenses that we issue.

Therefore, I agree, but we should have retained and given powers for the licensing. While I appreciate that they are proposing that the county will develop county legislation, you have to appreciate this is a country of diversity. When you go where Sen. Haji comes from, and other counties that are predominantly Islamic, yes, even Kwale and also Mombasa predominantly--- I am not saying all of it predominantly. That is good English. It is called prospectus or conceptus.

(Sen. Olekina consulted loudly)

Mr. Speaker, Sir, I thought there was only one speaker in the House. Therefore, it will be a big challenge. So, if you say let counties make their own county legislation, counties that are predominantly Islamic might not allow this. So, what I have proposed in their reports, they will not allow this. They would have proposed a uniform county legislation for counties to be able to fall on this issue of gambling.

Owing to the different diverse culture, different religion, you have to appreciate that this culture of gambling is killing many families. Gambling is an addiction. It is becoming a problem. While we appreciate that we must raise taxes, gambling is a dangerous disease. When it is addictive, it should be treated the way it is being treated. Many people are betting, for instance, the other day when Chelsea was playing against PSG. There are people who are still recovering from that shock, especially people who did not support Chelsea to win. T

There is the betting scene and there are many betting companies. In our villages where we come from, especially where Sen. (Dr.) Khalwale comes from, I am told young men and women are stealing eggs to go and sell, so that they can gamble. When you visit our small centres, there are some Chinese-like machines called lotteries that are taking a lot of our resources. Therefore, I would have expected our Committee--- We do not want this to be a gambling nation.

This is gambling with life. People are gambling with their lives. They go to the streets, they loot. It is just a gambling. You saw some of the young people were even sending money for morticians, even during *Saba* and during the anniversary of Gen Z demonstrations. We are a dangerous country. We are teaching the young people bad manners of gambling. We have said that you can gamble your way to wealth or to power. We should desist from this. Some of your guests, including boys and girls from various schools, should know that gambling is bad manners. We should not teach our society to gamble.

We know people who have gambled their way to where they are; and we do not want to mention names after you gave us directive in the ruling, that you gave it in a Solomonic manner. We do not want to teach anybody to be a gambler. The only gambler we should allow is Kenny Rogers' song about gambling. That is the only song we should allow. The Standing Orders do not allow me to sing. Some of my colleagues are misleading me. You should know when to run and when to stay.

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Therefore, there is this issue of trade permits, license for amusement machines and pool table permits. The license supervisor of county issues trade permits for total setters. This is very interesting English. It reminds me of the hearing of the president of Eastern Cape, Judge Selebi Mbenenge, over his claims of sexual harassment and using very powerful English, like what the Committee used here. I would have expected the Committee ---

(Sen. Olekina stood in his place)

The Speaker (Hon. Kingi): Sen. Olekina, kindly take your seat. Thank you. Proceed.

(Sen. Olekina resumed his seat)

Sen. Cherarkey: Thank you, Mr. Speaker, Sir, for protecting me. I agree with the amendment that young people and a representative of the Council of Governors (CoG) should be part of the betting board. Another Committee resolution that I have noted is functions from the Authority, which I agree that the issues of licenses should stay with the counties. We are struggling with own-source revenue. I have seen a number of governors celebrating own-source revenue. We should retain the issue of licensing. The Constitution is very clear in the Fourth Schedule. The power of issues of licensing stay within. I know the Kenya Revenue Authority (KRA) is struggling to raise money.

We are aware that we have a deficit in the budget of Kshs4.2 trillion. We normally, on average, raise Kshs2 trillion through the KRA. While I appreciate that, we should not allow KRA to arrogate itself the power they do not have. Therefore, I agree with this amendment that issues of license, and the factor of raising revenue is only given to two entities. It is given to the national Government and the county government. The Constitution is very clear, that should you want to give yourself power to collect revenue – I am happy Justice retired Stewart Madzayo knows this. You do not take it through the back door.

I am running through, because this is Senate amendment Clause 28. I agree that the employees and accreditation for a person in and within gambling premises, so that we do not need to use the police. Another problem is the media. I came to learn this issue because I have seen in Clause 28. I appreciate that the media is struggling to raise revenue; all the radio stations, the televisions. I have tremendous respect for the media. That is why they are called the Fourth Estate. I was surprised that even old men and women of 70 years are now gambling in radio stations and TVs. It is becoming a dangerous disease.

While media is trying to raise the revenue to run their stations, I want them to try to be moral. I know one of the media owners is looking at me. We cannot legislate anything. From morning to evening, you only hear promotions. By this, if you gamble with Kshs1,000, you gain Kshs10,000. We do not want to reduce this country to a gambling nation. We are gambling with our lives. We are gambling with the economy.

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We are gambling with elections. We are gambling our relationships. I want to agree that we must regulate these media promotions. It should be parental guidance rated.

It should be put at the watershed period, so that we do not need the NCCCK or the Kenya Episcopal Conference of Catholic Bishops or the evangelical, traditional or the Islamic religions to come out and tell us to legislate on issues that can be done morally. We do not want to create a society - an aspect of capitalism. You know capitalism does not have a soul and a heart. Therefore, I agree that we must regulate.

I am told that these promotions that you do in the media, you can imagine one million Kenyans sending Kshs100 each and they end up giving out only a gift of Kshs500,000. They are making a lot of money.

Number 31, I agree that the period of validity of license fee increases from 12 to 36 months. This one will give opportunity. I agree that let us increase from 12 months this issue of operation license of gambling. It should be increased from 12 months to 36 months, so that it can allow ease of doing business, convenience and reliability. Therefore, this issue of 12 to 36 months is very critical, so that it becomes predictable. I was talking to some businessmen and women. It is becoming a problem visiting county offices.

When you go to county offices, you are being told; can you come behind the tent? It is inconveniencing to start a business in this country. I appeal to Government agencies. It is difficult to start a business in this country. By the time you get even one license, if you have never gotten a heart attack, you get diabetes or hypertension. This is because we have created a very tedious process of acquiring licenses, including those from the National Environment Management Authority (NEMA) and other relevant agencies, such as public health.

Why can we not create a single portal where, when you want to apply for a license, you can obtain only one license? If today you want to cut a tree in Nairobi, the agencies that you will go through are more than the process of going to Heaven. It is so tedious and unfortunate. Therefore, by the time you get your license, if you are not sick, you are bankrupt. I agree that there should be predictability and the gambling license should be increased from 12 months to 36 months.

On the issue of lottery tax at the rate of 15 per cent, as I indicated, the gambling issue, we should be very careful as a country. In fact, I request the Committee on Trade and the Committee on ICT to do an audit of the gambling that we have. You are being told, you can win a goat, car, Kshs100,000 or a trip to Diani. They are just playing with the imagination of Kenyans and making more money. I am daring you today, I can see the Chairperson of the Committee on Trade, Sen. Issa Juma Boy. Just take one media company or an advert. One million Kenyans, including our old men and women, spend Kshs100 each in the village, and they only give a reward of Kshs500,000 or even Kshs20,000. Those guys are making devilish and satanic profits at the expense of Kenyans.

Some people are going without food because they are gambling. I know the football season is over, but I appeal to many young people or has it begun? Yes, it is coming in August. I agree that we need to introduce the lottery tax of 15 per cent as a

preventive mechanism against the disease called gambling. This issue of gambling must and should be addressed.

While I appreciate, it is not lost on us that most of these betting companies are sponsoring football tournaments and are giving support. They are giving out Corporate Social Responsibility (CSR). When you compare the CSR that these betting and lottery companies are giving, it is a drop in the ocean. Therefore, they must pay tax. I normally see them sponsor Gor Mahia and AFC Leopards. In the spirit of East Africa, I have a lot of interest in Tanzania. I normally see SportPesa sponsoring Simba or Yanga down there in Tanzania. While we appreciate, we want them to be sponsor of AFC Leopards, Harambee Stars and many other companies.

(Sen. Faki spoke off record)

The Speaker (Hon. Kingi): Hon. Faki, allow your colleague to make his comments. If you need to give information, you know what to do.

Sen. Cherarkey: Old habits die hard and I understand why. He is a good man.

The tax should be charged by the license booker and we agree with that. Majority Leader, I do not know whether your membership is aware of the reality on the ground. *Vitu kwa ground ni different*. Forgive my language. However, how do you reduce from Kshs20 to Kshs1? You will allow the small children to also bet. Where is the Mover of this report? I do not think he is around. You will allow young boys and girls to bet because you are reducing it from Kshs20 to Kshs1. This minimum amount bet, unless, with a lot of tremendous respect--- This law reflects the role of the betting companies. We must agree that the national---

The Speaker (Hon. Kingi): Senator for Nandi County, the Senator for Bomet County wishes to give information. Are you amenable?

Sen. Cherarkey: No. If it were about Chebole Road, I would have agreed, but on this one, I am an expert.

(Laughter)

Allow me to proceed.

The Speaker (Hon. Kingi): Proceed.

Sen. Cherarkey: To reduce the minimum single bet in a casino from Kshs20 to Kshs1, unless you want me to bring a casino somewhere in Bomet. In the Committee Report - this is not my report - I think when he will be replying, he can clarify. We should stop robbing gatekeepers of certain interests. I know them, I have been around for long. I know they are putting on a mask, but we will unmask them when the time comes during voting.

Clause 66 is on the issue of financial reporting and money laundering. I agree they have done a good job there. On the issue of money laundering, there are people who are stealing public funds. We used to have pirates here in Somalia. There was a lot of money coming. Today, it is called illicit money.

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On the issue of money laundering, Sen. Sigei, you have done extremely well on this matter. We must address money laundering. We do not want people to be stealing money and putting it into betting. This is the process of money laundering and reintegrating the illicit money into the system.

Clause 71 is on penalty. I disagree on this. I think by deleting the amount of Kshs 5 million and replacing it with Kshs3 million--- I thought we had agreed. While we do not want to morally legislate, why would you reduce? We want this to be punitive. We want people who want to gamble to be people who have excess money, like Sen. Issa and Sen. Faki. We want people who have a lot of money to gamble this Kshs 5 million. I am happy Sen. Issa is proud of it, that the Kshs 3 million should stay.

I hope when it comes to the Committee of the Whole, that issue can be relooked. Clause 87 is on television. I agree. On this one, remove the restriction that a gambling advertisement shall not be broadcast on television between 6.00 a.m. to 10.00 p.m. unless it is done on a live sporting event. I agree because most of our children, who are part of your guests today, are asleep at that time. Then we can do a Parental Guidance (PG), so that those adverts of betting and gambling can be done during the watershed moment and also protect our children who are under 18 years. I disagree with the proposal to reduce the fine from the Kshs20 million to Kshs 1million or imprisonment for 20 years. Why do you want to reduce from the amount from Kshs20 million to Kshs1 million? This is wrong. Any media that advertises beyond the restricted time should be fined 20 million.

With those many recommendations, I beg to differ and will oppose with all my body organs when it comes to voting.

The Speaker (Hon. Kingi): Sen. Faki.

Sen. Faki: Mhe. Spika, asante sana kwa kunipa fursa hii nichangie Ripoti hii ya Uwiano kuhusiana na sheria ya Kamari. Jambo la kwanza ni kuwa ijapokuwa Kamati hizi mbili zilikaa pamoja na kujaribu kuangalia yale masuala ya sheria ya kamari, kamari sio biashara. Kamari ni kamari. Kamari ina madhara mengi ikiwemo ile tunaita uraibu. Vilevile inasababisha athari za akili yaani *mental health*. Wengi wale ambao wanakwenda katika shuguli hizi, wanaathirika kiakili. Bila ya kwenda kwenye mchezo wa kamari, mtu yule anakuwa sio wa kawaida. Tatizo nililionalo na sheria hii ni kwamba imetoa fursa ya kufanya hata watu wadogo waweze kucheza kamari. Ikiwa kiwango cha pesa ambazo unaweza kutumia kwa kamari kimepunguzwa kutoka shilingi ishirini mpaka shilingi moja ina maana kwamba, kila mtu anaweza kuhiriki katika mchezo wa kamari.

Bw. Spika, sheria nyingine ni kwamba, ndani ya vituo vyetu vya redio kwa sasa, matangazo mengi ni ya kamari. Kwa kipindi cha muda wa saa moja katika redio zetu za FM, wanatumia kutangaza kamari. Utasikia ukilipa shilingi mia, utapata shilingi elfu mbili au laki mbili.

Imekuwa sasa ni jambo la kawaida katika nchi yetu kwamba, watu wanashiriki masuala ya kamari. Hili sio jambo nzuri kwa sababu, baadhi ya zile athari nilizotaja hapa, zitawahasibu Wakenya wengi na nchi haitapata watu wanaweza kufanya kazi ili kujenga nchi.

Ningependekeza sheria ingefanywa ngumu au kali zaidi kuhusiana na wale wanakiuka sheria kuhusiana na masuala ya kamari. Kwa mfano, hivi vituo vya redio vinavyotangaza mara kwa mara masuala ya kamari, vingepunguziwa muda wanatakikana

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kutangaza kamari. Bila kufanya hivyo, ina maana kila mtu ataingia katika mchezo wa kamari na si vizuri kwa nchi yetu ya Kenya. Kwa hivyo, Shirika la Communications Authority of Kenya (CAK) lazima liwe macho ili kuhakikisha zile kamari zinatangazwa mara kwa mara na zinazoadhiri watu wetu zinapunguzwa.

Bw. Spika, kwa sababu ya hii kamari iko katika vyombo vya habari na kila mahali, hata zile kasino ambazo zamani zilikuwa sehemu za kamari, hivi sasa zimefifia na biashara nyingi za kasino zimefungwa. Hii ni kwa sababu wengi wanashiriki katika kamari ambayo iko kwa mitandao, yaani online, na zile sehemu ambazo kamari ilikuwa ikichezwa zamani, zimebadilika na zikawa hata mahali pa kuishi. Watu wanacheza kamari. Bibi na bwana wanashiriki katika kamari na kila moja akijaribu kushabikia timu yake ya mpira ama jambo fulani ambalo iwapo atashinda, watapata zile pesa wamewekeza katika kamari hiyo.

Kwa hayo mengi, Bw. Spika, ninapinga Mswada huu.

The Speaker (Hon. Kingi): Sen. Mungatana.

Sen. Mungatana, MGH: Mr. Speaker, Sir, thank you for giving me the opportunity to contribute on this mediated version and this report that has come back to the Senate for approval. I commend the team that sat down for this mediation process.

On our side, we were led by our Senator and Chairperson of the Committee on Information, Communication and Technology (ICT), Sen. Chesang. We are grateful that some of the critical issues we raised and those that were bringing disagreements between the two Houses have been resolved. This means that in a shortwhile, this Bill will become law after assent by His Excellency the President.

During the main debate of this gambling law when it was at the Senate, I raised the issue of physical presence. You will find foreigners are truly exploiting Kenyans and they are doing it online. Foreigners who are involved in gambling do grooming of potential customers who are Kenyans. They will put very nice, well-spoken ladies to talk to people. They will make sure that you have a few winnings at the beginning.

Once you are hooked, they start taking money from you and there is no physical presence of these offices in Kenya. In my practice of law, I came across a victim who explained to me what happened. They send you agreements and these agreements give you confidence that although they do not have a physical presence in Kenya, you will get your money. Sure enough, the first few, you will get and then afterwards, when you have put good money, you will hear that company has closed down. You will go to their website and it will not be there.

Mr. Speaker, Sir, this report is saying that going forward, physical presence will be mandatory. This is a good thing and I support this report. Again, it says that for foreigners who wish to engage in this business - if you can call it that - of gambling, must put a substantial security. I believe the report had recommended something like Kshs50 million. This ensures that in case that gambling or online gambling collapses or closes down, the potential victims can go and secure at least, to the extent of Kshs50 million.

This is a good development because I am aware that some of these online foreign companies that have been engaged in stealing from Kenyans set up business say in the Democratic Republic of Congo (DRC). They encourage a few people and once the

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money has reached their target, they close and the website disappears. They then come to Kenya and do the same. Once they hit their target, they do the same. To require companies or individuals, especially foreigners who want to engage in this business must put a substantial deposit, then this report is carrying the wishes of many of us who debated this on the Floor of this House.

Mr. Speaker, Sir, I also like the fact that this report has carried the idea that on the local scene, the advertisements for gambling must be discouraged during the time our children are there or when they are still awake. When you travel to foreign countries, the adverts for gambling are aired mostly at night. However, in this country, there are many of them. As has been said by the previous speaker, before we enact this law, you find that there are many adverts in our radio and television sets. This proposed law, when assented to by the President, will get rid of this. It has also made a significant step forward in controlling gambling.

I do not gamble because I was taught by my parents not to do so. As parents, we have the responsibility to teach our children that the question of *pata potea* is not part of our culture. At the end, we must teach our children that hard work is the only way you will make it in life.

Mr. Speaker, Sir, this reminds me of many years ago when I was considering to open my first law firm in Mombasa. I went to seek advice from senior practitioners. It is almost 40 years and I can still remember one who told me: “Mungatana, there is no shortcut to success. You see where I am, I have worked hard.”

I am glad there are children who have visited us in the Senate today and they are listening to us from the Gallery. I want to tell you that there is no shortcut to success; you must put in the work. All of these Senators who are seated here, none of them will tell you--- You can see their suits and nice looks, but they will not tell you the story of sleeping late at night, moving with broken vehicles, spending nights in most uncomfortable situations, looking for votes and convincing people to sell their visions. That is why they are seated here. Do not see the glamour and forget that there was work behind that glamour.

The gambling culture is being spread in the belief that you can make it immediately. Anybody who tells you “immediately” is a red flag. If any person tells you to put money so that you make money immediately, run away like you are running away from the devil himself. It is good to do hard work. By the time you get your Kenya Certificate of Secondary Education (KCSE), it is many years of hard work. There are eight years of primary and four years of secondary school. Nobody told you that you can put in a card or coin and become a graduate of KCSE then you are ready for university. There is no shortcut.

We will make this law, but just know that the story is yours at the end. The story is your mother and father or guardian. You must not gamble. Go and work hard and you will be successful to the extent that you imagined you would be in life.

Mr. Speaker, Sir, with those many remarks, I wish to support the mediated version of the Bill and confidently ask the President to assent to it, so that we can regulate the gambling business. Let us not go back and forth on this matter. Let us have a law and

if it is not good enough, the Senate does not stop operating. It will amend any section that is not good for the sake of good order in this country.

I thank you.

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

Sen. Olekina: Mr. Speaker, Sir, I rise to oppose this Report of the Medication Committee on the Gambling Control Bill (National Assembly Bills No.70 of 2023). I do so cognizant of the fact that we are living in an environment where 90 per cent of our youth are jobless. We are having protests on a daily basis because of social, mental and economic issues that we have not addressed. We are now seeking an escape route to live in a utopian world of getting rich fast.

I was speaking to one of our colleagues here. She told me that one pastor in her village in Machakos collected all offerings in a church, but instead of using it to solve social issues or do God's work, he ended up gambling.

Mr. Speaker, Sir, I have skimmed through this Report. There are areas that this House had suggested that be deleted in the Bill. However, most of them have been retained. There is a reason this Bill ended up in mediation.

This is not the time for us to encourage gambling in this country. I share the same sentiments with colleagues who have spoken before me in terms of making it punitive for anyone to gamble. However, we must first of all solve our social issues.

Gambling companies which make billions of dollars target vulnerable poor societies. These are people who make Kshs500 a day doing manual jobs. Our radio and television stations are the easiest way to communicate. Instead of our own radio stations taking more time to educate the public and carry out public participation on dangers of gambling, they spend more time collecting revenue because they share profits.

I completely oppose gambling and, therefore, oppose this Bill. If I were to convince my colleagues from both sides of the aisle, I would request that we rethink gambling in this country. I lived in America for many years and I am also a resident there. When you go to certain states, gambling is restricted to a particular area, where only the rich can drive.

In Colorado, gambling is a native American reservation where there is a city set aside just for that. Therefore, only the rich go there. Those are people who have made money which they can use as they wish. It is not even disposal--- There is a word I wanted to use which is not parliamentary. It is like having money that you do not care about. You do not give a hoot on where that money comes from.

The biggest challenge we have in this country right now, which is attributed to gambling, is mental illness. In this House, we passed a law on mental illness and how to deal with it. I have no problem with passing legislation. However, we have to discuss legislation cognizant of what is affecting or ailing our society. Right now there are so many poor people and the only thing they know how to do is to gamble for them to make money.

There are people who can make Kshs1,000 in a week maybe because there are no jobs available. However, since they have been lured into a scheme of getting rich fast, they gamble all that money then end up sitting down to look at their kids at a table where they cannot eat. Gambling increases crime in a country.

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Today, we have our children in this Parliament listening to us. The same children who come here to listen are the same ones we do not understand because they are from a different generation from ours. These are the Gen Z who we do not understand the language they speak. Instead of us taking the lead and guiding them, we are here discussing about amending laws and saying how good they are. One of them is gambling, but we are not teaching them.

Although I do not associate myself with a lot of sentiments of my brother from Tana River, I like one thing that he said to the children; that we will not always tell you what we go through to wear good suits. You might look at some of us and think the person is about 60 when he is merely 20 years old. It is because they have sleepless nights. They are always up at night working because some have 10 jobs. When you come here, you find them looking smart and sharp, but you do not even know what they are suffering from.

I want to beseech my colleagues here that it is not time for us to pass this legislation to support people who are already filthy rich because they are collecting so much money. It is time for us to think seriously about how to end all these problems, reduce crime and ensure that we create jobs for our youth, so that they do not end up in the streets.

We are talking about these regulations when we have a devolved system of governance where the Constitution allows county governments to develop laws to collect certain taxes. Unless there is uniformity across board--- You will find some counties that are culturally sane putting a big figure to save their citizens. For others, because of business interests, they make it very cheap. You can pay even Kshs5,000 and have a gambling license.

I oppose this. The exposure to the youth at a time when we are facing a lot of social issues such as joblessness should not be gambling, but working hard to make money. Our country is so good that one can only compare it with other developed nations. Even if we leapfrog, one cannot be born today then walk tomorrow.

Technology has made it easy hence we do not need to go through entire the industrial revolution process for us to manage certain things. In this country, we have to remember that the industrialization process is necessary because we have 47 counties which are completely different. I oppose it.

When you look across, you will realise that countries which are not stable are the ones that set up gambling websites. They lure people to gamble there. One of my colleagues spoke about this. At first, they ask people to spend some little money to get some extra money just for those people to get addicted. Before they realise, they cannot think straight.

The only gambling that can be allowed in this country is that of the stock market. This is because one can see a company such as Safaricom in the stock market. Yesterday, I read somewhere that Airtel has now surpassed Safaricom in terms of customer base. When you gamble in those companies, you know that you can watch your stocks rise or go down on a daily basis, which is life. However, it is not right to put in money where you do not know if you will get money to buy a loaf of bread or even a cup of tea. I say no to that.

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With those many remarks, I completely oppose this Report. I also oppose anything to do with gambling in this country at this particular time. I will only entertain gambling in the next ten years when we will have fixed our current problems and understood each generation.

I oppose.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. I rise to support this Motion, which is a report of the Mediation Committee that drew Members from the Senate and the National Assembly. This Report brings to a close a very difficult exercise that we have had, which was to try to rein in and bring control on a very difficult sector. This sector has been ably described by my colleagues.

I agree with my colleagues on their prognosis. What I do not agree with is their final diagnosis which they eventually consider to be the solution. I have listened to my colleagues, Sen. Olekina and Sen. Cherarkey. While I agree with all the things they have said about gambling, I am afraid that what they are prescribing as a solution might not serve us.

We live in very interesting times. In 2018, this Parliament or the Senate, sponsored me alongside a few of my colleagues to Colombo, Sri Lanka, for a Conference titled '*Evidence-Based Decision Making*.' That Conference eternally changed my life. To date, as a lawmaker, I follow the evidence before making a final decision. That happens every afternoon, including yesterday.

Unfortunately, in this country, we make decisions based on political affiliations or feelings without looking at what the hard facts are. That is the debate we had here yesterday where I tried to remind my colleagues who were here, Sen. Sifuna and Sen. (Dr.) Khalwale. I told them that while it is long held that there are counties that are rich and counties that are poor, a better way of looking at places to be considered for affirmative action of any kind was to break them down to the lowest administrative unit, which is a sub-location, after which, we could then have a nationwide consideration.

Mr. Speaker, Sir, this is one such scenario as well. We agree that gambling is a menace that has messed up so many young people, families and even women. It is not just about young men. You will recall there was a time when they had put some slot machines across the country. It was an interesting spectacle to see women folk in the village trooping from their homes at about four o'clock to the centers to go and slot in the coins with the hope that they would have their luck on that particular day.

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

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

I am afraid, Sen. Olekina, that when we legislate, we pass laws for things that we know, things that we like and those that we do not. I understand very little about gambling. In fact, I do not even know how to gamble. Unfortunately, as a lawmaker, I have to make decisions that are in the best interests of the people that I represent.

Rift Valley, where I come from, is a maker of people who bet. That is where the hard core betting population of this country lives. I know this based on the statistics that I

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have seen. The statistics show the number of young people who wake up and try to get Kshs100 or Kshs50 to place a bet on something with the hope that they will succeed. Of course, as has been described by my colleagues, they do not succeed 90 to 99 per cent of the time because that is how gambling works. There is something they always say, the house never loses. The house always wins.

Unfortunately, Sen. Olekina, choosing not to regulate this sector is not an option that you want to take. We can decide to ban gambling in Kenya, but are you aware that 60 to 70 per cent of gambling has gone online? Those gambling are on sites that do not even exist in Kenya. Those sites---

(Sen. Olekina spoke off record)

Just listen, Sen. Olekina. I have done some research on this. Those sites are operated by very sophisticated software that if you block their Internet Protocol (IP) address this minute, they generate a new one the next minute. Our young people are following those sites. So, we must think of how we will regulate this sector because banning or choosing to close our ears and eyes and saying that this is not allowed in our country is burying our head in the sand.

We live in a digital world. Perhaps, the only solution that remains is blocking the internet. However, as it is today, the unfortunate and the hard reality is that we have to find ways of bringing order to this sector. Countries all over the world continue to grapple with this. The former ambassador to Kenya from the UK---

Sen. Olekina: On a point of information, Mr. Temporary Speaker, Sir.

The Senate Majority Leader (Sen. Cheruiyot): I do not mind.

The Temporary Speaker (Sen. Abdul Haji): Sen. Olekina, proceed and inform Sen. Cheruiyot.

Sen. Olekina: Thank you, Mr. Temporary Speaker, Sir. I appreciate the fact that the Senate Majority Leader begun his debate by giving us a history of what led to his style of debate - evidence-based. When it comes to the issue of evidence-based, it is imperative for us to remember that, as a country, our national identity card number is what unites us.

There is nothing that stops us from ensuring that one uses their identity card number for every transaction that they make online or to confirm any money. In fact, nowadays, when someone cons you, you can find them as long as you get their identity card number. We need to find a way. This is what I would like to inform the Senate Majority leader. We can use that identity card number to block someone from doing any other transaction.

In countries where gambling is restricted, one is usually asked to put their national identity number or driver's license number the moment they try to gamble. If you go to Australia, one is not supposed to enter a club when they are not 21 years old. One is supposed to give out their identity card number in a club. They run it through to make sure the ID is legit or not. Nothing stops us from ensuring that this website the Majority Leader is talking blocking the IP address. If that is the problem, we can ensure that any transaction, which is done in the Kenya space, even if the site is in Germany or America,

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requires you to put in your ID number. Once you put in your ID number, if you are not over 18 or if it is gambling, it blocks. There are ways around it with technology and Artificial Intelligence (AI).

The Senate Majority Leader (Sen. Cheruiyot): Sen. Olekina needs to spend time with these young people to understand what I am telling you. Those sites are not hosted or designed here in Kenya. Therefore, you cannot determine for them what information they require from the people that are placing bets on those sites.

They make payment using cards, Automated Teller Machine (ATM) cards and sometimes on mobile money. Therefore, it is not possible to do what Sen. Olekina is proposing. I know for a fact that these online platforms are taking away most of the gaming revenue from this country. That is another discussion we need to have all together.

In the administration of the gambling space, Kenya and Tanzania took two different paths. Kenya decided to treat it as a social ill that needs to be regulated and, therefore, they imposed a sin tax on it in the form of an excise duty. That means that every time you place a bet, there is tax deductible; just trying to dissuade people from participating in it. That is what has led to a lot of traffic going offline, away from the regulated betting spaces in Kenya.

Tanzania, on the other hand, chose to be facilitative and treated it like just any other social ill. They said something must kill a man. For you, it is gambling; for another person, it is drinking. They say they treat all of them equally. As we speak today, the level of business that operated in Kenya has gone down, while in that country, it has increased.

I do not think that Kenya made the wrong decision. I believe years down the line, Tanzania will regret that decision. On that one, I agree that as a country, we must find ways of inhibiting the gambling habits of the people.

I was just bringing to the attention of the House the evolving space within which this industry operates. That as we try to tax them here, to dissuade them from participating in these games, they have actually taken off and they are now online. As we speak today, we must find ways of regulating this sector. Other countries have tried to ensure that there is benefit. Any challenges that occur from subsequent months and years of betting to a particular individual are sorted by the betting house.

Before Sen. Olekina rose to inform me, I was giving the example of a piece of legislation that was shared to me by one of the interns at the UK embassy about a year or two ago by the time we were beginning this debate. They say that they have actually forced all gambling entities, so long as you provide gambling activities in the country, be it online or in the form of a casino, to keep a record of the customers and they share, and they are able to follow the trend.

If they find that you are getting to levels close to addiction and you are becoming dependent on it while it is just supposed to be a sport, they call you and offer counselling services to you, mandatory by law. That is the kind of work that we need to demand from the firms that operate gambling activities in this country. They must look after their customers. If they notice that one is addicted, they provide support services to you as a customer. That needs to be provided by this Authority.

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That is why I want to persuade my colleagues that turning our backs on our countrymen and women that are struggling with this menace is not an act of leadership. It will be an act of cowardice on our part. While we may not agree with their choices, we pass law in this House for the people that we agree with and those that we do not agree with. I do not know even how to gamble. I have never gambled in my life, but I am fully aware that so many of the young people that vote for me to come to this House battle with gambling addictions.

I must provide a regulatory framework for them to have an entity that will look straight into the eye of these betting firms and tell them to look after their customers and provide support services to them if they get to addiction.

The CSR support that Sen. Cherarkey was talking about must be provided, so that you counterbalance between the force of good and evil in the society. At the end of the day, if there are challenges that they have brought about in the society, how have they counterbalanced it?

Everybody knows that the biggest contributors in this day and age in the sporting world are these betting firms across the globe. They sponsor the biggest of sporting franchises out there. They develop gymnasiums and stadia.

Therefore, I urge my colleagues that while looking at this topic, let us be mindful of the fact that this is not a simple decision that you can just make and say we choose to look away. First, you need to have an authority. The current regulator, Betting Licensing Control Board (BLCB) is just a department in one of the offices here. You need an authority that has representation from almost all spheres of society, including even religious institutions; those who will have the courage to sit in that board. This is so that when you set the tough conditions, the firms live by the rules, play by the rules, and we protect many citizens that continue to battle and struggle in this space.

Mr. Temporary Speaker, Sir, I urge colleagues that have taken time to read through this Report. I appreciate that it has been a protracted battle between the Senate and the National Assembly, their perspective of things.

There are many things we had included, including taxes that we proposed. If you remember, we had actually proposed something akin to a sin tax, to ensure that we dissuade young people. Unfortunately, when these people went to the mediation, it was dropped because I know the National Assembly will never agree to any tax proposition coming from the Senate.

Of course, the matter was not even given a chance. I knew that proposition had the chance of a snowball in hell the minute he left this House, so long as it was going to get to the National Assembly because they do not view this for what it is. It is a broader conversation about what is the space of Senate with regards to taxation and so on and so forth. Therefore, we lost it at that.

One of the members who moved that proposal on taxation was to sort that issue that I had proposed or that I had spoken to earlier between how we chose to administer betting and the difference in approach we took between us and Tanzania. Unfortunately, since that was lost in the mediation, I concede. We must be able to achieve the greater good that will tie in the small ends eventually when we have the opportunity.

I request that we conclude on this business today, if possible, so that when we get the opportunity to have a regulatory authority, then we shall invite them to this House and now ask the hard questions. Maybe there are technological solutions available to these companies that are running betting online and do not have presence in Kenya or pay taxes in this country.

In this country, there is a lot of ways in which we can find them. I know, for example, Sen. Ledama, since earlier on, you had asked me what might be the solution, you can force their bookmakers. All these online betting firms rely on bookmakers that are regulated in countries that have stronger regulations in this space than the Republic of Kenya, to give us the odds. This way, you will be able to establish how many transactions they made out of this country and what it is that they paid.

In this law, thanks to the mediated version of the Report, even if we have no ways of finding and establishing, we shall continue to demand of them until such a time that we catch up with you. You may be domiciled out of a country that attacks happened, that Kenya has no relationship with, but somehow somehow, when the long arm of the law eventually catches up with you, you will pay into the Republic of Kenya. Therefore, I appreciate that proposition that has come from this Committee to tax even those that are participating in the online space and have no physical space in offices in Kenya. You may not have the chance to recover anything from them at this point, but somehow, somehow, one day, one time, you will find the opportunity.

Lastly, Mr. Temporary Speaker, Sir, I would like ask our colleagues to treat this matter with the urgency that is needed. Listening to those that are opposed and supporting this, there is one point that we all agree on; that, this is a space that needs our urgent attention as policy makers, so that we find a way. Sen. Ledama is proposing that we create a city akin to Las Vegas or China's Macao. However, that will only work for those that operate on casinos. What about those that participate in the online space? What will you do to them? As I have said, there is no way of stopping them. Therefore, I urge Sen. Ledama that, let us create the authority first, then the rest follows.

With those remarks, I beg to support and thank the colleagues who did a lot of work in bringing this Report before the House.

I thank you.

The Temporary Speaker (Sen. Abdul Haji): Thank you, the Senate Majority Leader. It is good that you declared that you have never participated in gambling. However, I wonder, is sending fare a gamble?

The Senate Majority Leader (Sen. Cheruiyot): Yes, Mr Temporary Speaker, Sir. Sending fare is a gamble, especially for a young man like Eddy. This is because, chances are she may come or not. That is a gamble. It has odds.

The Temporary Speaker (Sen. Abdul Haji): Sen. Eddy Oketch, the Floor is yours.

Sen. Oketch Gicheru: Mr Temporary Speaker, Sir, I thank you for giving me this opportunity.

For the first time I have seen a situation where you invite Sen. Cheruiyot to give a comment on what the Speaker has said. On this issue of fare, I am looking at the Senate

Majority Leader. He looked annoyed when you raised the issue of fare. Although he is smiling, he is burning in the inside, it seems like he has gambled a lot with fare.

On a more serious note, let me just share my thoughts on this gambling issue. Right from the start, I want to say that I totally oppose it for a variety of reasons. I was in the mediation team and was clear that this is something that we should not entertain in our country. Gambling happens in the context of a society. Every society has different challenges with how gambling manifests in it.

A democracy as strong as the United States of America had a serious gambling issue in the last 20 years. Despite the fact that the United States is a 200 years' democracy, they have struggled with the issue of gambling. There are a number of vices that come with gambling that cannot be commensurate with the benefits that come with it, whatsoever. In fact, in 2018, I had just left the United States of America, two years before that, when the conversation about gambling was going on strongly.

In 2018, there was a Supreme Court decision that declared sports gambling, in Mafia versus the National Collegiate Athletics Association, unconstitutional. This was a case that was looking at sports gambling and the vices that it was bringing among young people in the United States of America. The United States of America has a city, Las Vegas, where you can go and gamble, and some sort of regulations that are within states that allows for resources from gambling, to enable those states to raise some revenues without necessarily adding more taxes on people, and then do specific services to those states.

For instance, where you find originals who are in the United States of America, like the Red Indians, whose communities might have been left behind in some inequality issues around economic development that are happening in the United States. You might find that some gambling might be allowed in those quarters just so that you can raise resources to enable them deal with those services that their communities need. Other than that, the overall issues of gambling become very complex to manoeuvre, even in advanced economies that can monitor those vices, like the United States of America.

Mr Temporary Speaker, Sir, the question is, this particular mediated version is heavy on the opportunity for our Government to raise taxes. However, this is what you call regressive taxation. Regressive taxation is where the amount of money you will be able to collect practically from an activity such as gambling will continue dwindling. However, since you have given it an element of law to exist, the amounts that are being earned from that vice by people who have invested in it will continue to be abnormal in terms of their exponential growth.

Therefore, you can never use gambling as a place to target tax revenue. If you allow, it has negative externality. When you allow it to happen in your economy, you cannot control where the revenues are going to come for the owners of those businesses. So, it goes without saying that other vices that are going to be there will always cost the Government more in terms of dealing with them.

Mr Temporary Speaker, Sir, if you allow gambling and, for instance, you are making Kshs4 billion in taxation, for purposes of conversation, on an industry that makes approximately Kshs800 billion, and you are only taxing Kshs4 billion because it is regressive, then, while you are doing that, you find a society where young people are not

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employed, do not have technical ability to go to school because they are addicted to compulsive gambling.

Compulsive gambling is where other behaviour has developed in your entire population; where children from secondary and primary schools start gambling behind the scenes in the black market. You do not have control because they can afford mobile phones. You do not have control of their behaviour, hence they start gambling. Consequently, this starts to impact negatively on their education, concentration in school and start stealing from their parents to gamble. What about a society where the poorest people, who are not even in the middle class, do not focus on their work, but instead spend more time gambling? This will have a ripple effect in the society when you look at their total productivity factor.

Mr. Temporary Speaker, Sir, in your office, you have employed a number of young people who have just come from college. If they get captured in gambling and as a result fail to pay attention to the work that you have given them to do, what will be the impact in their productivity to what they are supposed to do for you as a Speaker of the Senate? It will have a big impact. That is why we call it compulsive gambling. The negative effect on society is so big that even if you were to collect a lot of taxes nominally, it does not match the money from the taxes. In absolute terms, the money going into gambling is huge. It grows exponentially.

Why do we collect taxes? We collect taxes so that the Government can provide services to the people. Now, you are in a situation where you are competing for money that goes to roads, water, affordable housing and Social Health Authority (SHA), and at the same time, you have young people who have developed other vices, which include mental disorders. The Government is now forced to spend on these issues. That is why we call it a regressive tax. You collect a small amount of money compared to what is in the industry.

Secondly, the Government will face compulsive problems, which will force it to spend on them. You will have to spend on a population that is not productive, suffers from mental disorders, facing problems of selling their assets and becoming poorer. So, you are getting a tax that is regressive. It will never help you.

Gambling should not be a place where a government looks for revenue through taxation. It does not work like that. In fact, if we had stronger counties, gambling would be left to county legislation. Counties could decide the level and form of gambling they allow in order to provide a certain service. It would be used for own-source revenue, not as a substantive tax. This is what happens in the United States of America (USA), especially in states with Red Indians who are struggling. They are allowed to collect limited revenue from very restricted gambling activities. These activities happen in limited areas like Las Vegas. Then, you help the society.

Why are we, as legislators, watching this Bill pass right in front of us and letting it go, yet it will have a ripple effect? When you pass it, gambling companies will grow rapidly. Everyone will get involved, including politicians. This is a major issue that the USA, China and other large countries are facing. It leads to political crime. Politicians use it to enhance corruption. It will work just like the mushrooming petrol stations we see

now. Even in residential areas, people open petrol stations. They sometimes use them to hide funds. That is an easier problem.

A bigger problem is passing this Bill and making it easier for people to get gambling licences. There is no way to monitor gambling activity apart from revenue metrics. We are using revenue figures to check what has come in and what we can get from it. This will become a conduit. It will be a place for the political class, money launderers and criminals to hide money.

The Senate of the Republic of Kenya has been seen over the last three years during tempestuous moments, when the country faced many challenges, the Senate was the House that brought back sobriety. When Sen. Cherarkey speaks on matters of national importance, the country listens. The country trusts the Senate above the National Assembly. It trusts the Senate above the Executive, the County Assemblies and Council of Governors (CoG) on issues of national significance.

I know women who have faced many problems---

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

Sen. Omogeni: I have heard my good friend, the Senator for Migori County, making some bad inferences against other legislative houses. He says data shows Kenyans do not trust the National Assembly and our 47 county assemblies. He says Kenyans only trust the Senate. Is that factual going by the contents of the Standing Order No.105? We should not say things we cannot back up by data.

The Temporary Speaker (Sen. Abdul Haji): Sen. Eddy, what did you imply by that statement?

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, first, Sen. Omogeni is my senior. I know how much I respect him. He should not say what I did not say. I did not say that those other institutions are not trusted. I just said we are trusted more than them. It is an issue of level of trust. There is data, including Mzalendo Trust, that does data-driven research, that shows that the Senate is more trusted as an institution by Kenyans.

The Temporary Speaker (Sen. Abdul Haji): Since you have referred to the existence of data, according to Sen. Omogeni's point of order, are you able to substantiate by tabling that data?

Sen. Oketch Gicheru: Mr. Temporary Speaker, if you give me time, I will bring you the Mzalendo's data and show you how much the Senate is trusted across board in the country in terms of making sober decisions. I was calling to the conscience of my--- I know Sen. Omogeni has time to speak and perhaps I need to bring him up to speed because he just got in. We are discussing the Gambling Control Bill (National Assembly Bills No.70 of 2025). As my senior, I was trying to appeal to his consciousness that this Bill---

The Temporary Speaker (Sen. Abdul Haji): Very well, Sen. Eddy. You will substantiate in the next sitting.

Sen. Oketch Gicheru: Sure, I will do that. However, I appeal to him as one of the Senators, that his Bill on gambling is a bad Bill. It is based on the idea that we will make significant tax revenue from gambling. You cannot rely on gambling to raise taxes. The

people involved will make exponentially more money than the Government collects. Meanwhile, the impact of the vice on society will be severe.

I was giving an example from my own community in Migori. There are several cases of people going through depression that have been brought to me. We have seen cases of people committing suicide after losing their basic assets. Some women have sold goats to go gamble. Some young people have sold their motorbikes, which they had saved for over three years to buy. Then they sold them to gamble and ended up losing everything they had.

The impact is so big. It is not only about mental health disorders with suicidal cases, where people have killed themselves because of this gambling problem. It also furthers crime. When someone, young or old loses their assets or jobs through gambling, the effect is severe. If they do not commit suicide, but have lost everything, what are they left with? To survive, they may turn to criminal activities. We see these vices repeatedly in society.

I know there is temptation to regularise this Bill. The idea is to create a framework that encapsulates the entire gambling industry into a tax bracket. However, this is one of those areas that should not excite us, as a country. We should not view it as a place to collect tax because that taxation is regressive. More importantly, even if you collect a lot of money from it, the revenue cannot solve the societal vices caused by gambling. Instead of just competing to build roads, the Government will also compete to fund treatment for mental disorders in society.

When we talk about car hire services at a cost of Kshs42 million and competing to build roads and deal with issues of mental disorder in the society--- When you are competing to build roads or provide water services using the same taxation, there is another problem. You are not only dealing with provision of water, but also with crime that will come in the society.

I can see that politicians might be worried about this because it is an avenue for some dubious politicians. I am not saying any particular politicians, but there is potential for dubious politicians to take advantage of this Bill and have mushrooming companies for gambling, so that it becomes a conduit for money laundering by the political class and other people who are outside of the political class. This is something that as a House, we must be bold, courageous, remain solid and distinct in our decision as a House, that despite the fact that this Bill has gone through a mediated process, this is a Bill that we must kill as a House and make sure that we do not give a licence to auction the future of our children or the healthcare of our children, by making sure that we enable an avenue for serious mental disorder.

If we, as a country, must consider the issue of gambling, then I would wish this House the courage because we are established under Article 96 of the Constitution to protect devolution. Let us enhance the legislative capability of our counties to handle things like gambling Bills, so that they are customized. This is so that we only make sure that we do not touch the unconstitutionality of gambling allowance into the country.

With regards to giving certification and legislation to operate, why can we not pass a Bill that will enable counties to determine this as an area for raising resources for specific services? This is not for all services, not even as a place for all sorts of revenue

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that goes into the backers of taxation in the counties, because that would also be tantamount to double taxation. I would wish that we just come up with legislation that allows counties to look for those specific gambling activities, specific areas of gambling and specific taxation that is county-level orientated. It goes to specific services, after which you do not take it to the entire CRF at the county to deal with the entire revenue issue. As a national law, I can assure you, having looked at the impact of gambling in countries that have made strides, countries that have got both the fortitude, not just the mental fortitude, but social fortitude to deal with the vices of gambling like the United States, countries in Europe and China, having looked at the infrastructure that they have put in place to ensure that gambling does not collapse their countries, we cannot afford to see this Bill pass in this House. I will work very hard. I know there are some Senators here who are very solid in terms of championing for, you know, being able to whip people around. I see Sen. Cherarkey in the House.

We will work together to make sure that we mobilise ourselves against this Bill, so that we make sure that gambling as a vice does not percolate in our society. Otherwise, you will start seeing with, you know, these Gen Zs that we are now seeing, not having employment opportunities. They will find that gambling is the only option that they must go to, and they are going into that gambling without money. They do not have the money. They will start borrowing from Peter, Tom and John to go and gamble with that money. More frustrations will come in when they have failed, because the truth is that out of the people who gamble, not a big percentage of those who enter any bid end up winning that bid that they have entered.

It means that when you have got a swath of young people who do not have employment, economic opportunities and opportunity for income generation, you leave them in trouble by allowing them to have the alternative as only gambling. I strongly oppose this Bill. I hope that my fellow colleagues will join me in making sure that it does not pass in this House.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Thank you, Sen. Eddy.

Sen. Crystal Asige, proceed. I apologise for the fault on your console. We were not able to see your name.

Sen. Crystal Asige: Thank you very much, Speaker. I appreciate that, and for the opportunity to speak briefly on the mediated version of the Gambling Control Bill. First of all, this Bill came through our committee where I sit as the Vice-Chair, which is the Labour and Social Welfare Committee. When we were considering this Bill before it even went to mediation, I, as a member of that committee, opposed a lot of the provisions that are in this Bill. Also because the spirit of gambling, for me, is not really a legislative endeavor, I feel it needs to be thought about more in a philosophical way.

Across the world, you will see that, I mean, even this title, I find it to be a bit of a juxtaposed kind of a title because it says ‘gambling control.’ I do not believe that you can control gambling. The world over, you will see that there are countries that have either allowed gambling to happen or completely refused for it to happen in their economies. However, those that have tried a middle ground, like we are trying right now, have not been able to control gambling as it implies in this title of the Bill. We need to remember

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that prevention is better than cure. Many times, I have seen in this House, as well as our twin House in the National Assembly, we look at problems in our society as something that can be legislated in black and white. Unfortunately, there are a lot of grey areas when it comes to gambling. I like what the previous speaker has said, which is that gambling follows vices. I believe that is the case for us here in Kenya.

This is because if you look at reports, pieces of data or research, which I have, because I have interacted with this Bill before in our Committee, you will see that gambling follows quite specific vices in this country. Gambling is always targeted to vices such as abuse of alcohol and drugs. Gambling will target those who have vices around addiction of some kind. Of course, it also follows vices such as pornography, which nobody has spoken about here. I have not heard anyone speaking about the same. This is what gambling companies will always target, especially those who are online. They will target people who are into entertainment or sports. They will target those who are into drugs and alcohol, and those with any kind of addiction.

Mental health as well has been spoken about here. They will target those who watch and enjoy porn. There are reports as well that we saw when we were looking into this Bill in our Committee on Labour and Social Welfare, which showed that in Kenya, some of the highest usage of the internet lies in those very topics I have just mentioned. It is the top 10. In the top 10 are entertainment, sports, shopping, but in the top three is pornography. If we do not address these issues, the vices themselves, then we will never be able to control gambling. That is my fear.

Recently, in the last few months in this House, as I said, we keep legislating things that are the symptoms and not the actual core root of an issue. Recently, we were trying to legislate around fundraising in churches and the like.

There are Members in this House who actually said and opposed that Bill because they said, “how can you tax or try to regulate fundraising without looking at the reason Kenyans feel like fundraising is their only hope to get through their problems?” When somebody fundraises for a sick relative, we must not regulate the fundraising. We must ask, why does this person feel like the health system has failed them?

You must not regulate that, but you must ask why this person is feeling that they have been failed by the education system and that is why they must look to their family, friends and community to raise funds for education. The same principle applies here. Why are we attempting to regulate gambling and impose heavy restrictions or legislation on this issue, rather than addressing the root cause of why people fall prey to gambling issues that I have mentioned before? Those are the matters we must truly sit and think about, not just as legislators but as thinkers, because that is why we are here. We are, apparently, the most brilliant minds in the country. That is why we have been placed here to represent our people.

If we cannot sit and think about the root causes of our nation’s problems, instead of merely treating symptoms and slapping legislation on them, then we will never ever control anything, nonetheless, gambling in my opinion. Even if we go ahead---

(Loud consultations)

The Temporary Speaker (Sen. Abdul Haji): Sen. Mungatana, Sen. Cherarkey and Sen. Adan, please, consult in low tones, so that we may hear Sen. Crystal. Proceed.

Sen. Crystal Asige: Thank you for protecting me from the Members who are consulting. This is a highly emotive subject and I am certain they are busy discussing my submission as I speak.

I wish to underscore and reemphasise that we must consider the root cause, preventing or curing it, rather than attempting to address it with a piece of paper and regulations.

Mr. Temporary Speaker, Sir, allow me to speak from the perspective of a creative. Recently, in last year's Finance Bill, which was thwarted by nationwide protests, there was a proposal to tax the creative industry. Creatives protested loudly, asking, "how can you tax or regulate us when you have not even created an environment for us to thrive?" What exactly will you tax us? I draw a parallel, not literally, but in principle, to this issue. Why would you seek to tax or regulate a group of people who are exhibiting symptoms of societal problems we have failed to solve? Instead of addressing the root issues, we punish them for being unemployed, for struggling with addiction to alcohol, drugs or pornography, whatever the case may be, when we have not, as the so-called brightest minds in the nation, engaged in evidence-based policymaking.

We must ask ourselves, is legislation truly the sustainable solution? Alternatively, must we dig deeper to the core, to understand why our people feel compelled to gamble away their lives, assets, dreams and possessions, instead of seeking honest work, addressing mental health struggles, overcoming addictions or breaking free from pornography?

This is a poignant issue. I raised it clearly during our deliberations on this Bill in the Labour and Social Welfare Committee. The mediated version before us still fails to address this fundamental question, one that may be philosophical, but demands an answer. I had hoped this Committee would tackle these deeper issues rather than presenting us with yet another piece of legislation that may never solve the problem or bring gambling under control.

I thank you.

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

Sen. Okiya Omtatah.

Sen. Okiya Omtatah: I shall be brief and presidential.

(Laughter)

First, this is a bad Bill. It attempts to regulate a highly technical area without any prior scientific study. That is where the problem is. The root cause of gambling is the misconception that it is a shortcut to wealth, particularly in a country like Kenya, where earning a shilling has become very difficult. This explains its rampant spread. Perhaps we should withdraw this Bill, conduct a proper study on what drives gambling and then propose scientific solutions. As it stands, this Bill lacks scientific grounding. I do not see

any solution proposed. Yes, regulation is needed, but by doing what? Education is necessary, but by doing what? Multiple interventions are required, but for doing what?

Mr. Speaker, Sir, while the intent of the Bill is good, the execution is flawed. As a student of St. Thomas Aquinas, I hold that if something is worth doing, it is worth doing well. This Bill is poorly crafted, even if the problem it addresses is real, this Bill is not the solution.

Sen. Mungatana acknowledged the Bill, but did not explicitly support it. In the absence of a serious study, we are groping in the dark, potentially worsening the situation while believing we are improving it. I propose withdrawing this Bill and tasking the relevant state bodies with conducting a thorough study. Only then should a well-researched and reasoned Bill be presented for debate.

If you look at gambling advertisements, they promise quick wealth, not recreation or mental refreshment. Slogans like "*Leo hustler, kesho sonko*" prey on desperation. I pray that this Bill be withdrawn or if not, voted down, to pave way for a more informed and effective solution. As it stands, we lack the necessary information to make a decision.

With these remarks, I reject the Bill.

Thank you.

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, there being no other Senator wishing to contribute, I call upon the Mover to reply.

Sen. Wakili Sigei: Thank you, Mr. Speaker, Sir. I extend my gratitude to the following colleagues for their contributions: Sen. Cherarkey, Sen. Faki, Sen. Mungatana, Sen. Olekina, the Senate Majority Leader, Sen. Aaron Cheruiyot, Sen. Oketch Gicheru, Sen. Crystal Asige and last but not least, Sen. Okiya Omtatah.

On behalf of the Mover of this Bill, Sen. Chesang, I echo many of the sentiments expressed today by my colleagues. We live in a global society and we cannot bury our heads in the sand to say that gambling and betting related activities do not happen. While it may be a tall order to say we can fully regulate these activities, we must begin from somewhere, and this Bill represents that first step. This legislation is not just about gambling, it encompasses broader issues, including amendments to the National Lottery Act of 2023, which it speaks to.

Mr. Temporary Speaker, Sir, we have got many other regulations. What the amended or mediated version of this is trying to achieve is to enhance---

(Sen. Cherarkey consulted loudly)

Mr. Temporary Speaker, Sir, could you kindly protect me.

The Temporary Speaker (Sen. Abdul Haji): Sen. Cherarkey, allow Sen. Sigei to make his submissions. You are distracting him.

Sen. Wakili Sigei: Thank you, Mr. Temporary Speaker, Sir, for that protection. I was saying that we desire this mediated version of the Bill to ensure that we strengthen the penalties that are going to be meted upon those who, for instance, participate or are involved in gambling without the license. For example, in the mediated version of the Bill, we have enhanced the penalty as fines that can be imposed to over Kshs3 million and Kshs5 million, which is an improvement from what previously existed. This is

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because without any fine or penalty, no one will see any reason to be deterred from conducting activities like gambling without a license.

Earlier on, I wanted to inform Sen. Cherarkey, as I take the opportunity to correct the misrepresentation, that the amount that one can bet on, is not one Shilling. In fact, the Committee enhanced the amount to Kshs20 as a means of ensuring that whoever participates in gambling must be someone who is obviously of age. If you reduce it to one Shilling, every other person, including young children, can access that amount and gamble with it.

Mr. Temporary Speaker, Sir, the timelines that the Bill provides for advertisements by the media houses, the watershed moment is between 10.00 p.m. and 5.00 a.m. That serves the purpose that Sen. Cherarkey and the rest of my colleagues said, that we regulate because if we do not do it, it will still go on. We are living in a global society such that, although we would want to discourage as much as possible our young ones because of the mental effects of gambling and the consequences that comes with it, we cannot run away from the fact that this is a global thing that other regimes have attempted to regulate, but have not been able to. This is an opportunity that we have gotten.

Although we have not got the right situation in terms of regulations as Members would have desired, this is an attempt that, going forward, we have enacted a law that will give us a platform to continuously improve that law. This is so that, at the end of the day, we will be able to speak to a regulated activity, which will enhance the support we are talking about. It will also discourage Kenyans and everyone else from undertaking such vices. However, for those who have already been put into this, not necessarily residents within Kenya, but those outside the country, are online but are Kenyans, we must also speak to them and support them in a manner that this law is trying to do.

Mr. Temporary Speaker, Sir, we are legislating for posterity. We are not legislating merely because we have to do so; such that, even if we are not supporting gambling, there must be a law in place. That is exactly what we are saying, that notwithstanding our differences and challenges with this activity, we must have a law in place.

As I reply, I urge the hon. Members of this House to support it. For those improvements that we have talked about that we need to make, we have a room to amend the law and in the process of amending the law, we can also go beyond the law and create an environment that will help Kenyans. That is, the ones gambling, those who have been addicted and those who have been affected by gambling activities in order to get an understanding of how they can exit the vice. Rather than saying we do not want the law and yet, gambling exists, it cuts across and it cannot be ignored.

Mr. Temporary Speaker, Sir, I encourage Members to support. I also support this Bill. Pursuant to the provisions of Standing Order No.66(3), I request that we defer the putting of the question to a later date.

I thank you.

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

Putting of the Question has been deferred.

(Putting of the Question on the Motion deferred)

Hon. Senators, looking at the Order Paper, we will have to defer Order Nos. 10, 11, 12, 13, 14, 15, 16 and 17.

BILL

Second Reading

THE COUNTY ALLOCATION OF REVENUE BILL
(SENATE BILLS No.9 OF 2025)

(Bill deferred)

BILL

Second Reading

THE EQUALISATION FUND APPROPRIATION BILL
(SENATE BILLS No.7 OF 2025)

(Bill deferred)

COMMITTEE OF THE WHOLE

THE CONFLICT OF INTEREST BILL
(NATIONAL ASSEMBLY BILLS No.12 OF 2023)

(Committee of Whole deferred)

COMMITTEE OF THE WHOLE

THE EARLY CHILDHOOD EDUCATION (AMENDMENT) BILL
(SENATE BILLS No.54 OF 2023)

(Committee of Whole deferred)

COMMITTEE OF THE WHOLE

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

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(Committee of Whole deferred)

COMMITTEE OF THE WHOLE

THE STREET VENDORS (PROTECTION OF LIVELIHOOD)
BILL (SENATE BILLS NO.41 OF 2023)

(Committee of Whole deferred)

COMMITTEE OF THE WHOLE

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

(Committee of Whole deferred)

COMMITTEE OF THE WHOLE

THE COUNTY LIBRARY SERVICES BILL (SENATE
BILLS NO.40 OF 2024)

(Committee of Whole deferred)

The Temporary Speaker (Sen. Abdul Haji): Clerk, call the next order.

BILL

Second Reading

THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS
(No.2) BILL (SENATE BILLS NO.8 OF 2025)

(Sen. (Dr.) Khalwale on 16.7.2025 - Afternoon Sitting)

(Resumption of debate interrupted on 16.7.2025 - Afternoon Sitting)

Sen. Mungatana, you were on the Floor of the House when this matter was being debated. You have a remainder of 12 minutes to continue with your submission.

(Sen. Crystal Asige spoke off record)

Sen. Mungatana, MGH: Mr. Temporary Speaker, Sir, Sen. Asige might be saying something.

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I was on my feet yesterday, seconding the Bill that had been moved by our hon. Chief Whip, Sen. (Dr.) Boni Khalwale. I was at the point where I was saying that this Bill has 12 clauses. The last clause talks about the criminalization of financial misconduct.

This is criminalization of those officers who are told that the Senate has given this schedule and you are supposed to abide by this schedule, so that counties can get their money on time, and they do not do it and they do not get any consequences.

As I second this Bill, I was saying that it is my sincere hope that in this Financial Year that we are starting, when these violations are gross, then the responsible officers who delay the funding of counties and refuse to follow what the Senate has said as far as the funding of counties timeously is concerned, there will be criminal consequences for them as envisaged in this County Governments Additional Allocation Bill that we are passing today.

Those who are listening to me must know that in the Senate, we provide three main ways to fund county government activities. The first one is the Equitable Fund - the equitable share that comes to them. The second one is the Equalization Fund that we have passed as we debated it here yesterday. We are waiting to vote on it. This is the third one where we pass the county governments' additional allocations that are supposed to go to the county governments.

Mr. Temporary Speaker, Sir, in these additional allocations, we have two main categories. The first is the unconditional additional allocation. For these ones, the funds that come from the unconditional additional allocations to the counties come from revenues that have been collected from the courts and court fines. When any county passes its laws and there is a contravention of those laws, the county is supposed to fine those people who contravene its laws, so that it can generate wealth. This money is collected and put together. When we pass it here, every county will be given its share.

I needed to say this quickly. There are counties that have not developed their own version of city courts like here in Nairobi where we have a city court. When you are found by the county *askaris* having not paid for your licenses and all that, they fine you there and you have to pay, so that the county government creates a source of funds. I am saying this to all Kenyans and county governments. Please develop court systems in your counties. There are counties that do not support collection of revenue. As a result, you find very little money coming as collections to the County Revenue Fund (CRF).

The other unconditional allocation of funds from this Bill comes from the 20 per cent revenue from royalties that will be collected across the country. I want to use this opportunity to request that all counties that have minerals and other resources that come from the ground which can be mined. We are asking the Cabinet Secretary, Hon. Hassan Ali Joho, in charge of mining, to do what he can within his powers, to make sure that those resources are mined. I am saying this because in Tana River County, for example, when the Cabinet Secretary took over, he said that gypsum mining in that county is not controlled and he suspended everything. That means that there is no gypsum mining activities going on.

If the Cabinet Secretary does not create a framework through which that mining can go on, it means the royalties we were expecting to get from unconditional remittance of funds back to the county will be reduced. Therefore, I want to ask through this

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platform that you create the regulatory framework and help the people of Tana River to get back to that resource exploration in an organised manner because it was not organised at the beginning. That is why we supported your move to suspend mining activities. We would like to go back because that is one of the sources of unconditional transfers of monies back to the county.

Mr. Temporary Speaker, Sir, there is another problem in the National Treasury which we are also asking the Cabinet Secretary to look at. For a very long time, the National Treasury keeps on giving excuses when it comes to remittances of 20 per cent royalties back to the counties. It becomes very difficult for Taita Taveta, Kwale and Tana River counties to access monies that are supposed to come from royalties. The same applies to Kilifi County. These are coastal counties that have mineral resources. The National Treasury continuously creates a hurdle after another even when we have passed it here in the Senate. We are saying that the 20 per cent mineral royalty share must go back, but they create hurdles and make it difficult for the counties to access funds.

Mr. Temporary Speaker, Sir, in this Financial Year 2025/2026 as we pass this law, we are asking the National Treasury to do the right thing. Stop frustrating counties. When this Schedule is passed and it becomes law, you should obey it and give counties what they deserve in terms of their funds.

I have said that Government additional allocations are given to the counties as unconditional and conditional grants. Conditional allocations to the counties are in two portions. The first portion are conditional allocations that the national Government gives, so that the share of the counties from the revenues of the Government are accessed. Although these monies have been allocated to the national Government, they are supposed to be transferred to county governments.

I urge that we treat this Bill with the seriousness it deserves and fast track it. I am saying this because the national Government will not release monies for doctors who belong to the counties. There are arrears of monies payable to doctors through the Collective Bargaining Agreement (CBA). For those who have not been paid, that is contained in this Bill. That is why we need to hurry up and pass it. Conditional allocations for Community Health Promoters (CHPs) are also contained in this Bill. The share that the national Government is supposed to give is also contained in this Bill.

Conditional allocations for construction of county headquarters, which include county headquarters for Tana River, Nyandarua, Lamu and the other two, are contained in this Bill. Therefore, after passing this Bill, the national Government will be in a position to transfer these funds to the relevant county governments. The amounts are contained in the Second Schedule of this Bill. Conditional allocations to the County Aggregation and Industrial Parks (CAIPs) Programme that is set out in Column D are also contained in this Bill.

Mr. Temporary Speaker, Sir, you will remember that during his campaigns, the President said that every county must have an industrial park and each industrial park will be sponsored partly through the national Government share and there will also be a share by county governments. As I speak, there are counties that have not done industrial parks. The reason is that funds have not been released to them.

Mr. Temporary Speaker, Sir, I urge hon. Members and colleagues here that we vote for this Bill as fast as we can, so that conditional grants from the national Government are fast tracked, especially to counties like ours where we are supposed to have the headquarters. The national Government should release those funds, so that they are utilised by county governments.

Mr. Temporary Speaker, Sir, before I take my seat, I urge colleagues that our county governments are waiting for these funds. We should do everything possible to pass this as we put a caution to our governors across the country---

The Temporary Speaker (Sen. Sen. Abdul Haji): Thank you. Your time is up Senator.

Hon. Senators, I will now propose the question.

(Question proposed)

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, I rise to support this Bill, the County Governments Additional Allocations (No.2) Bill (Senate Bills No.8 of 2025). This is an important Bill and we must give its history for our colleagues to recall how it came about.

Yesterday, I got into a lot of trouble for relaying very useful information which I thought would have helped one of our colleagues. While they disagreed with it, they went on to say many other things. History is important and people must understand the perspective.

I continue to be proud of the work that we did in the Committee on Finance and Budget when I was a Member in the last two Senates. This is one of the signature Bills of that Committee. I do not know if the Members know that the conditional and unconditional grants to our county governments, used to be unregulated.

What would happen is that an international agency like the Danish International Development Agency (DANIDA) would propose to support a particular thematic area with regards to county governments and some mandarins at the National Treasury would determine where to place those projects. I do not know who they are, but I hear there are mandarins there. My interaction with them has left me with the impression that they are just good citizens. Anyway, I am just being your average Kenyan.

Many times, we found out that those projects were specifically positioned in certain counties with no regards to any scientific evidence or framework of where to follow. In fact, the easiest way for them was to say that they want to pilot a particular project. You would realise that the piloting phase was always done in particular counties. There are counties which stood no chance, especially those that come from regions that were considered to be politically incorrect at the time.

We sat down as a Committee and said that we have derelict our duty, we have checked out on the people that sent us to Parliament and that is why these things are happening. So, from around 2020 or 2021, we said that even additional allocation to county governments must pass through a particular framework. That is a basis upon which you have this County Governments Additional Allocations (No.2) Bill (Senate Bills No.8 of 2025).

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It is a subset of County Allocation of Revenue Act (CARA), but it carries any other additional resources that are going to our county governments and the justification is also provided therein. Therefore, one is able to read, understand and appreciate the amount and the reason a particular county is getting it and the other one is not getting it.

Sen. Mungatana, who seconded this Bill, mentioned that if there is no mineral activity of note in your county, you do not expect to benefit from this year's additional allocation of Kshs2.93 billion, which is for mineral rights. That money has accrued from 2016. I get surprised when I hear people say that this administration does not care about devolution. If those who were previously there cared for devolution, then why did money from the mineral rights stay in the coffers of the National Treasury from 2016 to date? Why is it that we are only saying, in this financial year, that what does not belong to the national Government should be sent to the counties?

Additionally, we have many other funds that are listed. This is part of the 20 per cent share of the mineral royalties that is due to counties as per Section 183(5) of the Mining Act, Cap 306, which stipulates that 20 per cent of mineral royalties will be paid to the state shall accrue to the county government where the mining operations occur.

It should be of interest to you, Sen. Mungatana and Sen. Okiya Omtatah. It should also interest Sen. Cherarkey because there is significant mining activity in his county. It is important that we put proper framework for that particular space. There is a lot of artisanal mining activities across the western belt. If you fly over Busia, Migori, Siaya and Kisumu counties, you will see some round holes with water filled inside and some young men running around there with sacks trying to shake them the whole day. They always say that they will eventually get some piece of gold. As leaders, we ought to be concerned and say we cannot allow our people to live like this 60 years after Independence.

Sen. (Dr.) Khalwale does not mention this of late because he has conveniently forgotten. He is not here. Initially, in his good days, before certain things happened, which I am yet to know, he would remind us that the largest gold refinery ever built in the Republic of Kenya was in Ikolomani where he comes from. While that is being done, the same needs to be replicated across all our counties that have presence of minerals.

The 20 per cent from the mineral rights is a significant amount of money. We can grow that sector and ensure that it earns the country a significant amount. Our country does not have a mature mining subsector because we lack a good amount of minerals. This is because we have not created a proper regulation of that environment to attract investment.

Serious players in the mining sector will never come to a country like Kenya because of the difficulties that it takes. First, securing community rights is a problem. If they try to, Sen. Oketch Gicheru will show up with his *sanguenyas* and say, "that this land belongs to us. This man cannot mine until they do this." Sen. Cherarkey will also come with his demands to the new investor.

Our mining sector will not prosper until we get to a point of appreciating that no investor will come to our country when the laws do not protect them. We have to provide a clear path for them to recoup their investment. We must clean up the Mining Act and make it business friendly. We should make it possible to attract the big players in the

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mining sector globally. The minute they will know that this country is governed by the rule of law and that their rights, as an investors, are protected, they will invest here and provide employment opportunities. They will also provide resources to the county and the national governments.

I was just speaking about that 20 per cent share of the mineral rights because it is part and parcel of what our counties are benefiting from. It is only a paltry Kshs2.9 billion. Like I mentioned, it is accrued amount for a significant number of years. If you want to know how much was paid as mineral royalties for the last many number of years, you just need to multiply that figure by five times. It will give you almost Kshs15 billion. I strongly believe that the country can earn upwards, perhaps even 10 times of that particular figure. That is a challenge that we must pose to the new leadership at the helm of the Ministry of Mining, Blue Economy and Maritime Affairs. The Cabinet Secretary must give us a roadmap.

You heard what Sen. Mungatana said about gypsum and how it is driving up the cost of cement. The minute we banned the local mining of gypsum, people had to import from countries as far as Tanzania. It is not that the raw material is not available in the country. The issue is that we cannot agree on how to run that particular trade. How long will it take the Ministry of Mining, Blue Economy and Maritime Affairs to make the decision? They can register those who have sites, sign up their forwarding contracts with where they are taking those minerals.

If we continue to take the length of time that we are taking to make those decisions, no investor will invest in this particular sector. The Bill in total, distributes close to Kshs70 billion across our counties, which includes money in form of court fines. The Kshs2.95 billion is from court fines and mineral royalties. There is Kshs9.95 billion from the national Government share of the Second Schedule and Kshs5.9 billion from proceeds of loans and grants from development partners, which is the Third Schedule.

All these things that are listed and you know them. There are quite a number of them. I have always questioned why these loans and grants take the form and shape that they do. There is even a proposal also on the Community Health Promoters (CHPs) of Kshs3.24 billion. There is Kshs454 million to five counties.

I must register my disappointment. It was a very difficult task, I remember, here in 2016, to convince the House to build headquarters for five counties, Isiolo, Nyandarua, Tana River, Lamu and Tharaka Nithi.

There was a debate in the House because people say we have needs also in our own county. Good reason prevailed and people agreed and said, given that these counties did not have district headquarters back in the day, they do not have even basic infrastructure to set up. Over the years we have continued to pay. It has taken inordinately long to complete that payment.

I was disturbed that recently just two days after we had made the decision to add Nyandarua into the list of the counties that are benefiting under the affirmative action--- Remember there were 12 counties that we created that were getting less than Kshs6 billion. We said we needed to find a way of bringing them closer to the rest of the counties. We developed a list of 20 counties and built into the formula, the Fourth

Generation Formula that is now available. It the second time that Nyandarua is benefiting from an affirmative action exercise.

I wish Sen. Methu was here when I am speaking about this because I have a message for him individually as a leader and for the people of Nyandarua. That was not the first time they are benefiting from this Kshs454 million. When we had demonstrations recently, a whopping I think, 35 county governments vehicles, together with the same headquarters that we had given to them under affirmative action, was razed down by protesters.

Mr. Temporary Speaker, Sir, you receive support from the rest of the country, that they appreciate that you have unique challenges. Then in the spirit of madness, that captures and is urged on by certain lost characters, clever by half-fools who think that by inciting young people to burn around their country, they pass a message of dissatisfaction, you burn the entire building together with 40 vehicles. That was really unfortunate. Yet, these are part of the resources that we are distributing.

There is also money to County Aggregation and Industrial Parks (CAIPS). You remember there are counties that have not benefited equally. This is the 250 share contribution. I am not sure and the Vice-Chairperson is here of Finance and Budget Committee. I am not sure whether this Kshs4.5 billion now clears the list of the remaining counties. You remember last financial year, I think about 17 counties benefited. It is my hope and assumption that now we will complete that business.

This is because there are counties where the contractor has done significant amount of work, but they cannot move beyond where they have reached, because the counties have exhausted their counterpart funding. Remember the county governments were to contribute Kshs250 million and the national Government was to give another Kshs450 million. This is money to those remaining 18 counties, including Kericho.

There is also funds that are being allocated and these are the various programmes. Sen. Maanzo and my colleagues, we have to do something about these various donors funded projects in our county. We need to keep an eye, Sen. Omtatah. Now in this list, there are about 10 different programmes that are being implemented by donor agencies in our counties, some by grants and loans. They come with unique propositions; you can only use these funds to do particular programmes. If we do not keep a keen eye, then you will get to a point where you will lose track of the number of programmes that are being run in your own county and that fund will be misused.

When the first one slum upgrading programme started, many county governments went to the nearest slum and gave contractors who did not know how to lay a centimeter of tarmac. Since they had finally been granted an opportunity to lay tarmac in the name of upgrading a slum, some mixed dust with black waste oil and burnt it on the road and said that there was a new tarmac road that has been built.

Within a few months of the long rains, for those of us that come from areas where there are long rains, the whole supposedly “tarmac” had been washed away. This is because of programmes that are conceptualized here in Nairobi by people in National Treasury, people who sit in high offices in the form of donors. They want to work directly with our counties with very little involvement in the Senate.

Sen. Tabitha, you are here as the Vice-Chairperson of the Budget and Finance Committee. You will have let down the country if you do not call to order the National Treasury to give you, one, the feasibility studies that are done across all the 47 counties before signing up for all these programmes that are listed here; the justification why this programme needs to run in our counties.

Part of the reason Kenyans chose devolution in 2010 was self-governance. I would rather we put those funds in the hands of our county governments and let the people decide through their representatives in the county assembly and the governors that they elect on their priority areas.

If you read this report by our colleagues, from paragraph 27, there is Aquaculture Business Development Programme (ABDP), Kshs200 million. International Development Association (IDA) - World Bank, on this thing they call Financially Locally Led Climate Action (FLOCA) programme, Kshs121 million. There is another one by IDA, part of the FLOCA, a grant of Kshs6.2 billion.

There is the German Development Corporation (GDC), also on FLOCA, Kshs1.2 billion, with 16 counties. No direction specifically on how those 16 counties were agreed upon. There is another one for Food System Resilience Programme (FSRP) funded by IDA, the development agency of the World Bank, Kshs3.2 billion. Drought Resilience Programme (DRP) for Northern Kenya by the German Development Corporation (GDC), sum of Kshs1.28 billion. There is this one that I am talking about, Kenya Devolution Support Programme (KDSP). One is a grant of Kshs1.762 billion to all the 47 counties and others. There is KDSP Phase 2. This one now is not a grant.

There is Kenya Livestock Commercialization (KLC) and the Kenya Urban Support Programme (KUSP). There is Danida for primary health, water and sanitation. There is also the Kenya Informal Settlement Improvement Programme, Kshs1 billion. This is the one that I mentioned earlier, by World Bank, Kshs840 million.

There are about 20 different programmes that are being run. If you ask the members of Budget and Finance Committee to explain to us, as a House, what the conceptualization of this programme was. What is the county-specific justification provided to say we need to do some climate action, improve our livestock or our informal settlement? Some counties, like where I come from, and even this, Sen. Cherarkey, there is nothing of significance that you can call a slum. A total of 200, 300, 400 or 500 people living in some form of settlement at a corner in the county does not qualify or pass for an informal settlement. That money can be put to more prudent use. I wish we had turned those resources into agriculture farm support programme, so that we support either our tea or our sugarcane farmers. We would get more value out of it as a country and as a county. Unless there is proper justification on these programmes provided to us here in the Senate as a custodian of the interest of county governments and its people, we need to make a decision before the next financial year. We can let these ones pass because we have already made a decision about it, but there needs to be a better administration of this space.

Perhaps, at the next joint retreat of the House, we can invite the partners that are running all these programmes to explain to us and help us appreciate what their thinking is, so that we equally share our feedback with them. I do not want to take longer than that

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because I know many of us want to speak on this topic, but I register my appreciation with the industry of the committee. I request that we support them and conclude on this very important piece of legislation.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Aaron Cheruiyot. I call upon Sen. Samson Cherarkey.

Sen. Cherarkey: Thank you, Mr. Temporary Speaker, Sir, for this opportunity. We have spoken to most of these Bills, especially in the process from Division of Revenue. One of the critical roles of the Senate is what we are doing today. Under Article 96, the role of the Senate is to protect devolution.

One way of protecting devolution is allocating sufficient resources. The role of the Senate, for the benefit of your guests at the gallery, is to protect devolution, do representation, oversight and budget-making, which they are privileged to watch from the gallery. The County Governments Additional Allocation No.2 Bill of 2025 emanates from Article 202 of the Constitution of Kenya, 2010, where these additional funds can be conditional or unconditional, unlike Article 210, where it talks about at least 15 per cent of latest audited national revenue.

Mr. Temporary Speaker, Sir, I would like to appeal to the National Assembly to fast track the auditing of the latest revenue. I insist and repeat the umpteenth time, that it does not make sense that the national budget is Kshs4.2 trillion yet we are allocating Kshs415 billion only to counties. Counties are choking on their own weight of the wage bill. The highest county was Kisii, with almost 56 to 58 per cent wage bill.

Nandi County is a forgone story, where your friend is spending over Kshs4 billion in terms of wage bill with an allocation of Kshs8 billion. That is why the people of Nandi County now cannot access markets. The roads are totally impassable. I saw a number of local artists which you are familiar with, slipping and falling down during the Jantex homecoming in Cherondo. A number of them like DJ Kaptula, Arap Uria, Koima, among others, bore the brunt. Just like Bomet County, we are blessed with a lot of rains.

There are so many stalled projects in Nandi County. For example, Kapsengere Health Centre, Kobujoi Health Centre, which is a stone's throw away from the Governor's home. We have one in Chepterwai Health Centre in Nyayo Ward has stalled, Nandi's Hills Stadium, which whenever it rains, it is always flooded. It is a pity that it has never been fixed by the county government.

Mr. Temporary Speaker, Sir, I received a report from the Controller of Budget (CoB) on the money we have disbursed to the County Government of Nandi dated 30th June, 2025. We need to see value for money. It cannot be that we are using so much energy on the Floor of the House to allocate a lot of resources to counties and it is not spent on the intended purposes. The big challenge in Nandi County is that most of the roads remain impassable. We have six sub-counties in Nandi County with impassable roads. These are not only national roads, but also county roads, also known as feeder roads. The Nandi County Government is fond of grading our roads. They do not murrum, drainage and culvert them. As a result, roads remain impassable and farmers cannot delivery their milk, tea and cane to market, especially during the rainy season.

Bomet and Nandi counties collect a lot cess from tea farming. Cess money can be spent on fixing some of these roads in Nandi and Aldai sub-counties. This money is not *sadaka*. It is not tithe and offering for governors to use it to show the largesse of power. It is embarrassing that as I speak today, there are people who are assigned to carry governor's seat or even toilets around for his comfort, yet many of our people do not access drugs in our hospitals and health centres. For example, there are no adequate drugs in Kapsabet County Referral Hospital and in a number of dispensaries in subcounties, including Mosoriot.

I do not know whether when governors sit on those seats, their sitting positions change or they are massaged. My governor is fond of carrying such seats around. I do not know whether it has a massage machine that massages him when he sit on it. They carry Very Important Persons (VIP) toilets around. They carry those toilets around yet the local Early Childhood Development Education (ECDE) centres like Kapkeri are not functional and are in deplorable state. This money is not meant to make governors look good. It is meant for service delivery to our people in county governments and county assemblies.

I am happy to see the Chairperson of the Senate County Public Accounts Committee (CPAC). He has been as rare as a snowball in hell in this House, but it is good to see him. He even looks radiant. I am also happy to see one of the notorious litigants and the presidential hopeful, Sen. Okiya Omtatah, in the House. I would like to inform him that there is a report that has shown that Kenyans are losing confidence with the Ethics and Anti-Corruption Commission (EACC) in the fight against corruption in this country.

I say without fear of contradicting myself that when the EACC appeared before CPAC in last session, they told us they had only done a conviction of Kshs20,000. We see largesse when you go to upmarket estates in this city. Most of the buildings or modern homes that are being built within the renowned estates in this country are constructed by people connected to county governments or alleged governors.

Mr. Temporary Speaker, Sir, some governors no longer stay in their own counties. They perambulate and gallivant within the city. There are governors who are running their counties through remote control. The Chairperson of CPAC knows those governors. I do not know whether his governor is exempted. Many of these governors come from northern part of this country, especially northeastern. Many of them from northern Kenya, are remote controlling their counties from here. Remember the incident of Garissa County when there was a breakout of fire in Masjid Market that almost spread to Garissa County Referral Hospital. The people who were controlling the firefighting machines did not know even how to operate them and yet, we are allocating billions of shillings to counties. In the Financial Year 2024/2025, my governor had the audacity of using a car hire services of Kshs42 million, yet the children of Nandi County are yet to receive bursaries. It is a paradox and an insult that we tax Kenyans, but they do not see that value in service provision.

We saw what happened in Tenwek Hospital. It is a very sad story. According to the Auditor-General's Report for the Financial Year 2024/2025, my governor used Kshs42 million on car hire services. Yet in 2013, the County Government of Nandi had already purchased vehicles for official use. Most of those vehicles only need a battery,

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service or tyres. If this is not abuse of government's resources, then what is? Using Kshs42 million on car hire, while roads remain impassable, is unacceptable. We appeal to the EACC to take action. A sum of Kshs4 billion, almost 40 to 50 per cent of Nandi County's budget is consumed by the wage bill.

Mr. Temporary Speaker, you are a man who is always alive to the current affairs. You remember the EACC's impromptu visit to Kapsabet County Headquarters. They took away computers and carried off payroll records. However, to this day, they have not even arrested a rat. Not even a rat! Yet they claim to be serious about fighting corruption.

Ghost workers are easy to trace. You can track the money directly from the Nandi County Revenue Fund (CRF) account to the payroll. You can trace the ghost workers, including the people who are close to the governor with close blood consanguinity, yet no one has been arrested up to date. We want to see action. That is why I challenge EACC today. Kenyans have lost trust in their fight against corruption.

I met colleagues from the National Assembly. I know colleagues are aware of the constitutional amendment to entrench the National Government Constituencies Development Fund (NG-CDF). Personally, I am not interested in the Senate Oversight Fund. I want the Senate's capacity, ability and functionality to be broadened, including the power to veto Bills. They told us that NG-CDF is working more effectively than county government funds because we have allowed governors to misuse funds. As the saying goes, "Before you kill a dog, you must give it a bad name." That is the challenge we are facing. We have now become the issue.

I know the Chairperson of CPAC is in the House, alongside the Vice-Chairperson of County Public Investment and Special Funds Committee (CPISFC). The only time we act is after we have appropriated the funds. Then we become morticians; we arrive at the tail end. There is a weak link in the accountability of these resources. That is why Members of the County Assembly (MCAs) must act. They are the ones who will go to the Bomet County Assembly and appropriate the funds, led by Speaker Cosmas Korir. We also count on MCAs in Migori, Homa Bay and Busia counties to do the same.

I do not know whether the presidential hopeful still visits Busia. The last time he went there, he returned to Nairobi under a rain of stones. I am not sure what happened. I believe that in this country when someone declares interest in the presidency, his security detail should be enhanced. That is what happens in Western nations.

We rely on leaders like Sen. Oketch Gicheru, the Vice-Chairperson of CPISFC and Chairperson of Standing Committee on Roads and Transport. He is doing a commendable job. The only time CPISFC gets involved is when they are being morticians. My Chairperson, Sen. M. Kajwang', is one of the ranking Members in this House. In the future, similar to the Senate of the United States of America (USA), he should be recognized as a ranked member. Sen. M. Kajwang' understands that our involvement often comes too late. We interact with issues only after damage is done. We are doing post-mortem. We are now morticians. We cannot salvage anything.

Talking about car hire services of Kshs42 million, those guys have been paid. If we wanted to ask whether that man is prudent or not, how will we ask? The investigation is ongoing in Bomet County. These people come at the tail end as morticians, there is

nothing you can do. We will just diagnose and say this and that, and they will write a report which will be tabled before the Senate.

We will make a recommendation. They will look at our recommendation as if it is a love letter. They will look at it as if it is flowers, we are giving to them. They will ignore. It is a sad reality and Kenyans must accept this. The much we can do is to recommend. Last weekend, I was in Mosoriot, Aldai and Mosop sub-counties, I met people who told me, Senator, the money has been lost, we do not see roads. As I said, the only thing we can do is to recommend. Unless Kenyans amend the Constitution and give powers to the Senate to arrest, prosecute and detain, maybe that one will be resolved.

On the issue of additional funds, I heard Sen. Eddy mentioned that we are getting Kshs55 million. However, I want to challenge the Committee on Finance and Budget led by the able Vice-Chairperson, Sen. Mutinda, I saw her here--- I do not know whether Karen Nyamu was with the President in the Nairobi tour. Yes, both of you were with the President. It is good you are standing with him.

It cannot be that up to now, Kshs15 billion of mineral royalties has not been released to Migori or Nandi. I think you need to tell Hon. Mbadi, one of the experts that was given to us, to release this Kshs15 billion. This is because your people are suffering. Yesterday we were discussing the issue of Equalisation Fund and said Kshs46.5 billion is yet to be released. Are we serious? How do we expect services to be provided to our people? In Chemelil, Chamase, we have Kerebe Gold Mine. We need to see value in Kapsabet. On the issue of intern doctors, that one has been resolved and I am happy. The Community Health Promoters (CHP) must be seen---

I want to make a final comment in the interest of time. Since Nandi will get Kshs480.8 million in terms of additional funds, I want to make an appeal that this amount be prudently spend. I agree with the Senate Majority Leader that the World Bank is now a conduit of corruption. When the first Kenya Urban Support Programme (KUSP) and Kenya Devolution Programme (KDP) came to Nandi, I wrote so many letters to the World Bank to demand accountability and projects being done in Nandi. They never responded. They imagined I was sending them compliments.

I challenge the Committee on Finance and Budget and the CPAC to call this World Bank another donor fund. They must be accountable. They are busy lecturing us about democracy and accountability yet when you today write about KUSP and KDP, World Bank will never even acknowledge your receipt of your letter. They will never tell you what is happening in Bomet. They have specific contractors. That is why my people in Mosoriot Township are demonstrating. We have tried to engage the World Bank. Why is World Bank operating in secrecy? Like they are night runners. They are possessing witchcraft and sorcery. Sen. Eddy, Sen. M. Kajwang, Sen. Mutinda, the World Bank and other donors who give us grants and loans must appear before Senate and tell us what they are doing in Nairobi.

Why do they want to operate above the law? This money is not funeral money or *mchango*. It is money that we must pay back. I want to request you after you leave here, you are one of the senior lawyers in this country, try and write to the World Bank and request them and even other donors to tell us what is happening. They will never respond because they are now a conduit of corruption. That is why I agree with Donald Trump

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when he disbanded USAID. This is because they cannot and they do not want to account to anybody. They only do training and sensitization. About 20 per cent of the money is for *chai* and *mandazi* as they are training community patrons. I want to challenge the Committee on Finance and Budget Committee and the CPAC to come out strongly on this matter.

With those many remarks, Mr. Temporary Speaker, Sir, I support.

Sen. Oketch Gicheru: Thank you, Mr. Temporary Speaker, Sir. We are progressing well as a Senate. I appreciate that even as I rise to speak, I support this Bill before us, the County Governments Additional Allocation Bill.

This Bill comes in the backdrop of the Division of Revenue Bill, which we recently passed to allocate funds between the national Government and county governments. I had the pleasure of being part of the team that mediated on the Division of Revenue Bill, where we passed through the vertical share of revenue between the national Government and the county governments.

Mr. Temporary Speaker, Sir, you know very well this is the substantive and mainstream budgetary Bill that we pass in this House basically to look at the monies that are going to the counties. From that Bill alone, we managed, as a House, to increase the allocation to the counties.

Initially, it had been proposed that county governments be given Kshs387 billion last year which is what they got. The national Government had proposed to give them Kshs405 billion, but we managed as a House to push the figure to Kshs415 billion as a mainstay legislation that gives counties money.

It should be noted by the public that this is a follow-up to that. Article 202(2) of the Constitution anticipated a situation where that mainstay documentation of sharing revenue; we could share revenue between the national Government and county governments and then perhaps there could be more money required to do more functions.

These functions could be affected in two ways. First, under Schedule Four where functions have been assigned to counties, but there is less money following them. This is a battle we have been fighting in this House, especially because most of these functions are naturally not costed. We need to cost these functions to make sure that we have got the right metrics and calculus to ensure both national Government and county government functions are run with the right amount of money that they need.

Under Article 187 of the Constitution, there is also a possibility that county governments might get additional responsibilities delegated by the national Government to be able to undertake those functions that the national Government is supposed to do. For instance, at the beginning of our term, the President made a pronouncement around the issue of building industrial parks in all 47 counties to stimulate economic growth; that each county should have an industrial park.

An industrial park is not something that is explicitly a function of county governments. It is something that the national Government, through its agenda, was thinking of introducing and, therefore, came up with this idea that counties can contribute and the national Government can also contribute. That is a pseudo-allocation of functions to county governments. What ended up happening is that Article 187 is, therefore, evoked by that presidential pronouncement that then brings counties to do something like that.

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Therefore, you end up having those functions going back to counties and money must then follow it.

Mr. Temporary Speaker, Sir, this is a Bill that then would allow the national Government to add additional resources to counties in areas such as those. We have seen many instances where legislation gives the burden of concurrence between the national Government and county governments.

Mr. Temporary Speaker, Sir, when we were in Turkana for Senate Mashinani, we passed a Bill in both Houses of Parliament on CHPs. That Act of Parliament ended up creating Column B in the Second Schedule of that Act, which required that county governments should have a 50 percent share with the national Government. The national Government contributes to the stipend of the community healthcare promoters and county governments will contribute 50 percent.

This is an area which necessitated the idea of having additional allocations. Remember also, we had conditional allocations for the construction of county headquarters. Again, this is a function the national Government had committed to. By last year, we had committed 18 counties. My county of Migori has received over Kshs111 million which we fought for in the last two years in order to get those funds.

I had talked about County Aggregation and Industrial Parks (CAIPs) which programme is set in Column D of the Second Schedule of this Bill. That said, we know that apart from the dictates of Article 202(2) of the Constitution that requires that the national Government can put additional resources in its budget, and we also have additional funds allocated from proceeds of loans of grants that come from other countries. Among them is what Sen. Cherarkey has talked about, which include the International Fund for Agricultural Development (IFAD), which is a business development programme supported by those proceeds from loans and grants from our international partners, donors and sometimes, multi-lateral agencies.

Mr. Temporary Speaker, Sir, we have those that come from the World Bank like FLLoCA by the Climate Institute support programmes that we have as well as other finances we get from our international partners. They also form the bulk of the monies we have put in this Bill and they are important. We also have unconditional grants which are also part of additional grants that we are passing in this Bill. They are two and one of them is the proceeds that come from the court fines, emanating from the contravention of county governments legislations. When county governments set the national Government to collect these fines on their behalf, it goes without saying that those proceeds must be channeled back to those counties.

Again, that is an agency arrangement we have and in a routine manner. That routine allows for those monies to be ploughed back to the counties that have such an arrangement with the national Government. However, some courts do not have such arrangements with county governments or they do not have courts that have those fines within their precedence. Also in some cases, legislation might be lacking in those counties that might not be featured in Column A of this Bill.

There are unconditional allocations that go to beneficiary counties with regard to mineral royalties. This is an arrangement well stipulated under Section 183 of the Mining Act, read together with the Regulations that were established as articulated in Column B

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in the First Schedule. Those royalties have three categories. There are those supposed to remain in the community. In this Bill, there is 20 per cent that is supposed to go to the county government and 70 per cent to the national Government.

With that, Mr. Temporary Speaker, Sir, I want to appreciate the tenacity and effort that has been put by the Committee on Finance and Budget in terms of scrutinizing what was forwarded by the National Assembly because those particular additional allocations to county governments in those four different categories that have mentioned have been well articulated.

This is one of the efforts that is a fundamental duty of this Senate in terms of making sure that counties do get enough and adequate resources to carry out their functions and provide services and opportunities to our people at the county level. In fact, by passing this Bill in this House today or next week, if the debate today does not allow for division, we will unlock a lot of money to Migori County. There are additional unconditional allocations that I have talked about that will go to Migori County Government. On court fines alone, the money that will go to Migori County is about Kshs974,000.

Migori County is the bedrock of serious mining activities. If you go to Macalder Mines in Nyatike Constituency and Masara, which partly lies in Nyatike Constituency, the mining activities goes on all the way to Suna West Constituency. You will be impressed by the amount of gold that comes from Migori County. If you go to Rongo Constituency, there are serious deposits of alluvial gold there.

Recently we realised that there are a lot of gold deposits at a place called Kehancha in Kuria West. Currently artisanal mining is predominant in that area which is facing a lot of challenges in terms of revenue to people who matter. That is young people, women and men who are always in those mines trying to make a living out of that. Royalties do come from those places. It is only important that those royalties that come from organisations that do mining in Migori go back to our county to serve our people.

In this Bill that we will pass, it will interest the people of Migori to know that under additional unconditional allocations for minerals, 20 per cent that will go to Migori County is a whopping Kshs3.125 million. That is very important to announce to the people of Migori because we as the people of Migori must and should always have a way of benefiting from the mineral royalties.

The total amount that will be sent there in terms of additional unconditional allocations to what we had given Migori County in the main vertical revenue share of about Kshs9 billion is another Kshs3.6 million that constitutes court fines and mineral royalties.

Further to that, it is important that the people of Migori also take note that apart from court fines and mineral royalties, there are additional conditional allocations from the national Government's share that will go to Migori County. I hope that the County Government will use those monies prudently. One of them goes towards the arrears of county healthcare workers. This was a big issue that made me to be thrown out of Senate for the first time. I was fighting for the healthcare workers. My argument was that the national Government cannot take the payroll of healthcare workers to county

governments and not follow it with adequate resources to make them perform their functions.

It is here today, in this Bill, that we are sending Kshs27 million to Migori County to pay county healthcare workers. It is important that the people of Migori County take note that the effort of fighting for healthcare workers was not in vain. If we pass this Bill as it is, Migori County will get Kshs27,687,815. I think that is very important. We also have community health promoters who have been crying in Migori County that they have not gotten money. We are sending Kshs88.38 million towards community healthcare workers. The total conditional allocation that we are sending to Migori County when we pass this Bill is about Kshs116 million. It is important.

I encourage Senators to also look into their respective counties. I know Sen. M. Kajwang' is in the House and we are sending a lot of money to Homa Bay County through his effort. I can also see Sen. Mungatana and many other good Senators who are in the House right now. The Senator for Busia County is also here. We are sending serious additional money to our counties by passing this Bill. That is the most critical work that we have in this House: sending money to counties. Hopefully our governors will take note and make prudent use of the money that we are sending to them.

It is also important to note that we are sending a further Kshs292 million to Migori County for a variety of functions that are in the category of loans and grants from World Bank to do specific programs. For instance, we are sending money to Migori County for a programme called the Aquaculture Business Development Project. Migori County falls under Blue Economy region. The President, the former Prime Minister, Raila Amollo Odinga and the Cabinet Secretary, Ministry of Mining, Blue Economy and Maritime Affairs spent some time before Madaraka Day to pump money in the blue economy. Now, we, as Senators, through this Bill, will send Kshs12 million to Migori County. That money is to go and support the blue economy and aquaculture.

There is also the Kenya Development Support Programme (KDSP). This is mostly for urban initiatives and we are sending Kshs37 million to Migori County. We also have the National Agricultural Value Chain Development Project (NAVCDP). This is very important to me. I believe that we will create opportunities for young people when we build cottage industries in the agriculture space. We are sending the County Government of Migori Kshs231 million to start building the cottage industries, which will enable proper value chain industry in the agricultural sector in Migori County.

Primary health care has been affected by a number of issues, including lack of medicine. It is sometimes difficult to get Panadol or even Aspirin in our hospitals. Medicine has been a very big problem. We are sending to Migori County Kshs10 million. Therefore, a total of Kshs292 million is going to Migori County.

I want to thank Senators for this effort. It is their effort that has made it possible for this money to go to Migori County. I want to make sure that as a---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Oketch Gicheru, your time is up.

Proceed, Sen. Nyamu.

Sen. Nyamu: Thank you, Mr. Temporary Speaker, Sir. I rise to support the County Governments Additional Allocations (No.2) Bill (Senate Bills No.8 of 2025).

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This Bill seeks to operationalize the transfer of additional resources to counties in line with our allocation of funds and our devolved structures. Nairobi City County bears a unique urban burden. It is a seat of power, we house national institutions, foreign missions and a huge population. Our allocation is still not proportional to the demands.

I will not tire or stop saying, as long as I am in this House, that Nairobi needs ring-fenced funds to deal with sanitation, drainage, water, roads and infrastructure. This is because of the uniqueness of our city whereby we have extreme poverty and extreme wealth on the other hand. We need special funds to deal with the informal settlements pressure that we have. Our health facilities are under immense pressure. Pumwani, Mbagathi, and Mama Lucy hospitals are under immense pressure. We know these hospitals do not serve only Nairobians, they serve millions of residents from other counties. I am sure we know a relative or two from other counties who comes occasionally or periodically to Nairobi just to come and use our facilities.

I want to address the issue of delayed funds in previous cycles. We need to address the issue of timely disbursements because counties cannot plan themselves on unpredictable cash flow. Otherwise, this is a good piece of legislation and if well implemented, it will strengthen our counties and let us continue to guard the spirit of Article 174 of our Constitution that deals with these issues.

I support.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, there seem to be no more Senators interested in contributing to this Motion.

(Sen. M. Kajwang' spoke off record)

Sen. Kajwang', you are not on. I cannot see any request from you. Very well, Sen. Tabitha Mutinda, resume your seat. Sen. Kajwang', make that request so that I can see from my end so that I allow you to speak.

Clerk, give him the microphone. You can use the next mic or come to the dispatch box.

Sen. M. Kajwang': Mr. Temporary Speaker, Sir, this one is working now. I think we need to work on the technology because this is such a crucial Bill that the Senator for Homa Bay would not vote for it without commenting on it.

I rise to make my contribution to the County Governments Additional Allocation Bill. I pray that the Committee would not be in a rush. This is extremely important. The Bill that distributed additional allocations for the Financial Year 2024/2025 was passed by this House only two months ago because there were contentious clauses. We had to go into mediation because we had to deal with issues that touched on the welfare of citizens in counties as well as some of our colleagues in the National Assembly.

Mr. Temporary Speaker, Sir, you recall that the Road Maintenance Levy Fund (RMLF) was one additional allocation that became extremely contentious and up to now the matter has not been settled. I will be making contributions on this and I will use my full allocated time resources to ensure that we properly look at this Bill.

Mr. Temporary Speaker, Sir, I have had the privilege of chairing the Senate Standing Committee on Devolution and Intergovernmental Relations as well as the

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Senate County Public Accounts Committee. In that capacity, I have had interactions with the devolution donor working group, which is composed of people who have diplomatic passports and immunity and so there are some things that they cannot say openly.

Mr. Temporary Speaker, Sir, the legislative framework for approving additional allocations, what we used to call conditional grants, is extremely lousy and not fit for purpose. If the approvals for the additional allocations for the last financial year came about two or three months to the end of the financial year, are we being fair to Kenyans who are going to be charged because some of these are loans where interest is being paid? We need to innovate a different framework for us to disburse additional allocations to counties.

When we started devolution, we had one instrument called the County Allocation of Revenue Bill, which had the distribution to counties as well as the conditional grants. The courts pronounced themselves that the Constitution and the Public Finance Management (PFM) Act required a separate instrument for that purpose. Whereas we put in specific timelines and through the efforts, litigation and jurisprudence that has developed over the years and through the efforts of my friend sitting to my left, the Senator for Busia County, we tied the division of revenue to the appropriations.

Mr. Temporary Speaker, Sir, this House must take note that in this financial year, the Appropriations Bill was signed into law before we approved the division of revenue. The division of revenue was approved by this House on the last day of the financial year, but the Appropriations Bill had been approved in the prior week, contrary to the directives of the court and litigation that was instituted by Sen. Omtatah.

Mr. Temporary Speaker, Sir, whereas we made the division of revenue on the critical path of appropriations, we did not put the conditional or additional allocations to be part of that critical path. As such, once the division of revenue, allocation of revenue and the disbursement schedule have been passed, then Parliament takes leisure in the passage of additional allocations, as the drama that we saw in the prior financial year, where we were haggling on where to position the Road Maintenance Levy Fund. As a result, counties ended up losing even proceeds to mineral royalties.

The initial draft of that Bill at RMLF had a column on mineral royalties. However, in the version that we passed two months ago, counties like Kwale, Taita Taveta that were going to benefit from that additional allocation, which is unconditional, disappeared. It is not conditional. It is defined here as an unconditional allocation.

As Parliament, we have enough experience of this matter and the Senate should drive the conversation with the devolution donor working group on how to make this process better. I am happy to report that next week, the Senate CPAC has invited the Cabinet Secretary for the National Treasury and Economic Planning alongside members of the devolution donor working group.

We are coming in from the accountability perspective. Again, audit oversight of conditional grants has been extremely loose. This is because some of these grants are conditional. They are national Government allocations to county governments to do specific purposes. Then comes the confusion on who is the accounting officer. Is the accounting officer the officer at the national level who has disbursed certain allocations

to county governments or is the accounting officer the recipient at the county government who is spending?

Mr. Temporary Speaker, Sir, one conditional or additional allocation or programme that has had a fair share of success---

The Temporary Speaker (Sen. Wakili Sigei): Sen. M. Kajwang', you notice that the Chair was concentrating on your contribution to this Bill. Nonetheless, it is 6.30 p.m. When we next resume, you will have 15 minutes of your time to conclude on your contribution to this important Bill.

ADJOURNMENT

Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. The Senate, therefore stands adjourned until Tuesday, 22nd July, 2025 at 2.30 p.m.

The Senate rose at 6.30 p.m.