



THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT



Fourth Session

Wednesday, 16th July, 2025 – Afternoon Sitting

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 16th July, 2025

*The House met at the Senate Chamber,
Parliament Buildings at 2.33 p.m.*

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

PRAYER

DETERMINATION OF QUORUM
AT COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Hon. Senators, take your seats. We now have quorum. Clerk, kindly call the first Order.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM NYAIKUNGU
PRIMARY SCHOOL, KIRINYAGA COUNTY

Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon of visiting teachers and pupils from Nyaikungu Primary School in Kirinyaga County. The delegation comprises 14 teachers and 139 pupils 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. On behalf of the Senate and my own behalf, I wish them a fruitful visit.

Proceed, Senator, under one minute.

Sen. Wamatinga: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity on behalf of my colleague, Senator for Kirinyaga, Sen. (Dr.) Murang'o, who is on the way here, to welcome the students from Kirinyaga County.

I take this opportunity to tell them that it is, indeed, a very good opportunity to learn what we do in the Senate. As they go back home, I encourage them to work hard in school, to be obedient to their parents and teachers and also to follow their dreams because every dream is valid. We started in such schools like the one they are in and here we are.

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Moving forward, we know that Kirinyaga County is one of the top performers academically. I take this opportunity to welcome them and wish them all the best as they learn the procedures of the 'upper' House.

As Senator from Nyeri, I look forward to seeing you later as I join your Senator in welcoming you to this House. *Karibuni sana.*

The Speaker (Hon. Kingi): Next Order.

PAPERS LAID

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. I beg to lay the following Papers on the Table of the Senate today, Wednesday 16th July 2025-

REPORT ON FINANCIAL STATEMENT OF KIGUMO LEVEL 4 HOSPITAL FOR THE YEAR ENDED 30TH JUNE 2024

The report of the Auditor-General on the financial statements of Kigumo Level 4 Hospital in Kiambu County Government for the year ended 30th June 2024.

THE AFFORDABLE HOUSING REGULATIONS, LEGAL NOTICE NO.114 OF 2025

The Affordable Housing Regulations, Legal Notice Number 114 of 2025.
I beg to lay.

(Sen. Cheruiyot laid the documents on the Table)

The Speaker (Hon. Kingi): Next.

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

Sen. Wakili Sigei: Thank you, Mr. Speaker, Sir. I beg to lay the following Paper on the Table of the Senate today, 16th July 2025-

Report of the Mediation Committee on the Gambling Control Bill, National Assembly Bill No.70 of 2023, on behalf of the Vice-Chairperson of the Mediation Committee, Sen. Alan Chesang.

Mr. Speaker, Sir. I beg to lay.

(Sen. Wakili Sigei laid the document on the Table)

The Speaker (Hon. Kingi): Next Order.

NOTICE OF MOTION

Proceed, Sen. Karen Nyamu.

INSTALLATION OF CCTV CAMERAS IN ALL POLICE
STATIONS, CELLS AND POLICE REPORTING DESKS

(Notice of Motion Deferred)

Next Order.

BILL

First Reading

THE KENYAN NATIONAL COUNCIL FOR POPULATION AND DEVELOPMENT
BILL, (NATIONAL ASSEMBLY BILL NO. 72 OF 2023)

*(Order for First Reading read-Read the First
Time and referred to the relevant Committee)*

The Speaker (Hon. Kingi): Next Order.

BILL

First Reading

THE CULTURE BILL (NATIONAL ASSEMBLY
BILLS NO.12 OF 2024)

*(Order for First Reading read-Read the First
Time and referred to the relevant Committee)*

The Speaker (Hon. Kingi): Next Order.

Proceed, Chairperson, Select Committee on Delegated Legislation.

MOTION

EXTENSION OF TIMELINE FOR CONSIDERATION OF THE ENVIRONMENTAL
MANAGEMENT AND CO-ORDINATION REGULATIONS, 2025

Sen. Gataya Mo Fire: Thank you, Mr. Speaker, Sir. I beg to move the following Motion-

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THAT AWARE THAT, the Environmental Management and Co-ordination (Strategic and Integrated Environmental Assessment and Environmental Audits) (No.2) Regulations, 2025, Legal Notice No.71 of 2025 were tabled in the Senate on Wednesday, 9th April, 2025 and referred to the Select Committee on Delegated Legislation for consideration pursuant to Section 12(1) of the Statutory Instruments Act;

COGNIZANT THAT the Committee is required to make a report within 28 sitting days after the date of referral of the instrument by the Senate pursuant to Section 15(2) of the Statutory Instruments Act which will lapse on Thursday, 17th July, 2025;

(Loud Consultations)

The Speaker (Hon. Kingi): Sen. Methu, please take your seat.

Sen. Gataya Mo Fire: Thank you, Mr. Speaker, Sir, for protecting me.

AWARE THAT Section 15(3) of the Statutory Instruments Act provides that by a resolution, Parliament may extend the time for consideration of a Statutory Instrument by a period not exceeding 21 calendar days;

NOTING that the Committee is in receipt of concerns by the public on the imposition of exorbitant fees, unjustified and punitive fee increments through the said Regulations thus compelling the Committee to further interrogate the issues;

NOW THEREFORE the Senate resolves to extend the timeline for the consideration of Environmental Management and Co-ordination (Strategic and Integrated Environmental Assessment and Environmental Audits) (No. 2) Regulations, 2025, Legal Notice No.71 of 2025 for a further 21 days pursuant to Section 15(3) of the Statutory Instruments Act, to enable the Committee consider objections raised by the public and make its resolution on or before 7th August, 2025.

Thank you, Mr. Speaker, Sir.

I request Sen. Mungatana to second the Motion.

Sen. Mungatana, MGH: Mr. Speaker, Sir, this is a very straightforward Motion that requires extension of time, so that we can consider a Memorandum that was brought by the Institute of Environmentalists.

This Memorandum raises substantive issues about the charges that have been proposed in this new regulation. The contention by the citizens is that those charges are exorbitant. When we were supposed to have considered it within the time, we were considering the matter of the impeachment of the Governor of Isiolo County. That interfered with our timelines on the other side.

Mr. Speaker, Sir, as a Committee, we are only requesting for more time, so that we can give justice to the citizens who are raising issues with the proposed regulations. That the introduced charges may be exorbitant.

In seconding this Motion, I ask fellow Senators to support it as a procedural Motion. Allow us to do the work, on your behalf, for the benefit of the citizens who have raised concerns and the country in general.

I beg to second.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Hon. Senators, I will now propose the question.

(Question proposed)

Hon. Senators, the Floor is open for debate. However, this being a procedural Motion, the Committee is merely seeking an extension of time for them to complete their work. With your concurrence, I will straightaway put the question and voting is by voice.

Do I have your concurrence?

Hon. Senators: Yes!

The Speaker (Hon. Kingi): Thank you, I will proceed to put the question.

(Question put and agreed to)

Hon. Senators, pursuant to Standing Order No.45(2), allow me to reorganise the sequence of today's Order Paper. We will proceed to Order No.17 and thereafter, proceed to Order No.18. Once we are done with those two Orders, we will resume normal flow as contained in today's Order Paper.

Clerk, you may proceed to call the Order.

BILL

Second Reading

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

(Sen. Tabitha Mutinda on 15.7.2025)

(Resumption of debate interrupted on 15.7.2025)

Sen. Ledama Olekina had 17 minutes left. Since he is not in the House, that chance is gone.

Sen. Boni, proceed.

Sen (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. This is a very important Bill, which sits not just at the core of the letter of the Constitution, but more importantly, the Equalisation Fund Appropriation Bill was about the spirit of the Constitution of Kenya, 2010. The spirit in the sense that in 1965, there was a misguided paper that locked out the

so-called northern frontier districts because they were presumed not to be contributing enough to the economy. In the process, Mandera, Turkana, Wajir, Garissa and other counties amounting to 14 were left behind.

I would like the Senate Majority Leader to be very kind to me on this one because in 2005 when we were in Bomas, he was in class two. While there we saw the need to make sure that the wrong that was done against Kenyans from these 14 counties would be righted by putting a quantum of 2.5 per cent of the budget, specifically for purposes of ensuring that we fast-track health facility development, roads, electricity and access to health.

As we speak this afternoon, I really wonder why we have never---

The Speaker (Hon. Kingi): Sen. Faki, what is the point of order?

Sen (Dr.) Khalwale: This one was in class four.

Sen. Faki: The Senate Majority Whip has said that our Majority Leader was in class two in 2005. With my little mathematics, today it is 20 years since 2005. If Sen. Cheruiyot was about seven years old in 2005, that is to say that he is now 27 years old. I thought he had already passed the level of youth and he is in his mid-30s.

Thank you.

The Speaker (Hon. Kingi): Sen. Faki, I have been patiently waiting for the point of order and the relevant Standing Order that has been breached so that I can make a ruling.

Sen. Faki: Standing Order No.1.

(Laughter)

He has to take responsibility for the issues that he is talking about. They are not factual.

The Speaker (Hon. Kingi): Order. You cannot invoke Standing Order No.1; it is not available to you.

Proceed to conclude.

Sen (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I know my brother, the Senator for Mombasa, as a very strong Muslim. I wonder---

The Speaker (Hon. Kingi): Just proceed to debate and conclude.

Sen (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. He should consider reviewing his menu for lunch.

I, therefore, get very disappointed, not by this House, but with myself. How could I have been here for so long and failed to plead with colleagues, so that we make the National Treasury independent from the National Executive? It is because the National Treasury is not independent that all monies are assumed to be in the hands of the national Executive, to the extent that money due to counties is never released.

As I speak today, it is almost 17 years and the counties that were supposed to benefit from this money are yet to get it. I want to invite the Senator for Mombasa County to help me because I was not in the last Parliament. What happened? How did you, as Senators, increase the number of beneficiary counties from 14 to 34?

Mr. Speaker, Sir---

The Speaker (Hon. Kingi): Senator for Kakamega, would you wish to be informed by the Senate Majority Leader?

Sen (Dr.) Khalwale: Yes, I asked for it.

The Speaker (Hon. Kingi): You may proceed.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, if the Senate Majority Whip can be patient, I will give him reasons when I will be making my submissions because I was part of the Budget and Finance Committee that recommended the expansion of the list of beneficiaries. Probably, if he hangs around the House, I will explain the justification for what he is asking for later on when I get an opportunity.

The Speaker (Hon. Kingi): Senator for Kakamega County, you can do whatever you wish with the information you have been given.

(Sen (Dr.) Khalwale spoke off record)

Sen (Dr.) Khalwale: Sorry. Mr. Speaker, Sir, you have heard the Senate Majority Leader. If it were not for the fact that he is my boss, I would have requested you to exercise--- for the first time in this House, so that Members can know something called a frivolous point of order. What he has done is a frivolous interference with my debate.

He thinks I do not know what they did. In fact, that Finance and Budget Committee must have been one of the weakest. In that Committee, they recommended that amongst these 17 counties, should be Kericho County which enjoys rainfall for 11 months out of 12 in a year. They want to go and fight with Turkana over money meant to fast-track water availability for the people of Turkana. Was that a Committee worth celebrating? In fact, if leadership was acquired through competitiveness, the Senate Majority Leader would have difficulties in interviews to reach high office because this is a serious offence.

(Applause)

I say this with maximum respect, no tribalism in my heart. Even back home in Bungoma, we have been allowed to benefit from this money. We are not supposed to. That must be re-looked. Since this is a House of equity, the Equalisation Fund should be accessed by the 14 counties only.

Mr. Speaker, Sir, you have had the privilege as a National Party Leader of Pamoja African Alliance (PAA), to fly across the Republic. You have seen how the countryside of Kenya really looks. You do not have to be educated by anybody to know who is deserving and not. We have to build patriotism in this country by holding the hands of our brothers left behind so that we move together.

When this debate was going on at that time--- Edwin Sifuna, this will amuse you, somebody said, "No---

The Speaker (Hon. Kingi): Hon. Boni, you refer to your colleague as Hon. Senator.

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(Sen. Sifuna spoke off record)

You may not mind, but that is the language of the House. Your brotherhood is out of this Chamber. May you extend that relationship outside this Chamber.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. Sometimes it is so difficult to think in vernacular, then speak in English. I was thinking in Kiluhya. In Luhya culture, a younger brother like this one is always your baby, so sometimes I forget that he is a Senator because he is my younger brother. It was a statement of love.

Senator for Nairobi City County, you will be amused because some of the people insisted this should not be the case. No sooner was oil discovered in Turkana than they ran and bought blocks of land in there. They did this hoping to become property owners in speculation that oil would be struck in the block they had bought. These ignored counties that we have, I have named some, resources will fall there and we shall all be running there or depending on them. This is because they will be the prime movers of the economy of the Republic of Kenya.

Having said that, I want to amplify my thoughts on an independent National Treasury. We should make the National Treasury independent, so that no phone call comes from the Office of the President, the Senate or any other powerful Ministry; either the Prime Cabinet Secretary or the Cabinet Secretary for Interior and National Administration, to force them to push money to some areas simply because development is expected to follow power. We would like development in this country to follow meritocracy. If it did, the shock I received this morning, from which I am still reeling, would not have occurred.

Cabinet Secretary sat two months ago and announced that the road from Rironi to Nakuru, Mau Summit, Eldoret, Kaburengu, Webuye, Pukandwi, up to Malaba would be a dual carriage. Today, the Cabinet Secretary has told the people of Western Province that the goalposts have since shifted to the extent that now the dual carriage will stop at Mau Summit. The budget meant to push it to Malaba will now be used to do a detour to Mai Mahiu and hopefully Narok or elsewhere.

I did not want to tell the Cabinet Secretary because I would have been out of order, as I have no facts. However, could it be that the all-powerful Cabinet Secretary for Roads and Transport comes from Bomet and that is why he wants part of the pie to be detoured to go to his side instead of Malaba? This decision will have to be reviewed and possibly reversed.

(Applause)

Mr. Speaker, Sir, you cannot lock out Western Province from such a flagship project. Even if you do not like the face of the people, mainly the men of Western, we have some very beautiful women. Use their faces to give them development.

I say this with a lot of pain. It was only a few years ago that a basic thing like a national school was set up in Western, while other parts of this country have had national

schools since Independence. The majority of the elites you see from my region have had to make it academically by going to national schools outside the region.

It is this marginalisation that makes some of us get confused and angry with the Government. This must stop. Even if they do not want to stop it because of the politics they want to pursue, let me teach them a bit of economics, which I do not understand.

Economics says Kenya's number one trading partner is Uganda. When you add the trade we do with Rwanda, Bujumbura, Eastern Congo and South Sudan, the goods and services on that road are the engine of Kenya's economy as far as import and export as a revenue stream.

If we must grow Kenya's economy, in this Government and the Government to come thereafter, there are two minimums we must do and that minimum is not mine. It was envisioned in 2030 by the late President Mwai Kibaki. The plan was to dual the road from Mombasa Port all the way to the border.

Mr. Speaker, Sir, for your information, just as a reminder, you were our Minister in the East African Community (EAC). You know the blueprint of the road network in the EAC, which says that the dualling would not end at Malaba. The community would help extend the dualling all the way to Kampala, Kigali, Goma and Bujumbura. That would open the economy under limb one. Then limb two would be the LAPSET projects; Lamu Seaport. Then we do the roads all the way to Ethiopia and all the way to South Sudan.

If we open these arteries, we will grow the economy of Kenya. We will not have to export our youth to go and look for jobs in Dubai and other funny places. The people in those areas have no idea how difficult it is for you to take care of your pregnant wife until she gives birth, then you educate that child. They do not know that. We do it for them and then give them our professionals. We need to create these jobs here at home. How do you do it? We have to open the economy and think proactively.

Mr. Speaker, Sir, I have had to emphasise this point. I appeal to colleagues that we make the National Treasury independent. That way, Equalisation Funds and other decentralised funds will follow.

Finally, I want to use this opportunity to congratulate Cabinet Secretary, Hon. John Mbadi. I had a two-hour meeting with him. He seems to know what he is doing. We only need to tweak him a little. He understands what we are doing, but he is under political pressure whereby he is forced to then tweak some projects to Nyanza. Once you correct that, Hon. Mbadi is a good feat for that Ministry.

Mr. Speaker, Sir, with those many remarks, I support.

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

Sen. Faki: Asante Mhe. Spika kwa kunipa fursa hii kuchangia Mswada wa Hazina ya Usawa katika nchi yetu. Hazina hii ilianzishwa mwaka wa 2010 kupitia Katiba mpya. Katika kifungu cha 204 imetolewa kwamba kutakuwa na hazina ijulikanayo kama hazina ya usawa yaani Equalisation Fund ili kusaidia maeneo ambayo yalikuwa yametengwa kwa muda mrefu ili yaweze kuwa karibu sawa na yale maeneo mengine.

Katika mgao wa kwanza, kulikuwa na kaunti 14 ambazo zilichaguliwa kama kaunti ambazo zilikuwa zimetengwa sana ambapo huduma kama vile afya, barabara na

elimu zilikuwa za chini sana. Wakenya wengi katika maeneo yale hawakubahatika hata kwenda shule ama kupata huduma za afya kama Wakenya wengine.

Uanzilishi wa hazina hii ulikuwa na malengo mazuri sana. Lakini baada tu kuanzishwa, kukaingia mambo mengi ya kusikitisha ambayo yamesababisha kwamba mpaka sasa hazina hii haijatumika kikamilifu. Kwa mfano, baada ya kuanzishwa ilichukua muda mrefu sana kuweza kupata kanuni ama sheria endelevu, *delegated legislation* ama *regulations* za kuweza kuendesha hazina hii. Za kwanza zilipotengenezwa zilipatikana ziko na makosa kwa sababu hawakuhusisha Council of Governors (CoG) ama kaunti zetu. Wao wakaenda mahakamani wakazibatilisha; tukarudi tena na tukachukua muda mrefu katika Seneti ya Tatu ambapo tuliweza kupitisha kanuni hizo. Pia kupitishwa kwake, ilibidi tutumie mbinu fulani ambazo sitaweza kuzieleza - ili siweze kupita ndio wananchi wafaidike. Hii ni kwa sababu kulikuwa na watu - Maseneta katika Bunge hili, ambao walikuwa tayari kuzipinga ili zisitekelezwe.

Kwa zaidi ya miaka minane baada ya hazina hii kuanzishwa, zile kaunti zilizokusudiwa kupata manufaa hazikuweza kupata manufaa yale. Wengi walikuwa wamepewa zabuni za kuanzisha kazi katika maeneo ya zile kaunti. Nakumbuka kuna watu kadhaa walinifuata wakati nilikuwa Mwenyekiti wa Kamati ya *Delegated Legislation* katika Bunge lililopita, wakitaka kujua kanuni zitapitishwa lini ili waweze kumaliza zile kazi walikuwa wameweza kufanya na walipwe pesa zao ambazo walikuwa wanadai ile hazina.

Baada ya kupitisha kanuni, vile vile, ilifika wakati wa kuamua zile kaunti ambazo zitafaidika katika awamu ya pili - ndio hapo sasa kaunti zikaongezeka hadi 34 badala ya zile 14 za kwanza. Kukaongezeka kaunti zingine 20 ambazo pia wao walidai kwamba wametengwa; ikiwemo Kiambu ambapo kuna matajiri upande moja na maskini upande mwingine. Pia ilipatikana kuwa ni kaunti ambayo imetengwa.

Jambo la kusikitisha zaidi ni kwamba Serikali mpaka hivi sasa, pesa ambazo zimetengwa kwa hazina hii kwa miaka yote ambayo imepita ni Kshs56 bilioni. Katika hizi, ni asilimia 20 ambazo mpaka sasa zimeweza kutoka katika hazina kuu kwenda katika maeneo hayo. Hii ni kwa sababu sasa, sio kaunti, ni maeneo ambayo yametengwa. Tulioka katika kaunti, sasa tuko katika maeneo.

Kwa hivyo, ijapokuwa malengo ya hazina hii yalikuwa ni mazuri sana, lakini utepetevu katika Serikali umefanya kwamba hazina hii isiweze kutumika kikamilifu. Wakati tunaelekea mwisho wa hazina hii, kwa sababu hii hazina ina kiwango cha miaka 20 - tayari zaidi ya miaka 15 yamepita - kuna hatari kwamba yale malengo ambayo yalikuwa yamewekwa na hazina hayataweza kufikiwa.

Vile vile, maeneo mengi pia yanaendelea kutengwa. Ijapokuwa tuna Serikali za kaunti, kuna maeneo mengi katika kaunti zetu ambayo yanatengwa kwa sababu ya siasa. Kama Mbunge wa eneo lako haelewani na gavana, ina maana kwamba eneo lako halitapata maendeleo na baada ya miaka mitano litakuwa limetengwa kuliko yale ambayo yalitengwa kutoka wakati wa Uhuru mpaka hivi sasa.

Jambo lingine pia la kusikitisha ni kwamba wakati tulipokuwa tunapokea maoni ya washikadau kuhusiana na Mswada huu wa hazina ya usawa; yaani Equalisation Fund, kulikuwa na maoni kutoka kwa ndugu zetu hapa Nairobi, maeneo ya Pumwani, ambao

walisema, sisi pia tunataka tujumuishwe na yale maeneo yametengwa kwa sababu kwa miaka mingi hapa Pumwani, hapa Nairobi, kama kilomita nne kutoka hapa Bungeni; tumekaa hapo, hatuna maji ya mfereji, huduma za afya za kisawasawa, huduma za usafi, yaani *sanitation* na mambo kama hayo. Na kwamba wao pia wamesema kwamba, sisi pia twahitaji kupewa pesa kutoka kwa hazina hii ili tuweze kuboresha mazingira na maeneo yetu ambayo tunaishi.

Kwa hivyo, nina imani kwamba itakapofika wakati wa kujadili awamu ya tatu ya mwelekeo wa kugawanya hazina hii, ninafikiri kaunti zote 47 zitakuwa zimeingia katika mfumo kwamba zote zimetengwa. Tunapopitisha sheria hii, lazima tuangalie ni njia gani ambayo tutasukuma Serikali ili zile fedha ambazo zinatengwa katika hazina hii zinaweza kutumika kwa njia ambayo itasaidia wale ambao wanakusudiwa kutumikia.

Suala lingine ni kwamba kuna mgongano baina ya Serikali za kaunti na mashirika ambayo yanatoka kwa Serikali kuu yanayosimamia hazina hii. Kwa mfano, pesa zile ambazo zinasimamia miradi ya maji, kule pwani katika maeneo ya Kwale, Kilifi na Lamu, zinakwenda kwa Coast Water Services Board. Ijapokuwa sisi tunashiriki na hii sheria imetoka katika Bunge hili, sisi kama Seneti hatuna uwezo wa kufanya *audit* ya fedha zile. Hii ni kwa sababu *audit* yao, kwa vile imepitia kwa mashirika ya Serikali Kuu, inakwenda katika National Assembly.

Kuna fedha zingine ambazo zinaingia katika Serikali zetu za kaunti kusimamia miradi kama hiyo. Kwa mfano, miradi ya barabara yanafanywa na Serikali za kaunti. Kwa hivyo, huu mgongano inakuwa shida kuweza kukagua au kusimamia fedha hizi na kuhakikisha kwamba zinafanya yale mambo ambayo yamenuia kufanya.

Wengi ambao wanafanya kazi hizi labda ni Wabunge, Maseneta na kwa hivyo inakuwa tatizo kusimamia ukaguzi ama *audit* ya fedha hizi ili kuona kwamba zile kazi ambazo zinanuiwa kufanywa zinafanyika ili tuweze kutoka katika lile lindi la kutengwa na wao waweze kupata huduma kama vile sehemu zingine za nchi yetu ya Kenya.

Kwa hivyo, ninaunga mkono Mswada huu. Lazima tuhakikishe kwamba zile fedha zinazotengwa kila mwaka kwa hazina hii; kwanza zinawekwa kwenye sheria, *budget*, na vile vile pia zinalipwa kwa wakati unaofaa. Hii ni kama pesa hizi ni za dharura. Tuliona kwamba kuna shida hizi katika miaka yote kutoka tupate Uhuru. Kwa hivyo, tukaweka hazina ambayo lengo lake ni kuziba zile shida ambazo zilikuwa katika yale maeneo. Kwa hivyo, iwapo tutakuwa tunavuta miguu, Serikali haiko tayari kulipa; mara tunaambiwa *exchequer* hakuna na kadhalika. Hii ina maana kuwa yale maeneo yataendelea kubaki nyuma vile vile na huu usawa ambao tulikuwa tunatarajia kuwepo kupitia kwa hazina hii, hautapatikana.

Asante Mhe. Spika kw kunipa fursa hii.

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

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir, for this chance to also join my colleagues in supporting this very important Bill that responds to a need identified by Kenyans in the process of passing the 2010 Constitution.

There is need to bring equality across the country based on various factors which in their consideration, they sat down and thought that all parts of the country are not the same. I have taken time to explain earlier, though perhaps the person that I informed, the

Senator for Kakamega, either chose not to understand or has a fixed position on this issue and, therefore, found the information not useful to himself.

I am disappointed with the two Members that have spoken because they are both Members of the Budget and Finance Committee. This is because they continue to perpetuate a particular thinking which Kenyans disagreed with in 2010 because they felt that without good basis, identifying and believing that there are certain parts of the country based on the general observation that people who live there are wealthy and people who come from certain regions are poor. That is the basis upon which you determine whether the standards of livelihood are worth being brought up to the same level nationally or being left out.

It is like assuming that everybody who lives in Karen is wealthy yet you know within the abodes of Karen, there is Kuwinda slum. Everybody believes that if you are to just make a general determination and say people that come from a particular region, you should never address their needs. I heard Sen. Faki say, for example, that he is surprised why Kiambu makes it to the list.

I put it to them that in 2018, the Committee on Finance and Budget received a petition from members of the public and they felt that the first marginalisation policy passed by the Commission on Revenue Allocation (CRA) marginalized certain areas. It followed this kind of thinking that in the general interpretation and based on our own thoughts and ideas, that there are certain regions and parts of the country that are way ahead because of certain beliefs. They receive rainfall, I think that is what I heard Sen. (Dr.) Khalwale say. Other regions because they have had the opportunity of producing a President and things like that. That petition spoke to these issues.

Number one, that petition to our Committee reminded us that a county is too large a geographical space when coming up with a marginalization policy. They recommended to us, as a Committee, that we ask the CRA, in their consideration of the second marginalisation policy, which is what is in force today, to be more specific to the least geographical administration unit, which in this country, is a sublocation and see the specific needs of residents of this Republic based on where they live.

Mr. Speaker, Sir, I recall what the petitioners asked of us at that particular time, but that it is very easy to be misled and imagine that because of certain advantage of climatic conditions or horticultural practices and certain beliefs that people have held about certain sections of the country, that it is possible to continue to perpetuate marginalization due to general belief that certain regions and certain parts of the country are well-endowed.

Second and most importantly is that we were asked to do a proper reading of Article 204. I would wish to read for the benefit of the Members that had spoken earlier, particularly Section 4 which directed that the CRA shall be consulted. The term “consult” in this country got a new meaning during the infamous days of the *mkate nusu* between Kibaki and Raila after the post-election violence of 2007. You remember that on the Floors of Parliament, there was a big debate about what consultation is. I want to believe that it is on that background that Article 204 speaks to.

It does not just say that we consult the CRA. It tells us its recommendation considered before Parliament that we must demonstrate that we did not just listen to CRA, we considered what they asked of us as Parliament. Therefore, when the CRA sat down and retreated to consider and give their proposal of the second marginalization policy, they used sub-locations and they went across the breadth of this country. There are close to 50,000 sub-locations across this country each with already determined matrices of measurement, particularly on the issues.

Remember Article 204 has asked of us that we try and bring, they used a very interesting word to general levels of what citizens in the rest of the country enjoy. They speak to water, roads, electricity and health. Out of their report, the CRA proposed to us that in their findings, there are 1,864 sublocations that will fall under the category of what you call marginalised parts of this country.

I put it to you, Sen. (Dr.) Khalwale, because you mentioned the county and the people that I represent in this House, that it is actually true, Kericho receives rainfall nearly 11 out of 12 months. However, what do you do with rainfall if you come from a part like Soin and Soliat where the land is 90 per cent stone? You cannot farm on such land. To build even a road in that part of the country, you have to dig through hardcore stone, which is almost five times the cost of what 70 or 80 per cent of the county will enjoy.

Mr. Speaker, Sir, it was with good reason that the CRA moved from the first marginalisation policy where the Equalisation Fund was being distributed based on this. What we know and idiosyncrasies that we formed over the years is that this part of the country is rich, this one is poor and reduced it to the least unit of administration and that is a sub-location, in determination of which parts of the country get to benefit from these funds. It is also important that the report that you brought here, Sen. (Dr.) Khalwale and Sen. Faki, actually attests and gives history about this particular discussion. It is 1,424 not 1,824.

I appreciate because even in the report that the Committee has brought out, it has told us that despite that decision, Sen. (Dr.) Khalwale, still 60 per cent of these funds find themselves in the hands of the so-called, what you now traditionally refer to as deserving counties to benefit. Your report actually contains a list of these counties which are: West Pokot will get Kshs1.8 billion; Turkana will get Kshs1.8 billion as well; Mandera, Kshs1.2 billion; Wajir, Kshs1.2 billion; Samburu, Kshs1.1 billion; Garissa, Kshs1.1 billion and Baringo Kshs970 million.

This tells you that they have not departed completely from the initial thinking that there are certain counties which generally suffer the bias of having been left behind by the rest of the country with regards to provision of services on those three or four aspects that the Constitution identified as important for the basic livelihood of an ordinary citizen of this country.

If you are found to be completely out of par with the rest of the country, then you meet that categorization. A total of 60 per cent still falls under those particular counties and the rest of the 40 per cent is shared in these so-called 30 counties which people may debate here or there that either they deserve or they do not deserve.

I make the case that I believe that the Committee in agreeing with the recommendations of the CRA did something Solomonic. This is because I would still find it difficult to face certain sections of my county, for example, and tell them that I passed a Bill here on equalisation funds to take resources to certain parts of the country by consideration that generally or traditionally, they are considered to be poor, yet they will show me and justifiably so, that even us, we live in worse or as harsh conditions as those from the particular counties.

Mr. Speaker, Sir, the same can be said of all these 1,424 sub-locations that have been listed in the second marginalisation policy. Therefore, if my colleagues hold the view that it was a wrong departure by the CRA and also with us agreeing with them, then I believe that this is the year that the CRA is doing their consideration of the third policy on marginalization. It will be interesting to see what the present Committee will do with them. It will be important to convince us, as a House, to know why we need to depart from that logic.

Colleagues, for your information, that Committee was chaired by a Senator from the North, Sen. (Eng.) Muhamud, who represented an extremely marginalised county, Mandera. However, when the facts and figures were tabled, he could not help, but agree and say that it was justifiable. That is what we need to do as a country. That any time we are making decisions on policy, determination or on any aspects, we should consider the true facts as they are.

The bigger challenge we have as a country and something that we must do over time, if we, as Parliament, are to respond to the growing needs of our people and the scarce resources that we have to distribute, we must move to levels which have been done by other countries that have found themselves in states and situations such as what Kenya finds itself in. For example, I know for a fact that generally, in a country like India when they want to pass a subsidy of any nature, it is possible to identify direct individuals who qualify under that bracket and say; even if you are buying the same item, Mr. Aaron Cheruiyot, you cannot pay the same price for that item with your house or domestic worker where they live because you have a better spending power than that individual.

Mr. Speaker, Sir, as it is today in our country, 60 years later after Independence, when we want to pass a policy on bread, a favourite item that I keep on using; and we believe and wrongly so, that if you pass subsidy on bread like we do - and that is why we zero rate it - we have helped accommodate the poor that feed on it. While that may be true for many of us that are in the urban settings, it is not an accurate representation of the consumption of that item in the morning by almost 70 or 80 per cent of the citizens of this Republic.

Secondly and most importantly, even for us who are in urban settings, there should be a price differentiation between those who live in certain affluent neighbourhoods and can afford to pay slightly better and those who actually deserve it. It is until we do something akin or similar to what the CRA did in the transition from the first to the second marginalisation policy that we will say that as a country, we are indeed looking after the welfare of those that are not as endowed as others.

Mr. Speaker, Sir, this issue of making general provisions and saying; it is commonly believed that the people in Kwale or others from some other part of the country are poor and yet, there are more rich men in that county who can afford things better than even the so-called “rich counties”. We are not certain. No one has done a study to establish those facts on what would qualify to be a rich or a poor county. We know the Kenya Bureau of Standards (KeBs) publishes these statistics. It is what we used in our formula when we were using the poverty index to make a determination on what is a qualification of an individual.

There is something that is of concern to me and I do not know why Members of this Committee approved of this. I have tried to scan through the findings of the Committee deeply. This Committee of Sen. Boni and Sen Faki does not speak to the fact about the recurrent expenditure in the Equalisation Board that we created; a body that distributes just Kshs16 billion is given Kshs504 million. That is a lot of money. It will interest me to know whether the Committee interrogated them and sought to establish what it is that is complex.

The CRA had already done the job. It is our duty to determine how much goes to each and individual parts of the country. What is this job that they still have to do that will require a staff establishment that consumes an entire Kshs540 million per financial year?

On the National Government Constituencies Development Fund (NG-CDF), we may not like it as Senators, but the way that law was structured continues to impress upon Kenyans because of how lean it is on recurrent expenditure. About 97 per cent of the funds that go to the constituencies go to tangible projects. There is a capping of only 2.5 per cent on recurrent, to keep operations of offices here and there.

Mr. Speaker, Sir, it will be my assumption that on a matter as important as the Equalisation Fund that we will limit additional expenditure by way of salaries to individuals, I say this with tremendous respect to the people who work in this institution that this is a matter that should have perhaps one co-ordinator per county to oversee and ensure that whatever Parliament has appropriated is put to prudent use. They write a report and it comes to Parliament. If someone has misappropriated the funds the laws exist on how to punish those individuals.

Mr. Speaker, Sir, this is a point of concern, which I hope that when our Committee gets to interact further in their nature of work and perhaps in the new financial year, or later on, Sen. Faki will come back to the House with a recommendation on how to take down that recurrent cost in this Board. It was the thinking of the Kenyan people that we will spend more of these funds in trying to bring equality in the four-listed areas.

It is further provided that in Clause 5 that the authorization by the Controller of Budget (CoB) over withdrawal from the Fund, together with written instructions from the Secretary of the Board, through the National Treasury requesting withdrawal, shall be sufficient authority for CBK to pay amounts given in accordance with the approval and instructions given.

Mr. Speaker, Sir, I agree with this and it is the neatest way to ensure that once all the project proposals have gone through the rigorous process, because the last time, we passed in this House regulations on how to determine what project to fund. I like the fact that the Constitution is extremely explicit on the items the counties need to be brought up to par with the rest of the country. For example, you cannot sit and say that there is an item where certain counties are far way ahead of us and we need to catch up with them. It is limited to the four items I named earlier. Therefore, it is my hope and plea that the CoB will stick to the regulations we passed.

Mr. Speaker, Sir, I celebrate the industry of this Committee. Sen. (Dr.) Boni Khalwale had earlier invited me into a contest on which one was useful between the Committee that I served in and the one that he serves in. That is an invitation I reject vehemently because it is served by Members who were equally as good as he was when he served in that Committee. I would not wish to engage in that debate, but I have given my thoughts.

Mr. Speaker, Sir, it will be interesting to listen to them because we have the chance to vary that policy later this year. Sen. Boni and Sen. Faki will lead us into making it better than how the second one is; which is this one. We will gladly support because I believe, as a country, we must mature to a level of refining our processes and procedures as well as making them better to ensure that we respond to the needs of the ordinary citizens.

Using this basis, it is possible even to take this further in all the areas and sectors, including on development. I agree with my Whip that, for example, when it comes to the distribution of road resources, there is a big problem in the country. I do not know what the Cabinet Secretary said because I did have the benefit of listening. It would be nice because to the best of my knowledge, I read the Cabinet dispatch, which said that there shall be an invitation through privately sourced funds through PPP for interested bidders and individuals to do the project, similar to what was done for the Nairobi Expressway, from Nairobi here, all the way to the border in Malaba. If there has been a departure, I would not know. However, it will be interesting to know.

Sen. (Dr.) Khalwale, we just listened to the Ministry of Roads and Transport on this very hot topic on securitization of the Road Maintenance Levy Fund (RMLF). It is meant to pay Kshs580 contractors who have done works worth Kshs175 billion. What is of concern to me and I have said this many times, is that those opposed to it, including that particular gentleman who spoke about it yesterday, lead on the list of beneficiaries and people who have benefited from road contracts in their constituencies and counties. What will I tell the people of Kericho County when I return home this weekend? Will I tell them that they are not part of the Kshs580 contracts out of the first phase of securitization?

Mr. Speaker, Sir, you know very well that after the political dynamics of the last administration, certain parts of the country, including part of the county that I represent in this House, were completely blacklisted. Not an inch of tarmac was done in that part of the country.

Today if we are told that in our consideration of how to finance roads, the Government cannot do some sort of equalisation like what we are discussing here, it means we will stay another five years without an inch of tarmac, while we know for a fact that in certain parts of the country, they have even overpasses and underpasses. There are very beautiful roads which only donkeys walk on because there is nothing else to do. That is not fair.

Mr. Speaker, Sir, I want to insist and I said this to none other than the Cabinet Secretary for Roads and Transport, that this Kshs175 billion is not enough. We pay RMLF. Until farmers who produce and pay taxes close to Kshs50 to Kshs100 billion per year begin to see the benefits of that securitization, we cannot say it is enough. Otherwise, what will later be prudent to do is to ask that we operate like a hotel where you pay for what you have consumed.

You cannot walk into a hotel and say that since everybody is drunk, you should contribute. If you took an expensive whisky while I am talking Konyagi, I will pay for Konyagi as you pay for the Martell that you took.

What we are being invited to is further marginalisation which this Bill is speaking to, that indeed at this particular point and time in our country, we need to tell each other the truth. Since there are counties that were marginalised for the past 60 years, we provide certain funds for them to benefit, which is what this Bill is asking us to do. Let us not entrench further marginalisation even in the advent of the new Constitution.

Mr. Speaker, Sir, with those many remarks, I beg to support and hope that we will conclude on this Bill. We want 1,402 sub-locations to benefit from Kshs16.9 billion.

I thank you.

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

Sen. Sifuna: Mr. Speaker, Sir, on many occasions, I have heard the Senate Majority Leader threaten to bring a document that he happens to have seen in the Office of the Cabinet Secretary for Roads and Transport that shows the inequity in the distribution of road projects over the past donkey years. However, he never tables that document because not all of us have the benefit of accessing the office of the Cabinet Secretary for Roads and Transport.

There is an invitation that was made here in the morning by the Cabinet Secretary, Hon. Chirchir, a person whom I respect greatly. He wanted to spend some time to explain to me the plans of the Ministry. I will politely decline that invitation. I have become very averse to conversations that are held in private. I was elected to a public space, so that everybody can see what conversation we are having in these dark areas. Members of the public also need to partake that information. Therefore, Senate Majority Leader, I encourage you that next time, please bring to us that document because we hear a lot of stories.

Secondly, Mr. Speaker, Sir, you have a responsibility as the head of this House to ensure that every Senator who comes to this House gets an opportunity to travel to every corner of this country. I was in Mandera. Since I am Luhya, to be specific Bukusu, I used to believe that the sweetest meat you can have is chicken cooked by your mother. Sen.

(Dr.) Khalwale, when I went to Mandera, there is meat that they call *Nyir nyir*. That is camel meat and it is extremely sweet.

When I was there, I remembered the saying that if you are used to eating in your mother's house, you will believe that she is the best cook. People need to move from their areas and see the suffering out there. An entire County of Mandera has no access to electricity, then you come here and tell us stories that your area is also marginalised.

Mr. Speaker, Sir, there is a community called the Ilchamus that lives in Baringo County. I have had an occasion to go to Baringo County. Those people live outside. When it rains, they are rained on. If you see the features in the news about how people live in those places, it is despicable. Then you come and tell us stories here that your area is also marginalised.

Mr. Speaker, Sir, people need to travel when you are still in this House. No wonder I support Senators who call themselves Senators of the Republic of Kenya. You are a Senator for the whole Republic. When you vote here, you are not just voting for your village. However, all these people who require you to petition on their behalf.

Fortunately for me, when it was happening at the Bomas of Kenya, I was not in primary school, but at the University of Nairobi (UoN). We are the ones who were being teargassed inside the university buses by the police when we were going to protest the killing of Dr. Mbae. We started eating teargas at a very early age and we want to stop eating teargas. In future, we do not want to continue using these weapons on our children.

When they were framing the Constitution, in Article 204(2), they spoke about the rationale for this Fund, which is to provide basic services, including water, roads, health facilities and electricity to marginalised areas to the extent necessary to bring the quality of those services in those areas to the level generally enjoyed by the rest of the nation as far as possible. When you start measuring marginalisation, first of all, can we agree? What is the level of these services generally enjoyed by the rest of the nation?

Mr. Speaker, Sir, where I come from, we are blessed. I wish the Senator was here. In Bungoma, water comes from the ground. The people of Mandera have never experienced that phenomenon. How can I drag money for water from Mandera to Bungoma? What conscience is that? What argument would you make to justify that? There is no justification.

We have the largest solar power plant in the country in Loiyangalani somewhere in Marsabit, but the people of Marsabit do not have power. They just see power cables flying on top to Suswa in Narok, then the rest of you come and tell us that you also need money. I think we need to be serious.

I do not have a problem with some of the issues that the Senate Majority Leader has said, that there was need to relook the formula before coming to the smallest possible unit. How I wish we had done that after we had helped the initial counties to benefit, so that we realise the initial objective of this particular Fund. Personally, I would have no objection.

Just last week, I brought a Statement which was directed to the Committee on Energy. There are entire wards that have gone for years without electricity. There is a hospital ward in Mathare that has gone for four years without electricity. We also have

Majengo, Kamukunji and Gorofani where people have gone for two-and-a-half years without electricity. There are also places in Embakasi South that do not have electricity.

Mr. Speaker, Sir, the spirit of this is not whether you are rich or poor; the spirit is services. It is pegged on services and availability of services. If there is a road that splits Karen, where on one side there is a slum and on the other there is golf course, when you go to the same place, you use the road which is a service. What we are speaking to is access to services on a basic level.

When you go to Mandera County Referral Hospital, you will find that it serves three countries. There are people who come from Ethiopia and Somalia. All of them go there. That is a county that saw the first kilometre of tarmac after we introduced devolution in 2013. People have been driving on tarmacked roads from 1960s, but there are those people who saw tarmac in 2013. That is what this particular provision has come to address.

I have challenged you, Mr. Speaker, Sir. When we were campaigning in 2022, we wanted cultural exchanges. We would get people from Homa Bay who had never been past Nakuru and have them go all the way to Kirinyaga. Those people wanted to see how a potato farm looks like and the environment or weather that makes their brother's hair grow the way it does.

People need to experience other people's lives. We would take people from Mt. Kenya who have never gone past Nakuru to Bungoma. Those people would believe, if told, that Bukusus in Bungoma eat people. They had to go to my grandmother's house to see that we eat what they eat as well.

I am challenging you, Mr. Speaker, that you have to make sure that Senators, in this House, travel for them to forget their mother's food. They need to see how other people live. I will give you a list with the names of those Senators. After that, they will speak here knowing that they are speaking for the entire Republic.

Mr. Speaker, Sir, people are living in squalor and that is why we are talking about marginalisation. My good friend here, the Senator for Narok County, has a project that he invited me to join in. The project is about building basic structures for the Ilchamus in Baringo County. You all have to join in that effort because it is a very noble cause.

Samburu, Narok, West Pokot, Wajir, Turkana and Tana River are places that everybody knows. There was a time when I was in Hola, Tana River, when it had flooded and I saw the condition of the people in that place. They were living on the road in makeshift paper houses yet somebody is here in Nairobi making noise and telling us about building affordable housing.

The houses that Sen. Olekina is building for the Ilchamus people is more valuable to that community than the highrise buildings that we are doing here. With the highrise buildings, people are making money from tender and supply of materials, then they come and tell us they are doing affordable housing. The conditions in which our people find themselves and a leadership that appears to be blind to what the people really desire and deserve breaks my heart.

I want us to revisit the original spirit of this Constitution, which was to raise the standards of these services to the level that we all enjoy or the majority of us enjoy

having water, roads, health services and electricity. Until every Kenyan is on the grid, please, do not tell us you are marginalised.

Do not talk to us about marginalisation when you can at least access a health centre even if it does not have all the drugs. Some of you shower twice in a day yet there are Kenyans who have no access to drinking water. I am being told by the leader of the Maasai that some communities use cow urine to shower yet there are people here who soak themselves in bathtubs twice a day. It is very unfair. This is a situation that we must correct.

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

Sen. Wamatinga: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to also weigh in on this important matter. It is important to point out that some of the issues that my fellow Senators have pointed out are mistakes that we did since Independence.

I was the Chairperson of the Committee on Energy together with some Members who sit in the Committee on Finance and Budget like Sen. Sifuna, Sen. Olekina and we traveled to the so-called Northern Frontier. We were appalled that 80 per cent of the land mass of Kenya is not connected to the national grid. It is indeed an oversight that we have done since we got Independence.

The Equalisation Fund is the realisation that development in any part of this country is development for Kenya. This calls for a paradigm shift in the way we do our politics. I have been in very many counties. At times, it is so painful to see how fellow Kenyans live. We know that we have the politics that we do to blame.

I have said on this Floor of this House and I will say it again, we have a political obligation and moral responsibility to ensure that we leave a secure country to the future generation. However, that can only happen if we take a holistic approach and see Kenya as one. We should not divide it into tribal units or withdraw into tribal cocoons. Instead, we should have a holistic approach that brings everybody on board and know that we can bake a national cake that is big enough to be shared by everybody. We should acknowledge that development in Kenya is development for everyone.

This is not a homogeneous country. We failed to embrace our diversity and to develop the potential that we have in our diversity. That can happen if basic amenities such as roads, electricity and water are provided in every region in this country. We can transform this country within our lifetime to become what everybody would be proud of.

The disharmony that we have been having with successful governments is because each and every government that has come into power since Independence has come with a different manifesto. We remember Vision 2030 by President Mwai Kibaki. That vision sought to align Kenya to the Sustainable Development Goals. I wish that the subsequent administrations aligned themselves to that vision.

Cultural diversity has propelled other countries to the heights of economic growth and that can also happen in Kenya. We recall the words of one of our leading presidents in this country who said, *siasa mbaya, maisha mbaya*. If we divorce our development from the politics that we do, then the Equalisation Fund can bring development in every

part of the country. As I say this, it is important to note that 52 per cent of the country where I come from is equally marginalised.

I, therefore, agree with the presentation of the Senate Majority Leader. Subdividing and breaking down this country into smaller units to bring homogeneity and an equitable approach was a good approach. However, it should not be lost to us that most of the resources that are allocated for the purpose of equalisation ends up being mismanaged. Why do I say so? We lack a national outlook and a national approach on how to do it. We are also not able to compare apples with apples.

The new procurement approach will bring transparency, accountability and will fight opaqueness that has dodged us since Independence. The PPP will bring in transparency and accountability that is required. We will also be able to draw capital and drivers or enablers who will implement this programme thus provide these important resources to our people.

One of the regions I have spoken about is Kieni Constituency in Nyeri County. Since Independence, people have spoken about mega-dams like Karimenu Dam, Naromoru Dam and Muhoya Dam, but they have remained elusive because we are not able to implement them within our fiscal space. To achieve that, it is imperative that we, as a House, come up with policies that will attract investors for us to realise some of these things.

Mr. Speaker, Sir, all is not lost. I have sat in this House for the last two-and-a-half years and I have listened to debates from my fellow Senators. I am convinced that we have what it takes to see this country bring about progressive politics that will be accommodative of everybody. That is what Sen. Sifuna was saying. I live in Karen and as has been pointed out by the Senate Majority Leader, Sen. Cheruiyot, neighbouring our home is an informal settlement. We must come up with a national policy on how we are going to address such issues.

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

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

Madam Temporary Speaker, that is why I am one of those who support affordable housing, so that we can onboard everybody. There is no one single country in this world that has developed without putting in place social infrastructure to ensure that we take care of the disadvantaged. As we bring equalisation across the country, we must not forget the pillars that our people need. This includes hospitals, access to working universal health system and a good education system.

Madam Temporary Speaker, this can only be achieved if we move to a fully registered population, so that we can onboard everybody. Most importantly, knowing the status of each and every Kenyan so that as we implement the policies of the Government and formulate laws in this House we can know that we have a fully registered population as is in the other countries. Whenever there is an emergency, we can do a targeted, more

specific approach, instead of random interventions that at times end up benefiting the rich.

The Equalisation Fund is an opportunity that we have. We must understand that we have benefits of ensuring that each region in this country benefits. As I pointed earlier, 80 per cent of our landmass does not contribute to the GDP. It is the high time that we bring this to an end.

I support.

Sen. Dullo: Madam Temporary Speaker, it is heart-paining and very sad to hear people who come from Nyeri and other parts of the country that they need to kill the spirit of the Constitution.

I like what Sen. Sifuna has said about issues of water in many parts of the country where the Constitution targeted. As he has said, people in Nyeri have rivers. I am sorry to talk about Nyeri, Sen. Wamatinga, because you are supporting the expansion of the initial list to other parts of the country.

People in northern Kenya, where I come from, go for two or three weeks without even taking a bath. In some dams that are constructed, people drink the water that animals urinate in. Therefore, it very sad to be selfish as leaders. I wish there is a way that those who sit at the national level can visit those parts of the country and see the kind of challenges our people go through. In many parts of northern Kenya, mothers carry jerry cans on their back, travelling for kilometres and hours. They leave in the morning at six and come back in the evening with one jerry can of 20 litres back home. That is the same water that they use for animals and their homes.

In some parts of this country, electricity is connected to mud houses. If you go to some parts of this country, especially in northern Kenya and where I come from, there is no electricity connectivity. There is no electricity connectivity in many parts of those sub-counties and locations. I think it is good to be sincere. Therefore, when you stand on the Floor of the House and say that expansion is good, it is neither good nor fair. It is unequal.

I can tell you this House in the last Parliament made a blunder to have allocated that money to the county government. This is because that money is shared actually in Nairobi with individuals who do not even know some parts of those counties.

There is no public participation. People are given contracts without advertising. There is need to review the expansion of the list so that we are fair to the people living in those areas or intended for initially as far as Equalisation Fund is concerned.

Madam Temporary Speaker, in my county, there are dispensaries that were constructed by the Equalisation Fund. I talk of Mwangaza, the one that Senate visited when they went there and Akadeli that is not even complete. It is a shell. Nobody is checking which projects have stalled and which ones have not. I urge the Committee on Finance and Budget to call the Cabinet Secretary for the National Treasury and Economic Planning to look at what impact Equalisation Fund has on those counties that it was intended to support.

It was intended to run for 20 years. We have almost done 17. There is zero impact as far as Equalisation Fund is concerned. I believe devolution has assisted in one way or

the other. One can say because devolution is there, we should forget what the intention of equalisation is. I urge Senate Committee of Finance and Budget to review the impact of the Equalisation Fund in this country.

Finally, I wish to pass a message of condolences to the five people who were killed last night in Isiolo because there are four families that were torched to death and one other person who was torched to death in Isiolo County.

I talked about insecurity in Isiolo the last time we had impeachment of the Governor. Today, there are two Speakers fighting in the County Assembly of Isiolo. Where is the law? Where is the country?

I urge the Inspector-General of Police; you need to do something about insecurity in Isiolo. I have discussed with the Cabinet Secretary for Interior and National Administration and the Principal Secretary (PS) Interior as far as the County Commissioner for Isiolo is concerned.

That County Commissioner has stayed there for eight years and there is so much insecurity. He is doing nothing and he must be removed. If the Government does not remove him, then the will of the people will apply.

Sen. Mandago: Madam Temporary Speaker, I rise to support the Equalisation Fund Allocation Bill. It was set up to bring the areas that were marginalised to what the Constitution describes as general levels where the whole country is.

Even as we look at the current Equalisation Fund allocation that we are discussing today, one of the key concerns that we should ask ourselves as a Senate is why is it that in the same counties, the same challenges that were there before devolution are still the same challenges we are experiencing in those counties.

The Equalisation Fund was meant to address four sectors, health, water, roads and electricity. Of key concern to me is the issues of health and water. In terms of health, the Equalisation Fund that has been set, I am very particular with the counties that have been mentioned, including the county of Sen. Dullo. This money should be released. We make sure those facilities that have stalled there for the last three to five years are completed with that money.

Madam Temporary Speaker, Isiolo County will receive over Kshs270 million. How I wish that the Governor for Isiolo County, the man who escaped the scissors of this House by a whisker, would use the opportunity that he has to redeem himself by utilizing this money and completing those hospitals.

Madam Temporary Speaker, it is also a big concern when we talk of water in these counties. Yes, there is scarcity of water. However, at the same time in the rainy seasons, you will hear that there are floods and roads washed away. There is no water. How come these counties cannot prioritize, even using the equitable share allocation to make sure that they mitigate these old, long problems these counties have experienced?

Madam Temporary Speaker, the Senator for West Pokot County will tell you, along the road connecting West Pokot and Turkana, there are specific places that we have been experiencing floods for the last 60 years. I do not understand why dams have not been constructed upstream to harvest that water, considering the allocation that those counties have been given. So, even as we talk about the Equalisation Fund, it should not

be lost that these 11 initially marginalised counties were receiving reasonable allocation of equitable share.

If you look at the allocation for Turkana, Mandera, Wajir, Marsabit, Isiolo counties *vis-a-vis* the geographical size and other challenges, they have received quite substantial amount of funds. If there was deliberate effort to deploy those resources to mitigate in these long-standing challenges in those counties, today, we would probably be speaking a different language.

Madam Temporary Speaker, we also want to call on the National Treasury. As a House led by the Chairperson of the Senate Standing Committee on Finance and Budget, we need to cause an amendment to the Public Finance Management (PFM) Act. We must separate the Ministry of Finance for the national Government and the National Treasury that serves the two levels of Government, so that these funds can be released on time to be able to address the four key areas that were meant to be addressed.

I am happy that Baringo County will receive Kshs967 million. I have seen the distribution. Tiati Constituency will receive Kshs582 million. Tiati as a constituency or sub-county is probably 10 times Uasin Gishu, Nandi, Trans Nzoia and Elgeyo Marakwet counties combined in terms of geographical location. To provide some services in some of those places is quite a challenge. That is why we wish that the National Treasury would release all these equalisation funds on a timely manner so that these regions are able to benefit, services are rendered and the citizens of those places would be able to access what other Kenyans in other parts are enjoying

I wish to implore our governors from these marginalised regions, having visited a number of facilities in those counties as the Senate Standing Committee on Health, that even as we send the Equalisation Fund, be concerned about the welfare of their people.

It would not be in order to find a sub-county health facility or even a county referral facility in that region, where women are being asked to carry water as they go to the maternity facilities. We are not only discussing areas that are marginalised. In Nairobi City County, the Senator of Nairobi City County is aware that we visited a number of the facilities. A hospital like Mama Lucy Kibaki is still suffering from a lot of problems in terms of congestion. There is no expansion, yet if you look at the allocation going to Nairobi City County, including their own social revenue, they should have done better than what we are seeing.

I call upon the governors in those 11 original marginalised counties, to focus in solving these historical problems that we have had, using both the equalisation funds that we are sending and also the equitable share.

I would want to ask particularly the governors for Turkana and West Pokot counties where we experience floods that cut the roads all the time, to utilize their resources prudently. For example, Turkana County with the allocation of close to Kshs13 billion would just allocate Kshs2 billion per year just to do dams, it would be the highest productive county in the country. I agree with my colleagues who say these marginalised counties are the next frontiers of development because they are well endowed with natural resources.

Turkana County is where we have oil in the country. In Tana River County, we have minerals and we can carry out agricultural activities. Similarly, we have minerals like gypsum in Garissa and Wajir counties. As soon as these minerals are exploited, it will be a shame for the rest of us who do not want to support the raising of the living standards of people in those regions to begin moving to those areas in the name that, that is Kenya. We must accept that that region is Kenya now when they need development. They will remain Kenya even when the natural resources in those regions are exploited for the benefit of the country.

I support and ask the National Treasury to make sure that they release the Equalisation Fund in a timely manner.

I thank you.

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

Sen. Mwaruma Jones, please proceed.

Sen. Mwaruma: Asante, Mhe. Spika wa Muda, kwa hii fursa umenipa, kuunga mkono Mswada huu wa usawazishaji wa maeneo ya magatuzi, almaarufu Equalization Fund.

Mhe. Spika wa Muda, naunga mkono shingo upande kwa sababu yale maeneo 14 ambayo yalitarajiwa yafaidike na hizi fedha yalipanuliwa mpaka yakawa maeneo 34. Historia ya Kenya iko bado bayana ya kwamba tulipopata Uhuru, kuna sera iliyoandikwa na aliyekuwa Waziri wa Mipango ya Maendeleo, Mhe. Tom Mboya, inaitwa Sessional Paper No.10 of 1965, ilyosema kwamba tumepata Uhuru na saa hii tunajitawala wenyewe, je fedha zetu tutazisambaza namna gani ili Kenya yetu iendelee? Fedha nyingi zilipelekwa maeneo ambayo yana mvua nyingi, na rotuba ya juu, kwa kimombo, *high potential areas*. Haya maeneo yalikuwa Mlima Kenya, Bonde la Ufa, Magharibi na Nyanza. Maeneo ya Pwani, *Lower Eastern* na *Northern Frontier District* yaliachwa nyuma kimaendeleo kwa sababu rotuba ya huko ilikuwa kidogo na pia mvua ilikuwa chini sana.

Bi. Spika wa Muda, wakati wa kuandika Katiba mpya, waandishi wa Katiba wakasema tuache Ibara ya 204 ili tutenge fedha chache za kusawazisha maeneo ambayo yaliachwa nyuma kimaendeleo kwa sababu ya ile sera ya waka 1965 ama Sessional Paper No.10.

Jambo la kushangaza ni kwamba Bunge hili liliunga mkono kuongeza yale maeneo ambayo yangefaidika. Kati ya zile kaunti 14 zinazofaa kufaidika na fedha za usawazishaji wa maeneo yaliyoachwa nyuma kimaendeleo, Taita Taveta ilikuwa mojawapo. Kwa zile fedha za kwanza zilizokuja kwa magatuzi hayo, Taita Taveta ilitumia kutoa maji kutoka laini ya kwanza ya Mzima na maeneo kama Mbulia na Mbololo yakapata maji.

Wakati sera hii ilibadilishwa ama sera ya pili kuchapishwa, Taita Taveta imebakia na maeneo mawili peke yake. Moja ni kata ndogo kule Kasighau, ambayo huu mwaka inapata Shilingi 10,300,000. Kuna maeneo mengine ya Taveta, kata ndogo ya Challa, ambayo inapata Shilingi 11,000,000.

Kuna swali nauliza kila siku. Wakati tulisema Kaunti ya Taita Taveta haina maji kwa sababu zile pesa zilikuwa zitekeleze miradi ya maji, je, inaonyesha ya kwamba

maeneo yote yalipata maji? Zile changamoto zilizokuwa zinakumba maeneo mengi ya Taita Taveta kama ukosefu wa maji mpaka leo zipo.

Wakati kata ndogo kama Kasighau inapewa Shilingi 11,000,000 ya kutekeleza miradi ya maji, hapo kando kuna maeneo ya Marungu ambayo pia ni kame sana. Hapo karibu kuna maeneo ya Sagala ambayo pia ni kame sana. Ukiangalia kata ndogo ya kule Taveta kama Challa wanapopewa Shilingi 10 milioni za kufanya mradi wa maji, hapo kando kuna wadi ya Mahoho na Mata ambazo hazina maji. Vigezo vilivyotumika katika utafiti na hii Tume ya Commission on Revenue Allocation (CRA) kubaini ni maeneo gani yatakatopata fedha vilikuwa vya aina gani?

Kando na maji, fedha hizi zilifaa kutengenezeza barabara. Tangu tupate Uhuru, barabara ambazo zimetengenezwa ni za vichochoroni. Kuna barabara zinaitwa International Trunk Roads, kama hii ya Voi kwenda Taveta. Ile ni barabara inayounganisha nchi mbili. Barabara nyingine iliyotengenezwa Taita Taveta kando na hiyo ni ya kutoka Mwatate kwenda Wundanyi. Barabara nyingine iliyotengenezwa ni kilomita sita ya Bura Mission kwenda Bura Station.

Barabara zingine zote, tingatinga huwa zinakuja kufungua mradi halafu zinakimbia. Barabara hizo zinachukua miaka na mikaka kutengenezwa. Kwa mfano, barabara ya Bura-Mughange-Werugha-Wundanyi-Mtoa Magoti, tangu izinduliwe mwaka 2020 mpaka leo, haijaisha ilhali inahitaji Shilingi 2 bilioni peke yake.

Bi. Spika wa Muda, tulitazamia ya kwamba tukipata hizi pesa za kusawazisha maeneo ya Kenya, tungezitumia kutengeneza barabara zetu sisi wenyewe. Aliyekuwa Waziri Mkuu, Mhe. Raila Odinga, siku moja alitumia barabara ya Bura-Mughange-Werugha. Ile barabara ilikuwa mbaya na akasema ni kama ya kuenda jehanamu.

Nashukuru kwani mwaka 2020 wakati tulienda kule Ikulu kupigania fedha za Division on Revenue Allocation (DORA), alimwomba Mhe. Rais Uhuru tutengenezewe ile barabara na Mhe. Rais akakubali ingawaje kutekelezwa kwa mradi huo kumekuwa kwa shida. Barabara nyingi za Kaunti ya Taita Taveta ni mbaya. Kama tungegawigwa zile pesa za usawazishaji, tungefanya hiyo miradi ya kuboresha barabara zetu.

Taita Taveta ni eneo ambalo udongo wake uko na rotuba nyingi lakini shida ni maji. Iwapo Kenya inataka kuongeza utajiri kupitia kuuza bidhaa ng'ambo, basi, tungeangazia ile milioni moja ya mashamba ya Taita Taveta ya *range land*. Tungetumia hela hizo kulisha ng'ombe na mifugo na kuuza ng'ambo kwa kuwekeza tu kwa miradi ya maji.

Challa, Njoro na Mzima kuna maji mengi. Tungefanyiwa mradi wa kuleta maji ili yatumike kwa ukulima wa unyunyiziaji wa mashamba, tungekuwa na nyasi nyingi za kuuza mpaka ulaya, lakini miradi hiyo haijafanyika. Fedha kama hizi za kusawazisha maeneo mbalimbali ya Kenya ni muhimu kufanya miradi kama hiyo.

Bi. Spika wa Muda, Taita Taveta ina maji mengi sana. Kuna Mzima II ambayo inasambaza maji kuanzia Kaunti ya Taita Taveta, Kwale, Kilifi hadi Mombasa. Tungepata fedha kama hizi, tungezitumia kufanya miradi kama hiyo.

Jambo la kushangaza ni kwamba baada ya mradi wa Mzima II kutotekelezwa, leo hii tunasikia kuna mabwenyenye, watu wasioeleweka, wamechukua maji Kutoka Mzima II kwa kutumia Line 1 ya Kenya Pipeline Corporation (KPC). Sijui wanayatumia kufanya

nini, lakini ni jambo la kuhuzunisha. Ni jambo la kuudhi kwamba tunaweza kutoa maji Taita Taveta kupatia watu wengine, ilhali watu wa Taita Taveta hawana maji.

Kaunti ya Taita Taveta imewachwa kimakosa kwa hizi pesa za usawazishaji wa maeneo kiuchumi. Nikiangalia majirani wetu wote, kuanzia na jirani wa kwanza, Kaunti ya Kilifi, inapata Shilingi 878,000,000. Jirani mwengine ni Kaunti ya Kitui ambayo inapata Shilingi 646,000,000. Jirani mwengine ni Kaunti ya Kwale, ambayo inapata Shilingi 475,000,000. Eneo Bunge moja la Kinango, ambalo tumepakana upande wa Macknon Road, linapata Shilingi 265,000,000. Kaunti ya Kajiado pia ni jirani yetu na inapata Shilingi 674,000,000. Kaunti ya Tana River ambao pia ni jirani yetu inapata Shilingi 719,000,000.

Ninachojiuliza ni: Je, ni vigezo gani vinavyoonyesha kwamba Kaunti ya Taita Taveta haihitaji pesa za kusawazisha maeneo yaliyoachwa nyuma kimaendeleo hadi inapewa Shilingi 21,000,000 pekee? Hilo ni jambo la kutamausha, kuudhi na kufisha moyo. Watu wa Taita Taveta hawajisikii kama wako Kenya.

Nafikiri ni kwa sababu ni watu wachache mno, ndio maana watu wanaona kwamba hawafai sababu kura yao siyo nyingi. Wakati wa kupeana pesa za kusawazisha maeneo yaliyowachwa nyuma kimaendeleo, wakaona hawafai maana hawana kura. Kando na kuwa tuko wachache, hatuna maji, barabara na vituo vya afya wala stima.

Kero la wanyama pori ni kitu kingine ambacho Serikali ya Kenya imekataa kuangazia kabisa. Hao watu wameachwa nyuma kimaendeleo, hawana mtetezi, hawajui watajisaidia namna gani na katika bidii yao ya kulima, kufuga mifugo kama mbuzi, ng'ombe na kondoo, Wanyama pori kama simba na chui wanawala wanyama wao. Ndovu wanamaliza chakula chao. Kama kungekuwa na njia, kule Taita Taveta - sisi tunapakana na Tanzania – tukatiwe eneo letu twende Tanzania. Hii ni kwa sababu haifai tena, haina maana tena kusikia kwamba sisi ni Wakenya lakini yale madhila na shida tunazopata kama Wakenya ziko vile zilivyo.

Bi. Spika wa Muda, sipendi kuendelea zaidi ya hapo lakini ningeomba Kamati ya Seneti ya Fedha na Bajeti, wakati wa sera ya tatu ya kugawanya hizi fedha za kusawazisha maeneo yalioachwa nyuma kimaendeleo, basi tuangalie ili watu wa Taita na Taveta waangaziwe ili ---

The Temporary Speaker (Sen. Veronica Maina): Sen. Sifuna, do you have an intervention? Point of information? Would you wish to be informed?

Sen. Mwaruma: Huyu ni kiranja wangu na nitafurahi sana akinipatia hiyo taarifa.

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

Sen. Sifuna: Ndugu yangu, Mhe. Mwaruma, nimekusikiza kweli ukizungumza hapa na hata mwenzangu, Mhe. Ledama Olekina – tunapata huzuni sana lakini tunashangaa maanake ripoti zipo kwamba baadhi ya viongozi wakuu katika taifa hili la Kenya, ni wakaazi wa Taita Taveta. Hivi ni kusema hawana habari ya dhila hizi zote ambazo mnazipitia? Hilo tu ndilo swali nilikuwa ninataka nimjulishe kwamba mkaazi mmoja wa Taita Taveta ni kiongozi mkuu wa taifa hili. Kwa hivyo, sielewi kama Mkenya, mambo haya yanawezaje kuendelea ilhali una wadosi pale. Labda atuelezee shida iko wapi.

Sen. Mwaruma: Asante, Bi. Spika wa Muda. Asante Seneta wa Nairobi, Sen. Sifuna, kwa hiyo taarifa uliyonipa. Ni kweli kwamba wakuu wengi wa nchi hii wako huko lakini yale maendeleo ukiangalia pale wako ni kweli maendeleo yanatokea. Kwa mfano, kuna barabara mbili kubwa sana ambazo zimetengenezwa. Zimetumia mabilioni ya pesa, ya kuelekea shambani ya hawa wakubwa lakini huko kwingine tumeachwa nyuma. Sina haja kusema maanake tukienda huko leo, utaona kwamba zile barabara kubwa zinaelekea kwa hawa wakubwa ambao unasema.

Bi Spika wa Muda, ninaomba niachie hapo. Kamati ya Fedha na Bajeti watuanguilie wakati wa sera ya tatu ya kugawanya pesa hizi.

Asante, Bi Spika wa Muda.

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

Sen. David Wakoli Wafula, proceed.

Sen. Wafula: Asante, Bi Spika wa Muda, kwa kunipa nafasi hii ili niweze kuchangia na vile vile kupongeza mapendekezo ya usawazishaji wa raslimali katika nchi ya Kenya.

Nimewasikiza kwa makini sana baadhi ya viongozi wenzangu ambao wana hisia kwamba fedha ambazo mtoza ushuru anatoa, ni Lazima ziende tu maeneo yao pekee. Sisi ni kuangalia kupitia televisheni. Ni vyema waelewe kwamba japo kuna maeneo ambayo yalipata nafasi ya kupata mandeleo wakati ya awamu ya kwanza ya Serikali, kuna maeneo ambayo vile vile hayajapata maendeleo kwa muda huo. Ni Lazima tunapotathmini jinsi fedha hizi zinavyopeanwa, tuzingatie maeneo kama hayo.

Ninasimama hapa kwa sababu Kaunti ya Bungoma kwa muda imekuwa kwa upinzani – siku za Mhe. Raisi Toroitich Arap Moi. Serikali zilizofuata, chini ya Mhe. Muigai Uhuru Kenyatta, tulikuwa katika upinzani. Ukiangalia jinsi fedha zilikuwa zinatolewa kupitia hazina kuu ya Serikali, wakati huo hatukuwa na cha kujivunia katika Serikali.

Ninaamini kwamba ni haki Bungoma ipate fedha hizi kwa sababu eneo Bunge la Mlima Elgon na maeneo Bunge ambayo yanapakana na Mlima Elgon, kihistoria na kimaendeleo yalikuwa yamewachwa nyuma. Ni lazima wanapoweka fedha katika bajeti na jinsi nimeshukuru Kamati - mmenukuu eneo la Mlima Elgon - Lazima wajue kwamba miundo mbinu ambayo imo katika Mlima Elgon sio nzuri: Afya, Barabara, maji na kadhalika.

Ninaomba mheshimiwa yeyote anaponyanyuka kutoa hoja, ajue kwamba Mkenya yeyote popote alipo anaposikiza, lazima tumpe moyo na sababu ya kujivunia kuwa Mkenya, japo fedha hazitoshi, lakini waone kuna jambo nzuri linatendeka katika Serikali ya Kenya. Lisilokuhusu, usiliandame. Sisi watu wa Bungoma tunashukuru kidogo tumepata lakini tunasema tunahitaji fedha zaidi. Wanapogawa muda mwingine, tunataka ipande kutoka Shilingi 95 milioni ije kama bilioni, jinsi kaunti zingine zinapata. Hii ni kwa sababu ukiangalia mgao wa fedha, jinsi tulivyopitisha hapo awali, baadhi ya kaunti ambazo zinapata fedha nyingi hata sasa, katika bajeti bado wanapata fedha nyingi na kwa muda mrefu wamekuwa wanapata hizi fedha. Lazima tufuatilie tujue, miradi gani inatekelezwa na serikali za kaunti; wanahusisha wananchi katika utekelezaji wa miradi na iwapo miradi hii inaafiki matarajio ya wapiga kura ama wanaoishi katika maeneo haya.

Ninapoangalia Kaunti ya Busia ambayo ni jirani yetu kule, wamepewa Shilingi 29 milioni. Hizi pesa hazijakuja kimzaha. Kuna sababu ambayo imeshinikiza Serikali kuweka fedha katika Kaunti ya Busia. Haimaanishi kwamba Busia ilipokuwa na Naibu wa Rais na Mawaziri ama walipokuwa na Mhe. Amos Wako katika Serikali watu wa Busia walikuwa katika shamba la asali na nyama. Haiwezekani. Kuna changamoto watu hawa walikuwa nazo ndiposa fedha zimewekwa kwa bajeti vile vile kama Wakenya waweze kuimarisha maisha yao.

Nashukuru wameweka Kaunti ya Trans Nzoia hapa. Wamepewa Shilingi 12 milioni japo kuna viongozi huko hawashukuru kwa chochote. Wanabwata tu, wanaongea tu. Lazima tutafuata tujue hizi fedha zinazoenda Trans Nzoia zinatumika kivipi katika eneo Bunge la Endebbes. Lazima tutawaeleza watu katika eneo Bunge hili na Trans Nzoia fedha za usawazishaji zinatumika vipi ili wajue kuwa Seneti linawajali; japo kuna wale wanapinga na kutusi Serikali na wakututusi sisi Maseneta, tutawapa pesa lakini tutafuata kuhakikisha hizo pesa zinafanya kazi.

Zaidi ya hapo, wanakandarasi wanaofanya hizo kazi lazima watoke katika kaunti husika. Hii ni kwa sababu Haiwezekani Seneti tunapitisha fedha kama hizi na wale wanakandarasi ni watalii wa kibiashara. Wanatoka Nairobi na kaunti zingine kufanya kazi ambayo wananchi wa kaunti husika wanaweza kufanya.

Ninaunga mkono kaunti hizi ambazo zimeorodheshwa hapa. Wale waliopewa pesa kidogo waongezewe, kama ndugu yangu wa Taita Taveta. Ana haki ya kudai pesa ziongezwe. Wale ambao wamekuwa wanapewa pesa nyingi na hatuoni matunda, wapunguziwe kwa sababu huenda hizi pesa zinaenda katika mifuko ya watu wachache ilhali wengi wanaumia. Hawana maji, barabara au madawa hospitalini. Hatuwezi kukubali mambo kama haya katika awamu hii ya Serikali.

Asante sana, Bi Spika wa Muda. Ninaunga mkono Mswada huu.

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

Proceed, Sen. Catherine Mumma.

Sen. Mumma: Thank you, Hon. Madam Temporary Speaker, for the opportunity to contribute on this fund. The Constitution of Kenya, 2010, as we all know emphasises human rights. The principles of human rights, particularly equity, as a key principle that ought to be applied in governance in order to give opportunity to every Kenyan and every region to actualise the benefits of within our country.

First, I would like to commend the Government, the 13th Parliament and the Fourth Senate, for having operationalized the Equalisation Fund. As you are aware, this fund was intended to be a time-limited fund that was supposed to be operationalized as soon as we began implementing devolution in 2013. However, this fund has never been operationalized. It is so sad that it is one of the tools of equality that was ignored by the Jubilee Government. It is now 13 years. I am glad that at least now we are in the second phase of sharing out this fund.

The Equalisation Fund had a particular purpose. It is an affirmative action fund that was intended to be deployed towards fast-tracking the basic development environment in areas that have been marginalised. We have a country that has a lot of disparities, a country where you will have a constituency whose worry about the schools

is lunch, possibly dinner, while in another place, children are having to read using the lights of nature, the moon in the night and they do not even have places where they can sit.

When this Constitution was developed, this fund was put there deliberately to help handhold those areas that were ignored and treated as though they are not part of Kenya, to also get their people and their children to have a hope in this country.

We have been dilly-dallying and arguing around this. I blame Parliament entirely for the delay in the implementation of this fund. That is why I want to commend us that at least we have distributed it now the second time and despite the disparities that have been put in here, I think it is a good way forward.

Madam Temporary Speaker, even as we look at the disparities in the manner in which this fund has been distributed, I would want to urge the Senate to actually come up with an oversight tool over this Fund. This is because this fund is supposed to be deployed towards basic services that are also county functions.

We need to be able to pinpoint now the second year; when we go to Tana River County of Sen. Mungatana next year, we should be able to say the funds that were deployed under the Equalisation Fund were used to deliver A, B, C, additional to what the county government is doing. We need to be able to review to say if that was the best way in which we would have fast-tracked in terms of this county. Was that the most needy area that received these funds and, thirdly, is this the best way in which this fund should have been used?

As we move forward, I would want you to note that water, health, roads, electricity and whatever other infrastructure that is contemplated to be delivered under this fund are county functions. So, we need to be able to have a timetable or a special schedule to monitor the manner in which this fund is actually bringing up the levels of development in a particular county.

Eventually, this should also lead to the determination of changed poverty indices and changed parameters that we are using to determine the equitable share in terms of the nationally collected revenue. If we do not do this - and I am throwing a challenge to our Committee on Finance and Budget - we must be able to tell Kenyans the value of Equalisation Fund by clearly demonstrating that this is what it did in Turkana. As a result of deploying these funds for five years, Turkana was able to move from being measured at this level in terms of the poverty index to this other level.

I am throwing a challenge to our secretariat, particularly the budget policy offices, to assist us to come up with a tool that can demonstrate the value of the Equalisation Fund.

I do not know whether we have resolved, and we need to resolve, this fund was supposed to exist for only 20 years. Now that we have started implementing it, that 20 years I guess was contemplated from the time we operationalized the Constitution 2010. We need to have a deliberate pronouncement as Parliament on when this fund will come to a close. Again, my view would be one of the determinants of whether this fund should close or not should be a determination that we have achieved what the fund hoped to achieve. That is why in my view. We must measure very deliberately how this fund is

moving us in development, particularly moving the marginalized areas, in the 20 years where the fund is supposed to be.

We should be able to demonstrate the value that this fund has brought about, whatever Parliament will be there, might be able to even determine the need to increase it. There is nothing wrong in determining that we can actually take a portion of the national revenue and continue to deploy it towards areas that need to be brought up in order to participate in the development agenda of this country on an equal basis with the others.

As I finalize, I will not speak to the detail of what is there. However, I find it curious that a county would be allocated only Kshs31 million or Kshs29 million. I do not know what Kshs29 million will do in terms of real change from marginalisation coming up. I fall in the school of thought that felt maybe we should have just picked a few counties, given them adequate funds to bring their infrastructure to a particular level and then we move to the next and do the same. If we did so, we must be able to say in batch one, we will have the following 10 counties. In the next batch, we will have the following 20 counties and so on.

For those who are appropriating or who appropriated these funds, I am disturbed at the figure of Kshs29 million. I believe it is money, but I do not know how Kshs29 million would truthfully assist the areas that are truly marginalised. I would like to demonstrate in one way. If you are going to build a school in the far-flung place of Turkana, for that school to be functional, it requires the physical infrastructure, teachers, security, water, energy and a health facility to be there to support that group. So, if you give them Kshs29 million, how much can they achieve?

It means if they were going to use the Equalisation Fund to fast-track facilities that can get children going to school, we will be waiting every year so that a building is done, it lies fallow as we wait for next year's funds to come do the water and then we wait again for the next year to come. However, if we give them enough funds to build a school, put water, do the road infrastructure around that school and do a health facility, then we will have done what this fund was intended to do - to fast track the bringing of those regions to a level where the others are.

Madam Temporary Speaker, I would urge us, as leaders, to not be fixated with tearing the little monies that are there so that every county must get a little bit of it. We need to divide these funds in such a way that we can in two years, demonstrate that by deploying these funds in Turkana and Tana River, we have brought real change to the lives of children, women, men and the communities in those far flung places.

I, therefore, ask our Committee on Finance and Budget to think through the ideology behind the Equalisation Fund and be innovative enough to help us ensure that the deployment of this fund truly does what it is supposed to do; to fast track that development.

I thank you, Madam Temporary Speaker.

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

Sen. Mundigi Alexander.

Sen. Munyi Mundigi: Asante, Bi. Spika wa Muda, kwa kunipa fursa ya kuchangia pesa za Hoja inayoendelea kuhusu *marginalised communities, groups* na makaunti.

Kulingana na mimi Kamati ya Fedha na Bajeti walifanya kazi ya huzuni kwa kaunti zingine. Kenya tuna makaunti 47. Tukiwa hapa, hakuna Seneta mkubwa au mdogo. Hakuna kaunti ndogo au kubwa kwa sababu ikifika mambo ya keki ya Kenya mzima, kila mtu anafaa asherehekee.

Wiki jana, tulikuwa tunapitisha mambo ya pesa zitakaoenda kule mashinani ya kaunti 47. Wakati mwingine utapata hii Kamati ya Fedha na Bajeti inatuletea ripoti tupitishie. Hizo ripoti siyo njia inayofaa sababu zitaleta mgawanyiko katika kaunti zingine na kwa sisi, Maseneta. Kwa sababu, pesa kama iko Kenya, hakuna kaunti yeyote haifai kupata hizi pesa. Tumeona kaunti zingine zinapata karibu Shilingi 1 bilioni, zingine Shilingi 50 milioni na zingine Shilingi 20 milioni.

Bi. Spika wa Muda, hiyo inamaanisha hizi pesa za *marginalised communities* zinafaa kila kaunti ipate. Ninashindwa kwa nini Kaunti ya Embu haipati pesa na unapata kaunti ya Kitui, Meru na Tharaka Nithi zinapata pesa. Kaunti ya Embu iko na *sub-county* nne. Kuna *sub-county* ya Mbeere South ambayo ingepata pesa kuongezea bajeti inayopelekwa mashinani na gavana. Huko Mbeere South utapata kuna watu wanatembea kilomita 20 au 50 kwa sababu hakuna magari na barabara zimeharibika. Huko hakuna hata maji.

Leo asubuhi tulikuwa na Mhe. Waziri wa Maji ambaye niliuliza Kaunti ya Embu itaangaliwa namna gani kuhusu mabwawa ya maji kama kaunti za Tharaka Nithi na Meru. Kuna mabwawa matatu kule Embu, Manyatta, Mbeere North na Runyejes. Tunauliza vile tutapata maji juu ya kilimo chetu ambacho ni *muguka*.

Bajeti inakuja hapa halafu, unakuta kwamba, sisi hatuko kwa hii ripoti. Hakuna kitu Embu imepata. Mwaka jana, kwa hizi pesa za *marginalised communities*, Embu haikupata. Utapata miradi ya kilimo yanaenda chini kwa sababu ya kukosa maji. Pia miradi ya barabara na hospitali yako nyuma. Pia shule zina shida. Mambo haya yote ni ya kuhuzinisha sana.

Yale mambo yanafanyika na watu wanaofanya kazi ya mgao wa pesa kama hizi hawafuatilii njia inayofaa. Kule Mbeere North na Mbeere South, kuna shida nyingi sana. Janga la njaa likija, linafuata Mbeere South na Mbeere North. Hizi pesa zinafaa ziende kusaidia wale watu wajisaidie.

Bi. Spika wa Muda, ningetaka kuwaambia Kamati ya Fedha na Bajeti wamegawa hizi pesa kwa njia haileweki, ni njia iko na mapendeleo na iko na mreno hauleweki. Wamefanya jambo la kuhuzunisha kama Embu haiko katika hazina hii ya uwasa wa mgao wa pesa. Ninakumbuka mwaka jana sikupitisha pesa hizi. Kama hii Kamati haitafanya yale yanayofaa, inafaa kutimuliwa na ivunjwe ili tupate ile Kamati itasaidia kaunti zote.

Pesa zinakuja na zingine ni msaada kutoka nchi za ng'ambo au ni sisi tunalipa. Ni afadhali kila kaunti ipate pesa kulingana na vile inafaa. Kaunti nyingi za hizo *marginalised communities* zilipata bajeti kubwa kutoka kwa zile pesa zinazofaa kwenda kwa makaunti. Sitaki kuzitaja lakini, zimepata pesa nyingi. Tukienda kufanya *oversight*,

unapata hakuna kitu kaunti zingine zinafanya. Kaunti zinajaribu kutoka chini mpaka juu, unapata hazipewi pesa kulingana vile inafaa.

Bi. Spika wa Muda, haya ni mambo ya kuhuzinisha sana. Utapata hoja italetwa Bunge na tuipe kwa sababu italeta shida ya vyama na mambo mengine. Mambo kama haya yatafanya watu wakosane. Hata mwaka jana, nilisema sitaunga mkono, tuliambiwa tuandike barua kwa wale watu wanahusika na mgao wa pesa hizi.

Niliongea na gavana na akaandika kila kitu. Lakini, siku ya leo, Kaunti ya Embu haikua kwa hii ripoti. Kuna kaunti 44 zile zimepata pesa. Ningeomba wakati mwingine, Embu iangaliwe na ipate pesa kutoka kwa hazina hii.

Ningependa kusema, hata kama ni nani atakuja kuniambia niunge mkono hii, tukienda kupiga kura, hii nitapinga. Kwa hivyo, ninapinga huu Mswada.

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

Sen. Beatrice Akinyi Ogola.

Sen. Ogola: Madam Temporary Speaker, I thank you for giving me the opportunity to contribute to contribute to this Bill referred to as the Equalisation Fund Appropriation Bill, 2025.

From the onset, I would like to request my colleague, Sen. Mundigi, when the time comes, he should rethink and support it because in this country, there is a key tenet that everyone looks forward to; the issue of equity. This Bill with the monies that have been given out, you will find that services granted to counties that would have been disadvantaged with the little funds they receive.

I would like to tell Sen. Mundigi that it is only an unwise person who does not change their minds. When the time comes and with the wisdom I see in him, he should consider changing his mind to support this Bill.

I support this Bill, Madam Temporary Speaker. Our people need critical services that are spelt out in this Bill; he services of water, roads, health and electricity. Those are public services that each Kenyan needs to be sure that they will be provided with. However, it is because of limitations and because of marginalised areas. Some of the marginalised areas we have in this country cannot get these services. If in our wisdom we see that certain counties need to be given an extra coin just to ensure there is equity in terms of services that the people need, then I support this Bill.

Madam Temporary Speaker, there are critical services such as water. Water is so critical and it is also a basic need. Every Kenyan requires to have water within some radius.

On the issue of roads, I am happy that Kshs16 billion will be distributed. It cannot be distributed equally because these areas have different parameters. I am happy that Homa Bay County will receive Kshs214,028,965. This may look little. Even though a number of speakers have said that Kshs16 billion is little, it is better to start with something small, so that our people can see the beginning of provision of services.

For Homa Bay County, the criterion goes ahead to give four sub-counties some little money to share from the Kshs214,028,965. We have Homa Bay Town Constituency that will get Kshs10 million; Suba North Constituency will get Kshs29 million. Sen. Boni should listen to this. Ndhiwa where I come from, which is a marginalised constituency,

should be considered as a hardship constituency. Ndhiwa has black cotton soil and there are no roads. That is why I am delighted that from the Kshs214 million, Ndhiwa Constituency will get Kshs120 million. As I support, I would like to say that when this money gets there, it must be ring-fenced for the purpose which it was granted.

Still on Homa Bay County, Suba South will get Kshs53 million; Suba North will get Kshs29 million and Ndhiwa, which is my constituency, will get Kshs120 million. I do not support just because it is my constituency. It is because of the difficulties that our people have. Right now, there are rains in Ndhiwa Constituency. You can hardly get a good road other than the tarmacked road that we use to move from Rodi Kopani in Homa Bay Town Constituency to Sori. Any other road beyond that tarmacked road is not motorable.

I was at home last week. You can hardly move on a road that we use to move from the constituency headquarters next to the National Government Constituencies Development Fund (NG-CDF) offices that traverses my ward. It has made our people's lives miserable and transport is expensive. A few months ago, at a place where our local people would use a motorbike for Kshs50 because the place is not far, today it costs our people between Kshs300 to Kshs500 just to move for a short distance. It means that the cost of doing business for our people is so high.

Where I come from, majority of the people practice subsistence farming. Some people grow vegetables and tomatoes and transport them to the market. Other produce include maize, groundnuts and beans. It has become very expensive for our farmers to move their goods from their farms to the market. Therefore, when some funds are appropriated to improve our roads, I can only rise here to support the Bill.

Another one is the issue of water. Being a woman, I know how critical access to water is to our people, especially the women. If there is money that will go towards water, so that our people can get it close to them, then I definitely support that Bill.

The other critical service that these monies will support are health facilities. Healthcare is critical. Some of the basic services spelt here for support are the major services that our people demanded to be devolved. Therefore, I support this because health facilities will be improved if not expanded. With this little money, we hope those who are going use it will ensure that our people have essential services in health facilities.

Another critical service that is spelt out here to be used with funds that will be appropriated is electricity. I still want to go back to my constituency which is Ndhiwa. Our people still do not have access to electricity. Just the other month, the President launched the Last Mile Connectivity Project in my constituency. If you can remember, I asked the Cabinet Secretary for Energy and Petroleum to confirm and reassure me as somebody from Ndhiwa Constituency that the launch will translate into our people getting electricity in the Last Mile Connectivity Project.

One year ago on this same Floor, I raised the issue of faulty transformers in my constituency and county. Therefore, I am happy that these money will help to improve access to electricity for my people in Homa Bay County, particularly in Ndhiwa Constituency where I come from.

There are faulty transformers in that constituency. There is an inventory we were given by the Cabinet Secretary for Energy and Petroleum in this House. There is a promise that the Cabinet Secretary made that those transformers were going to be replaced. However, up to now, even the inventory of the specific transformers that the Cabinet Secretary spelt out that would be replaced in that year, are still not working.

Half of my constituency is in darkness. With the launch of the Last Mile Connectivity Project, I am looking forward that something will be done. I am happy that the amount of money that has been given in the Equalisation Fund will support provision of electricity, not only in my constituency, but other constituencies as well as spelt out. It will also help in improvement of roads.

We keep on saying that our people should grow themselves, but it is not easy for them to do so when there are no roads in areas they come from. It is now over 60 years after getting Independence. We should not continue having some areas with no roads like in my constituency.

Madam Temporary Speaker, as I support this Bill, the money that will be appropriated will lead to equity and equality in provision of services across the country. I am happy that it is specific about water, roads, healthcare and electricity. The money might not be adequate, but let us take this for now and improve on it in the coming years.

I support.

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

Proceed, Sen. Mariam Omar.

Sen. Mariam Omar: Thank you, Madam Temporary Speaker, for giving me this opportunity. I also rise to support the Bill, the Equalization Fund Appropriation Bill (Senate Bills No.7 of 2025).

The Equalisation Fund is established under Article 204 of the Constitution. The figure of this fund is supposed to be 0.5 per cent of nationally collected revenue. The purpose of the fund is to reduce or to eradicate inequality in the counties and to ensure equitable access to service delivery. These services are water, roads, electricity and health.

To use the Equalisation Fund, we require a framework and that is why we need this Bill to be in place. Previously, one could not access the fund without the framework. So, this is the one of the frameworks that is needed. Many projects were done under Equalization Fund in 2018 and 2019. They are about 352 projects and they were completed.

My County, Mandera County, has been given almost Kshs1.2 billion. The breakdown is as follows: Banisa Kshs157 million; Lafey Kshs247 million; Mandera East Kshs209 million; Mandera North Kshs231 million; Mandera South Kshs227 million; and, Mandera West Kshs157 million. If this money, which is almost Kshs1.2 billion, is utilized properly, then we will not have issues of water, health facilities and electricity.

Madam Temporary Speaker, 60 years after Independence, Mandera County still does not have roads. The Equalisation Fund has not been implemented since its establishment 13 years ago. There is redundancy in the way they have been giving out this money because they have been giving it in portions.

The other issue is bureaucracy. This is because one has to request it through the office of the Controller of Budget (CoB), Equalization Fund Advisory Board and the National Treasury. The bureaucracy makes the process of getting the money long hence it takes long for the money to be used on time. In my opinion, we do not need of the Equalisation Fund Advisory Board. This money can be requested through the office of the CoB and the National Treasury. Why do we need to go to the Equalisation Fund Advisory Board? I think that is the reason as to why this implementation takes long.

We have a problem with electricity. We were in darkness for six months and later on the Ministry gave us some generators instead of solarizing the system. We have sunlight in our region, which can provide enough light in the entire Mandera County. Instead of purchasing the generators, the people in Government should think of how they can use the nature, the sun, which is in plenty.

The road from Mandera to Nairobi is now under the World Bank. His Excellency the President promised that its construction will be completed by the end of this term. We, the residents of Mandera County, appreciate the initiative that he took to complete Isiolo-Mandera County Road. With the use of the Equalisation Fund, we now have the Kenya Medical Training College (KMTC) in Mandera County. That college has about 2,000 students.

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

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

We, the leaders of Mandera County, must think of how we can help our people. Usually, women are the most affected when it comes to water issues. They have to carry water for a long distance. As a woman representative, I request the County Government to look at its priorities. Solving water issues should be one of the priorities for women to be engaged in other activities instead of searching for water.

It is important for us to note that 90 per cent of voters in all the 47 counties are women. So, they have to put in place measures that will help them, especially when it comes to water and health facilities which directly affect them. The services in the health facilities have improved because of the Social Health Authority (SHA). People are now not paying money because SHA is paying their bills in Level 4 hospitals.

We need a strategy to manage the Equalisation Fund. This money can be effective when given in portions. They can release it once or twice. Giving it in bits of Kshs1 million or Kshs2 million will not help eradicate marginalisation. We have to sit down and think of the function of the fund. It is supposed to ensure that there is equalisation and eradication of marginalised areas for all areas to have water and roads. Giving that money in bits makes it difficult to improve this. We also need to improve on irrigation. Northern Kenya's economy heavily relies on pastoralism. We have to change our mindsets from livestock to agriculture through this fund. We have to come up with ways of irrigating our land by construction major dams. We can then harvest flood water which can last for

two years or three years. We can change the status of our people through agriculture by irrigation.

I support.

Sen. Abass: Madam Temporary Speaker, Equalisation Fund was set up in 2004. The purpose was to bring at par in terms of development and achievements, 14 counties that had been neglected for many years, including my county.

The funds were not released immediately. It stayed for a long time in the National Treasury before it was distributed. It accumulated a lot of money and to date, the money has been released in bits.

My county is now receiving Kshs1.6 billion, but this is insignificant because it has been again split into small bits of money ranging from Kshs1 million to Kshs2 million. This money, if well utilized, could have made some significant improvement.

When it went to the counties, the money was further split into small bits. The purpose of having one major project that will have a long-term benefit cannot be achieved because this money was split further. A committee was formed and now it is actually under the control of the Governor. The money is now being used to lure some supporters and all these things. Splitting the money into small bits misses the whole purpose. This money was initially meant for 14 counties. Probably many other counties had similar problems, but now there are 34 counties. The Kshs16 billion that has been released is actually insignificant for these counties to make a big stride on development.

Madam Temporary Speaker, the only way we can achieve something in these counties, especially in Northern Kenya such as Turkana and Wajir to come at the par with other parts of Kenya in terms of development is to have a major investment in development such as mega dams.

When you give a small area or a certain centre, Kshs1 million or Kshs2 million for electricity, I think it does not meet the purpose. When you give that same money to build one classroom, it does not meet the purpose. The intention of this money was at least to have a mega project for these areas, so that at least they can catch up in terms of food security, electricity and water supply. As it is now, the fund has missed its target and purpose. There is a lot of money that has been held still in the National Treasury.

I do not know whether the money is still there or has been diverted. Always when money is given to the arid areas it has been diverted by the respective governments. As much as we appreciate that this fund will make a difference as it is, I think it will not make on any purpose for us today as Northern Kenyan people because the development is far stretched. The money was meant for 20 years.

It was believed that by that time the counties of Wajir, Tana River, Mandera, Garissa, Turkana and then all these places would have developed well. Today, the NG-CDF was the only thing that we have seen that is making some impact on the ground. The money now has a lot of particulars.

It goes through the CoB, the governors and the Advisory Board. It budgeting is not done at the counties, it has been done at the Advisory Board. Therefore, when you give a certain project of Kshs2 million or Kshs1.5 million, then I think that is a wrong approach for development.

For the six years remaining for the fund, at least to achieve something good, all the funds that have been held in National Treasury should be released and not in small bits. At least we could have a major impact and development can be done in the few remaining years.

Otherwise, the time-frame should be reviewed, so that we can have a significant development for these areas. Giving 0.5 per cent is also not something that can help those areas in terms of development because there are no roads and the water is scarce.

There is always drought every five years. Therefore, food security is actually a problem. I will request National Treasury and the Government, and those who are making the budget, to at least look into reviewing the period for these special funds.

I support.

Sen. Kibwana: Thank you, Madam Temporary Speaker. I also rise to support the Equalisation Fund Appropriation Bill (Senate Bills No.7 of 2025), which seeks to give efforts to Article 204 of the Constitution by provision of the release and use of Kshs16.8 billion from the Equalization Fund for the Financial Year 2025/2026.

I will only touch on a few key areas, so as not to repeat what has been contributed. I looked at the rationale for the Bill and the purpose. It seeks to facilitate access to essential basic services, namely water, roads, health facilities and electricity. It more or less brings marginalised areas at par with the rest of the country.

This Bill provides a legal and structured framework that is required by the Constitution and Public Finance Management (PFM) Act. PFM Act that ensures that these funds are properly disbursed and utilized. Over a decade into devolution, many counties still experience pockets of marginalisation. This fund is long overdue because many residents have been hindered from enjoying the benefits of the basic services. Therefore, the Bill is timely and necessary.

I will touch on the key provincials and the geographical impact. Clauses 2 and 3 authorize Kshs16.8 billion for Financial Year 2025/2026, including Kshs504 million for Equalization Fund, secretarial operations and also Kshs16.296 billion for development expenditure across 34 counties.

Clause 4, explicitly excludes the funds from being deposited in the County Revenue Fund under Article 207. Clause 5 also does provide that approval for the projects will not lapse at the end of the financial year and will also remain in force until all projects are completed.

Clause 6 provides that disbursements require both the CoB authorization and written instruction from the Equalization Fund Advisory Board via the National Treasury.

Madam Temporary Speaker, I realize this is quite significant and that is the best that I am looking at in this Bill. This is because the Bill honours our constitutional mandate to uplift all historical marginalised regions. I have seen Sen. Mariam trying to compare Mandera County and the other counties, I feel for them. The Bill accelerates equity in development, giving vulnerable constituencies the infrastructure needed for education, health care, economic activity and dignity.

Health care is key. When we moved around with the Health Committee to different counties, we realized that people are really in dire need of healthcare services. I

really wish we could have different counties with state-of-the-art hospitals that take care of Kenyans. For example, a county like Laikipia was taking care of about five to six counties, Isiolo, Marsabit, Meru and others were depending on Laikipia County for health care. Then we find other counties that do not operate or do not even have theatre services even after delivery, or in case of any delivery. So, the funds are long overdue. Kenyans have been waiting for development for long time.

I have seen the Bill affect over 70 constituencies across 34 counties, including Turkana, Wajir, West Pokot, Garissa, Tana Riva and others identified as marginalised. The largest allocation I have seen is Turkana County, with Kshs1.86 billion, Narok with Kshs1.25 billion, Mandera Kshs1.22 billion, West Pokot Kshs1.66 billion and Samburu Kshs1.05 billion. This is key. I support the Equalisation Fund Appropriation Bill (Senate Bills No.7 of 2025). For that reason, it is expedited and considered as historical.

If we have observed the delays in the disbursement of these funds, often towards the end of the financial year, let us act swiftly and timely to ensure that implementation, delivery of these services and development reach communities at grassroots level as soon as possible.

I will only speak to that because many have discussed certain issues, and I do not want to repeat what has been discussed.

I thank you.

The Temporary Speaker (Sen. Mumma): Sen. Seki, please, proceed.

Sen. Seki: Thank you, Madam Temporary Speaker. I also wish to add my voice to the Equalisation Fund Appropriation Bill (Senate Bills No.7 of 2025). I support this Bill because it is true that there are counties that are left behind others in the country in terms of development, particularly on infrastructure. The marginalised semi-arid and arid counties have really realized strong problems or even big problems on infrastructure, particularly water, roads and health services. This Bill comes in handy where we try to bring these counties to a level where the others are.

Madam Temporary Speaker, Kajiado county has benefited with Kshs674,525,449 million. Kajiado Central Constituency has been apportioned Kshs233,919,794, Kajiado South Constituency Kshs102,681,312 and Kajiado West Constituency Kshs337,224,343. The CRA has apportioned this through the kind of research they have done. They have realized, it is true, these sub-counties are quite marginalised. For instance, Kajiado South Sub-County has very big wards with a big population, yet you hardly get a road that crosses the entire ward. People use motorbikes, bicycles or even go to market areas on foot. It is hard for women to get even water to drink, bath or even cleaning their houses. This is a Bill that comes to equalize other areas within the county rather than the country.

In reference to health services, somebody would even go for almost five to seven kilometres without getting a health centre or a dispensary. This Bill comes in handy where the county through the Equalisation Fund Advisory Board and the Secretariat will realize needs of these counties and initiate projects.

It is true that we have been having this Bill all along, but its implementation is becoming a big problem. When we realize these funds are divided into small projects of

Kshs2 million, Kshs3 million or Kshs1 million, which will not bring any impact in the county.

This House, the Senate, should supervise, go through and look at how this money is being appropriated or subdivided within the sub-county or the Ward, so that we see impact at that level. It should not be left to governors to give directions on how the fund is used. Sometimes they allocate the money in such small amounts that we are unable to realise its impact.

We want to put in more effort to address gaps and avoid future pending bills arising from these funds. Stronger restrictions should be included in the Bill that appropriates this funds. Regulations that control this Bill should be put in place to close the gap in its implementation. I believe wards like Kimana, which have not received appropriations and those in Kajiado North like Ildamat, Kajiado South, Kajiado Central, should be considered, especially for services like electricity and other essential needs. There is also a ward like Imaroro in Kajiado East.

These are the issues the Senate must follow up on to ensure that counties which have benefited also realise the impact of this funding at the sub-county level, including wards facing marginalisation.

Madam Temporary Speaker, I submit and support this Bill.

The Temporary Speaker (Sen. Mumma): I would like to call upon the Mover to reply. I do not have any other contributor scheduled.

Sen. (Dr.) Khalwale: I thank you. Madam Temporary Speaker. Very briefly, I support the contributions made by everyone as we all agree that this is an important piece of legislation aimed at achieving constitutional equality across the country. As I often say, in politics, I do not believe in the idea of a wrong opinion. I always view the opinion of a leader, not as being wrong, but as another opinion, perhaps different from mine.

Having said that, I am pained to remind the House, even as you celebrate little allocations of around Kshs21 million from this kitty to your county and in the process denying the original 14 counties the quantum that would have made a huge difference within a period of only 20 years, please remember that there is a difference between fighting marginalisation and fighting poverty.

This was a fund intended to fight marginalisation. It had been put in place because of wrong policy that was found in Sessional Paper No.10 of 1965 and the wrong attitude by governments in Nairobi that deliberately ignored certain constituencies in this country. Even as you do so, you must know that that was the spirit of the Constitution; to address this marginalisation in a period of only 20 years. The factor which now seems to be under play of using this fund to fight poverty is wrong. Poverty is fought through the formula. That is why poverty has a weighing index of 12 per cent. It will be there in perpetuity. However, fighting marginalisation was supposed to be righted in a period of only 20 years.

Madam Temporary Speaker, I saw you got it very well when you were making your presentation that now that we are in year number 13. Therefore, the sunset clause should now be reviewed. If we do not review it, then the intended benefit will have been lost.

I want to say only that much on this.

Madam Temporary Speaker, I beg to I reply. Pursuant to Standing Order No.66(3)---

(An hon Senator spoke off record)

I am replying. You will have a chance, relax.

Pursuant to Standing Order No.66(3), I request that the putting of the question to be deferred to a later date.

I thank you.

The Temporary Speaker (Sen. Mumma): Hon. Senators, I would like to get back to an item that was deferred by the Speaker, Order No.6, the Notice of Motion. Please call it out.

Sorry, the question to the Bill that just ended on the Equalisation Fund Appropriation Bill is deferred to tomorrow.

(Putting of the Question on the Bill deferred)

So, next Order.

Proceed, Sen. Karen Nyamu.

NOTICE OF MOTION

INSTALLATION OF CCTV CAMERAS IN ALL POLICE STATIONS, CELLS AND POLICE REPORTING DESKS

Sen. Nyamu: Thank you very much, Madam Temporary Speaker. I would like to give a Notice of Motion on Installation of CCTV Cameras in all Police Stations, Cells and Police Reporting Desks.

AWARE THAT Article 51 of the Constitution provides that a person who is detained, held in custody or imprisoned under the law, retains all the rights and fundamental freedoms in the Bill of Rights, except to the extent that any particular right or a fundamental freedom is clearly incompatible with the fact that the person is detained, held in custody or imprisoned;

FURTHER AWARE THAT the National taskforce on improvement of the terms and conditions of service and other reforms for members of the National Police Service and Kenya Prison Service recommended adequate Government funding for the National Police Service to modernize its facilities, equipment and gear, and enhance its logistical and technological capabilities for National Police Service officers in order to enable the Service discharge its mandate efficiently and effectively;

COGNIZANT THAT the Bill of Rights provides for protection of human rights, prevention of abuse and upholding of the rule of law within detention facilities and police stations;

CONCERNED THAT there has been increasing reports of human rights violations, abuse, unexplained injuries, and deaths in custody, as well as security breaches and escapes from police cells across the country;

FURTHER CONCERNED THAT despite the recommendations by the Justice Maraga task force, little or no efforts have been made to ensure modernization of police cells by installation of Closed-Circuit Television (CCTV) cameras and police reporting desks thereby affecting public trust and accountability on what happens to persons in police custody;

NOW THEREFORE, the Senate resolves that the National Government, through the Ministry of Interior and National Administration:

1. Installs functional and tamper-proof CCTV cameras in all police stations, cells and police reporting desks across the country;
2. Ensures that all CCTV systems are monitored in real-time and that footage is securely stored and made accessible during investigations, judicial processes; and
3. Provides the necessary resources, technical support, and training to law enforcement officers for the effective operation and maintenance of CCTV systems and continuous digitization of Occurrence Book platforms.

COMMUNICATION FROM THE CHAIR

VISITING TEACHERS AND STUDENTS FROM METEITEI SECONDARY SCHOOL, NANDI COUNTY

The Temporary Speaker (Sen. Mumma): Hon. Senators, I have a Communication to make on visiting teachers and students from Meteitei Secondary School in Nandi County.

Hon. Senators, I would like to acknowledge the presence in the public gallery this afternoon of visiting teachers and students from Meteitei Secondary School in Nandi County. The delegation comprises eight teachers and 156 students who are in the Senate for a one-day academic exposition.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and my own behalf, I wish them a fruitful visit.

I thank you.

Sen. Cherarkey, Senator for Nandi County, you may wish to welcome the team.

Sen. Cherarkey: Thank you, Madam Temporary Speaker. I join you and other colleagues in welcoming Meteitei High School in Tinderet Constituency in Nandi County. I know they have been privileged to have watched a Notice of Motion by Sen.

Karen Nyamu and, of course, the reply to the Bill by Sen. Boni Khalwale who is, coincidentally, a neighbour to Nandi County.

Meteitei High School is one of the best schools. After what yours truly went to Kapsabet Boys High School, which is one of the topmost. We are proud of the boys. I know we are doing a lot in that school in terms of infrastructure. I hope they grow to be brave and men of courage.

It would be of interest that this school is situated in Tinderet Constituency where the vibrant and famous seven bearded sisters, Jean-Marie Seroney was the Member of Parliament. Coincidentally, Jean-Marie Seroney, for your information, was my grandfather. So, that constituency is one of the best and we are proud. I wish them well.

Work hard; one day and one time, you will be able to sit in some of these leadership positions. We wish you well. Learn as much as you can. The future belongs to all of you. The only advantage you have over us is age. You are still young; you can make it.

With that indulgence, thank you very much. I wish them all the best.

The Temporary Speaker (Sen. Mumma): Hon. Senators, as per the earlier ruling by the Speaker, we now move on to Order No.18.

BILL

Second Reading

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

The Temporary Speaker (Sen. Mumma): Who is doing it for Majority Leader? Committee on Finance and Budget, please proceed.

Sen. (Dr.) Khalwale: Madam Temporary Speaker, I rise to move the Bill at Order No.18, the County Governments Additional Allocations Bill, 2025. Since sometimes members of the public follow these proceedings, it is good for us to clarify to them what we mean by the County Governments Additional Allocation Bill. This is a Bill that provides for additional allocation of money to county governments. This money comes in two limbs.

The first limb, the money is given conditionally and the other one is given unconditionally. Where it is given conditionally in this law, it means that the money must be spent on the specified reason for which the money has been given. Unconditionally, it means that you spend it as you like.

Madam Temporary Speaker, I will give an example. Let us say the money realized from court fines. Once you realize that money, you are not obligated to spend it on a specific thing. It is money that has gone into the county revenue account and, therefore, you spend. However, the one which goes to the county revenue account as conditional, probably from proceeds of grants or loans, then it specifies that you shall use it for water or some other activity.

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Having said that, I would like to also clarify that additional allocations are strictly processed by my Committee, the Committee on Finance and Budget, congruent to your recommendations in this House, you debated and passed the Budget Policy Statement (BPO). These additional funds are specifically provided for in the Constitution; Article 202(2), Additional allocations are required for transfer of functions from the national Government to county governments pursuant to Article 87 of the Constitution and they are in form of loans and grants and are from development partners.

Madam Temporary Speaker, I have already spoken to what it means by unconditional allocations. Allow me to speak to it more technically by further clarifying. I found that members of the public truly follow these proceedings and some of them are professionals. So, if you are not careful, they will wonder whether you are speaking Greek in a House that has only students who speak English.

These grants and conditional allocations are to the beneficiary county governments, from proceeds of court fines emanating from contravention of county governments legislation as set out in Column A, in this Schedule attached to the Bill, for those who will take the trouble to go through it. Also, unconditional allocations to the beneficiary county governments emanates from 20 per cent of the share of minerals royalties pursuant to the provisions of the Mining Act.

Madam Temporary Speaker, county additional allocations that are due to each county come from the national Government's share of revenue. This share of revenue in this Bill is specifically for Financial Year 2025/2026 and shall be set out in the Second Schedule which is attached. I will not go dissecting the details of this Schedule because it speaks to the institutions that are advancing that money in actual names of the development partners and they are many. Therefore, when you scan the schedule, you will see it.

There is an aspect to these allocations, which is deliberately put to incentivize governors to incentivize county governments and the county assemblies, so that they are rewarded for prudent management of resources.

Madam Temporary Speaker, allow me to specify this important issue to governors and Members of County Assemblies (MCAs) who are listening to this debate---

(Sen. Nyamu answered a phone call)

The Temporary Speaker (Sen. Mumma): Order, Sen. Nyamu. You should walk out and speak from there. You should not speak on your mobile phone loudly while the session is going on.

(Sen. Nyamu walked out of the Chamber)

Sen. (Dr.) Khalwale: Madam Temporary Speaker, I need to be very clear on the issue of incentives. There are governors who steal and those who do not manage funds well. They will lose on the following monies because this law will reward good manners

and performance. To those who will fall short of the glory, Kshs75 million will be due for each county---

The Temporary Speaker (Sen. Mumma): Sen. Cherarkey, what is your point of order?

Sen. Cherarkey: Madam Temporary Speaker, I rise under Standing Order Nos.101 and 105. I have had the benefit of reading this Bill. There is nowhere it talks of rewarding people for having good manners. Is it in order for the good Senator to mislead members of the public who are watching that people will be rewarded for good manners?

The Temporary Speaker (Sen. Mumma): Sen. Cherarkey, I do not think the Senator said that the Bill states it will reward people for good manners. I cannot recall that.

Proceed, Sen. (Dr.) Khalwale.

Sen. (Dr.) Khalwale: Thank you, Madam Temporary Speaker. Sen. Cherarkey, the medium of communication in this House is either Kiswahili, English or Kenya Sign Language (KSL). It is never Kiluhya or Kalenjin.

Madam Temporary Speaker, when we chose to speak in English, he should make an effort to understand the specific words used. For clarity, the word that I used is 'incentivise.' I never talked about rewarding. As an old boy of Kapsabet High School, the teacher who taught you English must be wondering what became of you.

(Sen. Cherarkey spoke off record)

There will be Kshs75 million for each county government that will increase its own source revenue by at least five per cent annually over the above rate of inflation---

The Temporary Speaker (Sen. Mumma): Sen. Cherarkey, what is your point of order?

Sen. Cherarkey: Madam Temporary Speaker, I rise under Standing Order No.101 on Contents of Speech. If Sen. (Dr.) Khalwale wants to discuss my character and ability, he should bring a substantive Statement. I will not allow this to pass. There is a day he said that I went to "Gumbaru" school and that is on the HANSARD. I can even request the Principal Clerk here to give you that clip. This issue of allowing Sen. (Dr.) Khalwale to get away with some of these things is not good. Could he withdraw and apologise?

The Temporary Speaker (Sen. Mumma): Sen. (Dr.) Khalwale, for insinuating that the English of Sen. Cherarkey is wanting, could you please withdraw and apologise?

Sen. (Dr.) Khalwale: Madam Temporary Speaker, I withdraw those remarks and profusely apologise, not only to the Senator, but also the family of Kapsabet High School, led by the teacher who taught him English. However, I do not know whether he got 100 per cent in English.

Madam Temporary Speaker, the second recognition will be Kshs75 million for each county government that will have prepared and implemented an action plan, so as to reduce the stock of pending bills and maintain it at minimum levels. That is important.

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There are pending bills hanging around in Kisumu, Kakamega and other counties. We will reward governors by Kshs75 million if they make an attempt to maintain the stock of those pending bills at the minimum. There will also be Kshs97.5 million for each county government that will have integrated its human resource records and authorised staff establishment and payroll and uploaded a cleaned payroll in the Human Resource Management Information System (HRMIS).

In this, we are attempting to recognize the importance of eradicating ghost workers. If the HRMIS in a county government takes this effort, there will be a reward of Kshs95 million to Kshs500,000.

(Sen. (Dr.) Khalwale's cell phone rang)

Allow me, Madam Temporary Speaker, to switch off my phone. It is distracting me. Sorry, I got these things in Nairobi. They are not there in Kakamega, so I do not know how to manage them very quickly. Thank you. I have now complied.

There is Kshs45 million for each county government that enhances accountability for the results through an integrated performance management framework. Finally, there is Kshs60 million for each county government which has a Public Investment Management (PIM) or dashboard with citizen feedback mechanisms.

Madam Temporary Speaker, I will say this very quickly as I conclude the moving of this very important Bill. I want to speak to two last points. The first one is books of accounts to reflect national Government transfers. We would like governors to know that each county treasury is obligated and shall reflect all the transfers of conditional allocations that will be made by the national Government to the respective county government in its books of accounts.

There is a risk that this money, once it hits the county revenue account, a clever or shall I call him clever by a half, governor and his team can choose not to reflect. If they do so, let them know that there are consequences. Those consequences are in Clause 10, where we have provided that-

“10. (1) Despite any other law, a serious or persistent noncompliance with this Act constitute offences of financial misconduct under section 197 of the Public Finance Management Act.

(2) A person who commits an offence under sub section (1) is liable on conviction to a term of imprisonment not exceeding five years or to a fine not exceeding ten million shillings, or to both.’

Hon. Senators, many of you have either been *amicus curiae* to the County Public Accounts Committee and County Public Investment and Special Funds Committee or were Members of those Committees. You must have seen people who handle finances in the county governments feigning ignorance or silence when you are pinning down a governor. It is now clear in this law that they risk going to prison for five years or paying a fine of Kshs10 million or both.

Finally, given that all politics is local, allow me to make one local statement. The First Schedule has shown the returns on court fines and the share of the 20 per cent

royalties. On behalf of the people of Kakamega County, I want to tell some people in the National Treasury that they should not take the entire populace of Kakamega County for fools. Why do I say this? They say the only money we collected through court fines in Kakamega and you have practiced law there, is only Kshs16,555. Sorry, I got it wrong; that in Kakamega you collect zero from court fines.

The most ridiculous is that from mineral royalties, the people of Kakamega, the county of gold mining, our 20 per cent is Kshs16,555. If I go to Malinya, which is the gold mining market, and I go to Khayega and Kakamega Town the gold mining headquarters, the people who weigh the gold sometimes in the evening a woman who was just cleaning the soil, not doing mining, walks away with Kshs20,000, meaning the investor has gone away with a fortune. This is deliberate shortchanging of gold mining centres. We have gold in Rosterman and Sigalagala, Mwiritia in Shinyalu, Masienze, Museno and Lirhembe, Shitoli, Malinya, Shikoe, Ishulu, Bushiangala and Shihaya. Please, this joke must stop. This is robbery of the people of Kakamega. I will go with this Bill to the Cabinet Secretary for Mining, hon. Joho, and tell him this has to stop.

I invite the “*mamba eater*,” the Senator for Tana River, Sen. Mungatana, to second.

Sen. Mungatana, MGH: Madam Temporary Speaker, I take this opportunity to thank the honourable, indefatigable, legend Senator from the great county of Kakamega for ably moving this Bill before this House. This Bill has only 10 clauses. It is one of the most important Bills that defines the duties of this Senate of the Republic of Kenya.

Some of the clauses are extremely important and we need to let the people know what these clauses stand for. I will not repeat that there are conditional and unconditional grants. Maybe I will come back to it, but I wanted to emphasize on Clause 7.

Clause 7 talks about the Cabinet Secretary who is supposed to publish the entire quarterly report of what monies they have transferred conditionally in the whole Republic of Kenya to the various counties.

It is not a secret anymore and we want Kenyan to start looking at these figures, so that people can see what is happening in their counties. Believe you me, even though you live here in Nairobi, the day you die, we are going to hire a bus and sing songs and take you to Tana River if you came from there or any other county. You will probably be ferried by bus or some vehicle. It is critical for people who are living in Nairobi, Mombasa and these big counties because of work, to know that every quarter, there is some money that is coming to your county. Take time to know.

It is not proper for our professionals to only keep quiet and then start criticizing leaders, saying, “what is the Senator doing?” “What is happening in my county?” This is when we have already executed our duty and sent this money and a report has been published.

I want to use the Floor of this House to tell fellow professionals, colleagues and citizens who are listening to us, that it is not enough for you to just contribute to harambees for sending children to school and harambees that are in your village that involve construction of a classroom or the church and you say you are doing well. You must directly get involved to know, when these funds are transferred, what is it that they

are doing? It is important for us to be involved with what is happening on the countryside.

Madam Temporary Speaker, I would like to also speak to Clause 10. Clause 10 talks about criminalization of serious or persistent non-compliance by the officers who are obligated to carry out certain duties. When I am talking about this, specifically I am on to the officers in the National Treasury. Nobody has ever been charged under these sections, yet we know many times there has been persistent and serious violations or delays when it comes to transferring funds from the National Treasury to our County Revenue Funds.

Madam Temporary Speaker, it is so sad that we pass law, but when it comes to executing these laws, it is just another story. It is not taken seriously. It pains me because just the other day, two days ago, there was a big headline that our sister House, the National Assembly Committee of Education, discovered from the Auditor-General that Kshs3.7 billion had been lost to ghost allocations, over a period of four years. The news is gone, because in Kenya it is a 24-hour cycle. Today people are excited, tomorrow they forget about it. Then what? There is no Minister who has been fired or a Principal Secretary (PS) who has been called to account. Nothing is happening. When it comes to financial issues, it is like even when we have put Clause 10 here to criminalize bad or gross or persistent violations of the provisions by officers in the National Treasury, nothing happens. We have seen it in the National Assembly that nothing happens.

Madam Temporary Speaker, even when we come here in the Senate Public Accounts Committee, where we have even the Ethics and Anti-Corruption Commission (EACC) sitting in our Senate Public Accounts Committee, even our Chairman saying in other jurisdictions, you, Mr. Governor, should not have left these pressings, you would be going down to jail or to answer charges, with EACC sitting there, there is not even a bother to take a statement. Nothing happens.

This is the attitude that Kenyans are getting used to when it comes to financial matters. No wonder, it has become a culture now that people aspire into Government offices, not so that they can help our Kenyan population---

ADJOURNMENT

The Temporary Speaker (Sen. Mumma): Hon. Senators, it is now 6.30 p.m, time to adjourn the Senate. Sen. Mungatana, you have a balance of 12 minutes to continue seconding the Bill when we resume.

The Senate, therefore, stands adjourned until tomorrow, Thursday, 17th July, 2025, at 2.30 p.m.

The Senate rose at 6.30 p.m.