



THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT



Fourth Session

Wednesday, 24th September, 2025 at 2.30 p.m.

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 24th September, 2025

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

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

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

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

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

(The Quorum Bell was rung)

We now have quorum. Clerk, you may call the first Order.

(Loud consultations)

Order, hon. Senators. Proceed Clerk.

PAPERS LAID

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate, today, Wednesday, 24th September 2025-

REPORT OF THE PUBLIC PROCUREMENT REGULATORY AUTHORITY ON PERFORMANCE OF SPECIAL GROUPS

Report of the Public Procurement Regulatory Authority (PPRA) concerning performance of the special groups, youth, women and Persons with Disabilities (PwDs) under the 30 per cent Preference and Reservation Scheme for January to June, 2025 reporting period.

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ANNUAL REPORT OF THE COMMISSION ON
ADMINISTRATIVE JUSTICE FOR FY2023/2024

The annual report of the Commission on Administrative Justice (CAJ) for the Financial Year 2023/2024.

REPORT ON NATIONAL GOVERNMENT
BUDGET IMPLEMENTATION REVIEW
FOR FY2024/2025

Report of the Controller of Budget (CoB), on the National Government Budget Implementation Review for financial year 2024/2025.

REPORT ON THE UASIN GISHU COUNTY
EDUCATION REVOLVING FUND

Report of the Auditor-General on the financial statements of the Uasin Gishu County Education Revolving Fund for the year ended 30th June 2025.

REPORT ON THE UASIN GISHU COUNTY BURSARY
AND SKILLS DEVELOPMENT SUPPORT FUND

Report of the Auditor-General on the financial statements of Uasin-Gishu County Bursary and Skills Development Support Fund for the year ended 30th June 2025.

Mr. Speaker, Sir, I beg to lay.

(Sen. Cheruiyot laid the documents on the Table)

The Speaker (Hon. Kingi): Proceed, Chairperson Standing Committee on Finance and Budget or any Member of the Committee.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I beg to lay the following Paper on the Table of the Senate, today, 24th September 2025-

REPORT ON THE COUNTY GOVERNMENTS (EQUITABLE
SHARE) CASH DISBURSEMENT SCHEDULE FY2025/2026

Report of the Standing Committee on Finance and Budget on the County Governments (Equitable Share) Cash Disbursement Schedule for the financial year 2025/2026.

(Sen. (Dr.) Khalwale laid the document on the Table)

The Speaker (Hon. Kingi): Chairperson, Select Committee on Delegated Legislation.

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Sen. Gataya Mo Fire: Mr. Speaker, Sir, I wish to give a notice of the following Motion-

THAT the Senate adopts the report of the Select Committee on Delegated Legislation on its consideration of the Affordable Housing Regulations (Legal Notice No.114 of 2025) ---

The Speaker (Hon. Kingi): Sen. Gataya, proceed to lay the Paper first.

REPORT OF COMMITTEE ON DELEGATED LEGISLATION ON AFFORDABLE
HOUSING REGULATIONS (LEGAL NOTICE NO.114 OF 2025)

Sen. Gataya Mo Fire Thank you, Mr. Speaker, Sir. I beg to lay the following Paper on the Table of the Senate, today, 24th September 2025-

Report on the Committee on Delegated Legislation on the consideration of the Affordable Housing Regulations, Legal Notice No.114 of 2025.

(Sen. Gataya Mo Fire laid the document on the Table)

The Speaker (Hon. Kingi): Next Order.

Proceed Chairperson Standing Committee on Finance and Budget.

NOTICES OF MOTIONS

ADOPTION OF REPORT OF THE STANDING COMMITTEE ON FINANCE AND
BUDGET ON THE COUNTY GOVERNMENTS (EQUITABLE SHARE) CASH
DISBURSEMENT SCHEDULE FOR FY2025/2026

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I rise to give notice of the following Motion-

THAT, the Senate adopts the report of the Standing Committee on Finance and Budget on the County Governments (Equitable share) Cash Disbursement Schedule for Financial Year 2025/2026, laid on the table of the Senate on Wednesday, 24th September, 2025 and that, pursuant to Section 17(7) of the Public Finance Management Act and Standing Order 189(3), the Senate approves the (Equitable Share) Cash Disbursement Schedule for Financial Year 2025/2026.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): The Chairperson Select Committee on Delegated Legislation, proceed.

ADOPTION OF REPORT OF THE COMMITTEE ON DELEGATED
LEGISLATION ON THE AFFORDABLE HOUSING REGULATIONS
(LEGAL NOTICE NO.114 OF 2025)

Sen. Gataya Mo Fire: Thank you, Mr. Speaker, Sir. I wish to give a notice of the following Motion-

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THAT the Senate adopts the report of the Select Committee on Delegated Legislation on its consideration of the Affordable Housing Regulations (Legal Notice No.114 of 2025), laid on the table of the Senate on Wednesday, 24th September, 2025 and that pursuant to Section 59(4) of the Affordable Housing Act, 2024, the Senate resolves to approve the Affordable Housing Regulations (Legal Notice No.114 of 2025).

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Is Sen. Veronica Maina not here?

That business is deferred.

MAINSTREAMING GENDER PERSPECTIVES IN LEGISLATIVE AND POLICY PROCESSES

THAT AWARE THAT, Article 27 of the Constitution of Kenya guarantees the right to equality and freedom from discrimination, with Article 27(3) providing that women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres;

FURTHER AWARE that Article 27(8) obligates the State to take legislative and other measures to redress any disadvantage suffered by individuals or groups as a result of past discrimination, and to ensure that not more than two-thirds of members of elective or appointive bodies shall be of the same gender;

COGNIZANT THAT mainstreaming gender perspectives in all aspects of governance is essential to achieving inclusive development and safeguarding the rights and welfare of all citizens, particularly women, girls and other marginalized groups;

CONCERNED THAT the integration of gender considerations remain inconsistent across the two levels of government and that legislative processes have often resulted to policies that do not adequately address gender-specific needs and realities;

NOW THEREFORE, the Senate-

1. urges Parliament, County Assemblies and their respective legislative committees to incorporate a gender analysis in the scrutiny of legislation, policies, programmes and budgets before them, including through the use of gender impact assessments and consultation with gender-focused stakeholders to ensure gender-responsive governance;

2. recommends that the National Gender and Equality Commission and the State Department for Gender develops clear guidelines and tools to support the integration of gender perspectives in legislative, policy and budgetary analysis, and ensures these are disseminated and adopted by relevant government and legislative bodies;

3. further urges the National Gender and Equality Commission and State Department for Gender to collaborate with the Kenya Law Reform Commission, and County Assembly Service Boards to build capacity for gender analysis among technical and legislative staff;

4. urges the State Department for Gender to submit to Parliament a comprehensive bi-annual report detailing actions taken by Ministries, Departments and Agencies to promote gender mainstreaming, key achievements, emerging challenges and proposed interventions; and

5. resolves that the Standing Committee on Labour and Social Welfare continuously monitor the implementation of these resolutions and tables biannual report on the status of implementation.

(Notice of Motion deferred)

The Speaker (Hon. Kingi): Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

Statements pursuant to Standing Order No.53(1), the Senator for Embu County, Hon. Alexander Mundigi, proceed.

CLOSURE OF HELB LOANS APPLICATION SYSTEM

Sen. Munyi Mundigi: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Education on a matter of national concern regarding the untimely closure of the Higher Education Loans Board (HELB) Loans Application System.

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

(1) The reason for the closure of the HELB Loans Application System at a time when many students had just acquired their national identification (ID) cards, thereby locking out a significant number of eligible applicants.

(2) Whether the Cabinet Secretary for Education could consider reopening the system for a further 14 days to avail to the students who were left out of the opportunity to apply for loans.

(3) Strengthen to ensure that such a critical system is continuous and outline measures that the Ministry intends to put in place to ensure predictability, accessibility and fairness to all students.

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

STEEP INCREASE IN FEES PAID TO TVET INSTITUTIONS

Sen. Sifuna: Thank you, Mr. Speaker, Sir. I have two Statements. With your kind permission, I request that I take both of them at once. The first one is on the increase in Technical and Vocational Education and Training Institutions (TVET) fees.

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Education on a matter of national concern regarding the steep increase in fees paid to TVET institutions.

While the Government has indicated a willingness to scale back on fees paid by university students, the opposite has occurred in TVET institutions.

On average, fees have sharply increased from Kshs67,000 per year to Kshs35,000 per module, translating to approximately Kshs105,000 every year. As a vital source of middle-level technicians and experts, TVET institutions play a critical role in the labour market. Pricing out students from these institutions risks severely undermining this important sector and by extension, the country's workforce development.

In the Statement, the Committee should address the following-

(1) The justification for the sharp increase in TVET fees at a time when economic pressures have necessitated a reduction in university fees.

(2) The reasons for the delays in disbursement of TVET High Education Loans Board loans in contrast to the timely release of loans to their university counterparts.

(3) The safeguards that the Ministry has put in place to protect needy students from the burden of the sudden increase in TVET fees.

CURRENT STATUS OF KARURA FOREST

Mr. Speaker, Sir, the second Statement is on the status of Karura Forest.

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources on a matter of national concern regarding the current status of Karura Forest.

Karura Forest is one of the few remaining urban forests in the country and the continent. It serves as one of the vital lungs of this great City, providing clean air while also playing a critical role as a recreational hub for residents and visitors alike. However, the protection of this invaluable resource has become a matter of urgent importance and concern as the forest currently faces threats from prospective developers, management disputes and individuals seeking to exploit its resources for personal gain.

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

(1) An updated map of Karura Forest indicating the exact area under vegetation and areas that have been cleared, detailing the circumstances under which such sections of the forest were cleared.

(2) Details of the income and expenditure relating to the joint account managed by the Kenya Forest Service (KFS) and the Friends of Karura Forest with a view to ascertaining the benefits accrued in management of the forest through this partnership.

(3) The sustainability of the Community Forest Association Model in forest management, including whether the agreement between KFS and the Friends of Karura Forest will continue to be honoured in the management of Karura Forest.

(4) The measures in place to safeguard the forest or any sections of it from encroachment or illegal acquisition by private developers.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Senator for Tharaka-Nithi County, Hon. Mwenda Gataya, proceed.

IMPROPER WASTE DISPOSAL PRACTICES IN THE COUNTRY

Sen. Gataya Mo Fire: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources on a matter of nationwide concern regarding the improper waste disposal practices in this country.

Improper waste disposal means major environmental and public health challenges across both the urban and rural areas. In many cases, waste is dumped in uncontrolled sites and open spaces. This practice poses significant health risk, environmental degradation and undermines the country's effort to achieve the Sustainable Developmental Goals (SDGs).

In this regard, the Committee should address the following-

(1) The budgetary allocation per county for the FY 2025/26 towards waste management, infrastructure and practice in both urban and rural areas.

(2) The mechanism in place to ensure effective enforcement of waste management as provided for in the Environmental Management and Coordination Waste Management Regulations, Legal Notice No.121 of 2006.

(3) Whether there are some existing or planned county programmes aimed at promoting public education and the police awareness on proper waste disposal.

(4) Look at the measures being taken to ensure that waste management infrastructure is adequate, efficient and accessible to all communities.

(5) Look at whether there are collaborations or partnerships with other stakeholders, including international agencies, the private sector and civil society organisations to support waste management initiatives.

CONSTRUCTION OF A STADIUM IN THARAKA-NITHI
CONSTITUENCY, THARAKA-NITHI COUNTY

Mr. Speaker, Sir, the second Statement is about the construction of a stadium in the Tharaka-Nithi County.

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Labour and Social Welfare on a matter of county-wide concern regarding the construction of a stadium in the Tharaka Constituency, Tharaka Nithi County.

Stadia are essential for community development as they nurture local talent, provide recreational and professional opportunities, boost economic activity and foster unity and a sense of pride.

In Tharaka-Nithi County, however, Tharaka Constituency remains without a stadium unlike Chuka-Igambang'ombe, which has Kirubia Stadium and Maara with Kairuni Stadium. Residents here must rely on school playgrounds for training and competitions. This has resulted in limited talent development, denying the community opportunities to host national regional events and constrain both social and economic growth.

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

(1) Look at whether there are plans to construct a stadium in Tharaka Constituency and, if so, the projected timeline for its completion.

(2) Provide the budgetary allocation and funding strategies, if any, that have been earmarked for construction of the proposed stadium and how this aligns with the Ministry's broader strategy for sports development and community infrastructure.

(3) The interim measures being undertaken to address sporting and recreational needs of the youth and the community in the Tharaka Constituency, whether there are plans to engage or collaborate with private sector partners in the construction and development of the proposed stadium.

Thank you, Mr. Speaker, Sir.

(Interruption of Statements)

COMMUNICATION FROM THE CHAIR

SUBSTANTIATION OF CLAIMS MADE BY SEN. (DR.) KHALWALE, MP

The Speaker (Hon. Kingi): Before I call the next Senator, allow me to make this Communication.

Hon. Senators, as you may recall, at the sitting of the Senate held on Tuesday, 5th August, 2025, the Temporary Speaker, Sen. Hillary Sigei, MP, communicated a Message from the National Assembly, on the passage, by the National Assembly, of the Equalization Fund Appropriation Bill (National Assembly Bills No.21 of 2025). Thereafter, the Temporary Speaker allowed hon. Senators to make comments on the Message.

While contributing to the Message, the Senator for Kakamega County, Sen. (Dr.) Boni Khalwale, MP, made comments in reference to the Speakers of the Houses of Parliament. Specifically, Sen. (Dr.) Khalwale, MP stated as follows-

“---Unless the Speaker of the Senate has either abdicated his responsibility, he is in connivance or he has decided to learn the bad manners of the Speaker of the National Assembly, who has reduced himself to an agent of the United Democratic Party (UDA), running around---”

This prompted the Senator for Bungoma County, Sen. Wafula Wakoli, MP, to rise on a point of order pursuant to Standing Order No.105 to require Sen. (Dr.) Boni Khalwale, MP, to substantiate the Statement pursuant to Standing Order 105(1).

Hon. Senators, Standing Order No. 105 (1) states as follows-

“A Senator shall be responsible for the accuracy of any facts that the Senator alleges to be true and may be required to substantiate any such facts instantly.”

Further, Standing Order No.105 (2) states as follows-

“If a Senator has sufficient reason to convince the Speaker that the Senator is unable to substantiate the allegations instantly, the Speaker shall require that such Senator substantiates the allegations not later than the next sitting day, failure to which the Senator shall be deemed to be disorderly within the meaning of Standing Order No.121, unless the Senator withdraws the allegations and gives a suitable apology.”

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At the sitting of the Senate held on Tuesday, 5th August, 2025, Sen. (Dr.) Boni Khalwale, MP, was not able to substantiate his statement as required under Standing Order No.105(1). The Senator consequently sought the indulgence of the Temporary Speaker for more time to provide the evidence at the next sitting day, in accordance with Standing Order No.105(2).

Having acceded to the request, the Temporary Speaker, Sen. Hillary Sigei, MP, directed that the Senator substantiates the allegation in the next sitting day.

Hon. Senators will recall that at the subsequent sitting held on Wednesday, 6th August, 2025, the Deputy Speaker invited Sen. (Dr.) Khalwale, MP, to table the evidence in support of his claim made on Tuesday, 5th August, 2025, pursuant to Standing Order No.105(2). Thereupon, Sen. (Dr.) Khalwale, MP, proceeded to table a flash disk drive containing three video clips, as evidence to substantiate his claim.

Following the tabling of the evidence by Sen. (Dr.) Khalwale, MP, the Deputy Speaker undertook to review the matter and give a ruling at a later date, as it was not possible to do so then.

Hon. Senators, ordinarily, the obligation on the Speaker in such matters is to review the evidence tabled, determine on admissibility, establish whether it verifies the claims made, and finally, to rule on whether, accordingly, the threshold under Standing Order No.105 has been met.

Hon. Senators, after going through the HANSARD of Tuesday, 5th August, 2025, two fundamental issues arise that require my determination in this instance. First, was Sen. (Dr.) Boni Khalwale's statement in order within the context of the debate at hand? Second, was the point of order by Sen. David Wafula, MP, for substantiation valid?

Hon. Senators, with respect to the first issue - whether the comments by Sen. (Dr.) Khalwale were in order - I draw your attention to Standing Order No.101, with particular reference to Standing Order No.101(4), which states-

“No Senator shall impute improper motive to any other Senator or to a Member of the National Assembly except upon a specific substantive Motion of which at least three days' notice has been given, calling in question the conduct of that Senator or Member of the Assembly.”

In jurisdictions similar to that of the Parliament of Kenya, “imputing improper motive” on a Member of Parliament refers to accusing a fellow Member of acting out of malice, influence from others, bribery or for personal gain or through corrupt practices. Such accusations require that a specific substantive Motion against such a Member be moved for the matters to be properly addressed.

Standing Order No.101(4) is a safe-mode measure that ensures that Members do not make baseless accusations against their colleagues and that serious allegations on the conduct of Members are properly addressed.

Hon. Senators, during his speech, Sen. (Dr.) Boni Khalwale, MP, made comments that imputed improper motive on the Speaker of the Senate and the Speaker of the National Assembly. This inference on the conduct of the Speakers cannot go unnoticed. Hon. Senators will note that on several occasions, I have ruled Senators to be out of order if their comments impute improper motive on their colleagues without a substantive Motion. If Sen. (Dr.) Khalwale, MP, wanted to discuss the conduct of the Speakers, he

ought to have filed a substantive Motion giving the requisite notice as required under our Standing Orders.

In this respect, I find the comments by Sen. (Dr.) Khalwale imputing improper motive on the conduct of the Speaker of the Senate and the Speaker of the National Assembly, to be out of order for offending Standing Order No.101.

Hon. Senators, the second issue that requires my determination is whether the point of order by Sen. David Wafula, MP, pursuant to Standing Order No.105, is valid in the context of the debate. Sen. (Dr.) Khalwale, MP was given an opportunity to table the evidence in support of his claims at the subsequent sitting on Wednesday, 6th August, 2025. However, as highlighted above, his comments ought to have been introduced through a substantive Motion.

Furthermore, in the context of the “debate” at hand, the Point of Order pursuant to Standing Order No.105 was a misapplication of the Standing Orders and the rules of debate. The appropriate Point of Order under the circumstances ought to have been made pursuant to Standing Order No.101, bringing to the attention of the Speaker that Standing Order No.101 (4) was being breached and to require Sen. (Dr.) Khalwale to file a substantive Motion, should the Senator wish to bring to question the conduct of the Speakers of the Houses of Parliament.

In the circumstances, I find that the Point of Order by Sen. David Wafula, MP, calling for substantiation of facts from Sen. (Dr.) Khalwale, MP, to be null and void. Consequently, while the evidence tabled by Sen. (Dr.) Khalwale was entered into the record of the Senate, I find it inadmissible. Going into the particulars of the evidence without a substantive Motion would be a breach of the Standing Orders. In this respect, I direct that the Office of the Clerk of the Senate returns the material to the Senator.

Hon. Senators, as your Speaker, I am duty bound to impartially enforce the Standing Orders. I wish to reiterate that any Senator wishing to raise a point of order must observe the requirements of Standing Order No.98. To do so effectively, it is incumbent upon all hon. Senators to familiarise themselves with the provisions of the Standing Orders, to avoid misapplication or raising inappropriate points of order.

Finally, given the totality of the circumstances that necessitated this Communication, I rule that the comments by Sen. (Dr.) Boni Khalwale, MP, imputing improper motive on the conduct of the Speaker of the Senate and the Speaker of the National Assembly, to be out of order. I, therefore, direct that the offending comments by the said Senator be expunged from the record forthwith. It is so guided.

Thank you.

(Sen. Nyamu walked into the Chamber)

Sen. Enock, what is your point of order?

Sen. Wambua: Mr. Speaker, Sir, have you seen Sen. Karen Nyamu and the way she is dressed today, walking into the House with one side of the jacket worn and the rest hanging loose? We can forgive; there is no problem. However, Mr. Speaker, Sir, you must enforce rules in this House.

Next time I will walk in with my jacket hanging on my shoulder and demand that you take precedent of what has happened.

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The Speaker (Hon. Kingi): Sen. Karen Nyamu, you are out of order for violating the Speaker's Rules. You cannot walk into the Chamber---

(Sen. Cherarkey consulted loudly)

Order, Senator for Nandi. I am the one delivering the ruling. In fact, you are guilty as charged. You were the one holding her hands while walking in the Chamber.

(Laughter)

Sen. Karen Nyamu, I will give you a warning for today. If you repeat the same thing, I will have to ask you to leave the Chamber. Let us observe the Speaker's Rules.

Yes, Senator for Nairobi City County?

Sen. Sifuna: Mr. Speaker, Sir, I want to make a polite request that as Members of this House, we might need some guidance on admissibility of evidence. I believe this is the second time that a Member has attempted to substantiate, but the Speaker has found that the material was not admissible. I have fallen victim to that same rule.

Going forward, so that we do not get into this back and forth about admissibility, I know some of us were students of evidence. Unfortunately, my teacher for the law of evidence was shot in cold blood here in Nairobi. The late Kyalo Mbobu taught me the law of evidence. So, just for the benefit of some of us, if I am confused yet a lawyer, I am sure farmers like Hon. Wakwabubi might be struggling just as much as I am.

(Laughter)

Thank you.

The Speaker (Hon. Kingi): Order, Senator for Nairobi City County. If you do not understand and do not appreciate the Standing Orders, the hon. Senator that you have just referred to has a firm grip of the Standing Orders. Her knowledge on the Standing Orders is unparalleled, I can confirm. However, hon. Senator for Nairobi City County, I have distinguished two things in this ruling; that this matter ought not have gone to the extent of even demanding Sen. Boni Khalwale to table or substantiate.

The point of order that ought to have been raised is the fact that he ought to have brought a substantive Motion. Since he never brought a substantive Motion, then to that extent, he was out of order and the matter ought to have rested there.

Proceed, Sen. Hezena.

(Resumption of Statements)

ELECTRIFICATION OF SERE OLIPI IN
SAMBURU EAST CONSTITUENCY

Sen. Lemaletian: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Energy on a matter of

countywide concern regarding the electrification of Sere Olipi in Samburu East Constituency, Samburu County.

Mr. Speaker, Sir, the residents of Sere Olipi have raised concerns and made public appeals regarding the lack of electricity connection in their area. While electrification has already reached Lerata, the neighboring community of Sere Olipi remains unconnected, leaving schools, health facilities, businesses and households at a significant disadvantage.

In the Statement, the Committee should address the following-

(1) The reasons why Sere Olipi has not been connected to the electric power grid despite electrification reaching Lerata.

(2) The specific timelines within which the Ministry of Energy and the Rural Electrification and Renewable Energy Corporation (REREC) plan to extend electricity connection to Sere Olipi.

(3) The measures being undertaken to ensure equitable access to electricity across the marginalised areas in Samburu East Constituency and Samburu County in general.

The Speaker (Hon. Kingi): The Senator for Kisumu County, Hon. (Prof.) Tom Ojienda.

Sen. (Prof.) Tom Odhiambo Ojienda, SC: Thank you, Mr. Speaker, Sir. I rise to seek three Statements.

STATUS OF FIRE DISASTER PREPAREDNESS AND RESPONSE IN INFORMAL SETTLEMENTS IN KISUMU COUNTY

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Security, Defense and Foreign Relations on a matter of county-wide concern regarding the status of fire disaster preparedness and response mechanism in informal settlements in Kisumu County.

Mr. Speaker, Sir, recent fire outbreaks in informal settlements across Kisumu County have caused tragic loss of life, destruction of property and displacement of families. These settlements, which are densely populated and characterised by unregulated housing, narrow access routes and informal electricity connections, remain highly vulnerable to fire disasters. The recurring nature of these has caused the urgent need for strengthened preparedness, prevention and response mechanism.

In the Statement, the Committee should address the following-

(1) The number of fire incidents reported in informal settlements in Kisumu County from 2022 to date and the emergency response measures that are taken in each case.

(2) The County Government's existing fire preparedness and response framework for informal settlements, including the number of functional fire engines, staffing levels and availability of fire hydrants.

(3) Whether the County Government of Kisumu has identified and mapped high-risk fire zones and the fire prevention and sterilization programmes or zoning enforcement measures, if any, are in place.

(4) Whether the County Government has engaged in partnership with the national Government, humanitarian actors or the private sector to strengthen fire disaster response capacity.

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(5) The status of integrating informal settlements into broader urban planning, safety and disaster management strategies for the county in line with the requirements of the Urban Areas and Cities Act.

GROUNDED MOTOR VEHICLES AND MACHINERIES IN
KISUMU COUNTY GOVERNMENT PARKING YARDS

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Finance and Budget on a matter of county-wide concern regarding the considerable number of defective and unserviceable motor vehicles and machinery left grounded in parking yards for extended periods of time by the County Government of Kisumu.

Mr. Speaker, Sir, a review of the Kisumu County Executive Fleet shows that numerous defective and unserviceable vehicles and machinery have remained grounded in parking yards for long periods without disposal, contrary to the Public Procurement and Asset Disposal Act, 2015 and its regulations. The County Government has also failed to establish a disposal committee or prepare an annual disposal plan for unserviceable surplus obsolete assets.

In the Statement, the Committee should address the following-

(1) The reasons why defective and unserviceable motor vehicles and machinery have remained grounded in the county executive's parking yards for prolonged periods without being disposed of in accordance with the Public Procurement and Disposal Act, 2015.

(2) The measure that the County Government of Kisumu has taken to establish a disposal committee as prescribed under the Public Procurement and Asset Disposal Act, 2015.

(3) The reason for the County Government's failure to prepare an annual disposal plan for unserviceable, obsolete or surplus vehicles and machinery as required by Regulation 176(i) of the Public Procurement and Asset Disposal Regulations, 2020.

(4) The timeline for the disposal of the grounded vehicles and machinery and the measures to be put in place to prevent a recurrence of such inefficiencies in the future.

QUALITY AND SAFETY OF ANIMAL FEEDS
SOLD IN KISUMU COUNTY

Sen. (Prof.) Tom Ojienda, SC: My last Statement, Mr. Speaker, Sir, is on the quality and safety of animal feeds sold in Kisumu County. This is the last one.

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries on a matter of countywide concern regarding the quality and safety of animal feeds sold in Kisumu County.

Livestock mortality and reduced productivity have become a significant problem in Kisumu County that has been attributed to the use of counterfeit, contaminated and substandard feeds. This threatens the livelihood of farmers and the food security of the county.

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In the Statement, the Committee should address the following-

(1) The number of licensed animal feed distributors and agrovet outlets operating in Kisumu County and the specific dates and findings of routine inspections conducted in financial years 2023 to 2025.

(2) Whether the County Government has any laboratory testing capacity or partnership with a national agency such as KALRO or the Veterinary Services Directorate to detect and monitor feed quality, including the presence of contaminants like aflatoxin within the local market.

(3) The specific actions taken by County Government, the Kenya Bureau of Standards (KEBS) or Veterinary Directorate against suppliers found selling counterfeit, contaminated or substandard feeds within Kisumu County, including the number of prosecutions and licenses revoked.

(4) The measures put in place to sensitize livestock farmers in the identification of risks and associated with unsafe and regulated feeds, and the mechanisms through which farmers can report suspected cases.

(5) The actions being taken, including regulatory, administrative or legislative interventions within Kisumu County, to implement and ensure full protection of farmers and livestock-dependent households against ongoing threat of feed-related contamination and financial loss.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Can we hear from the Senator from Busia County, Sen. Okiya Omtatah?

Sen. Okiya Omtatah: Thank you, Mr. Speaker, Sir. I have four Statements. I request to read all of them together.

PLIGHT OF CONTRACTUAL TEACHERS SERVING IN NORTH EASTERN KENYA

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Education on a matter of nationwide concern regarding the plight of young contractual teachers serving in North Eastern Kenya and the challenges they face in their quest for absorption into Permanent and Pensionable (PnP) employment under the Teacher Service Commission (TSC).

Mr. Speaker, Sir, young contractual teachers deployed in North Eastern Kenya, despite sustaining education in this hardship region, continue to face grave injustices, including a lack of formal contracts, job insecurity, unequal pay, poor working conditions, delayed salaries and career stagnation. Many who have served diligently for years without appointment letters, are excluded from allowances and trainings, work under insecure conditions without adequate support and suffer mental and emotional strain.

The TSC has failed to formally recognise their existence, despite records confirming there are more than 300 contractual teachers deployed in the North Eastern and Coast regions. These practices breach the Employment Act, the Teacher Service Commission Act and the Constitution of Kenya, thereby undermining their right to fair

labour practices, equality and dignity, as provided for under Articles 27 and 41 of the Constitution.

In the Statement, the Committee should address the following-

(1) The reasons behind failure by the TSC to issue written contracts to contractual teachers as required under the Employment Act, 2007.

(2) The measures in place by the TSC to guarantee equality in pay, allowances, training opportunities and career progression between contractual and permanent teachers performing similar work.

(3) The steps taken by the Ministry of Education to ensure that contractual teachers deployed in hardship areas are provided with adequate security, logistical support and psychosocial services.

(4) Timelines within which the TSC intends to develop and implement a clear, transparent and consistent policy for absorbing contractual teachers into permanent and pensionable terms of service.

(5) The accountability measures to be taken against the TSC leadership for denying the existence of contractual teachers despite the existence of evidence of their deployment.

PLIGHT OF STAFF ENGAGED THROUGH THE GLOBAL FUND TO SUPPORT TUBERCULOSIS PROGRAMME

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Health, on a matter of nationwide concern regarding the plight of the staff under the Ministry of Health who were engaged through the Global Fund to support the Tuberculosis programme.

Mr. Speaker, Sir, in 2009, the Ministry of Health, with support from the Global Fund, engaged Human Resource for Health (HRH) officers, mainly medical laboratory technologists and clinical officers, on annual contracts to strengthen Kenya's tuberculosis response, with a clear commitment that they would be absorbed into permanent and pensionable terms once donor support ended.

However, despite repeated reminders, written commitments and directives from the Public Service Commission, the Ministry of Health has failed to honor this promise, leaving officers who have served diligently for more than 15 years unpaid for more than 13 months and excluded from the Government payroll, even as their national Government colleagues have been regularized. This neglect not only amounts to a grave injustice against dedicated health professionals, but also threatens the continuity of essential TB services that are a matter of urgent public health concern.

In the Statement, the Committee should address the following-

(1) The concrete measures the Ministry of Health has undertaken to honour its commitment to absorb the Global Fund-supported TB programme staff into permanent and pensionable terms of service as per the Public Service Commission directives.

(2) The reasons the Ministry of Health failed to implement its own directives of 2nd July, 2025, requiring the inclusion of these officers on the Government payroll.

(3) Outline the steps being taken by the Ministry to settle the accrued salary arrears owed to the affected officers, some of whom have gone without pay for more than 13 months.

(4) The budgetary provisions within the Ministry of Health and the National Treasury that guarantee the continued employment and remuneration of these officers from 1st July, 2025 onwards.

(5) The Government's overall policy and long-term framework for absorbing donor-supported health workers, not only in the TB programme, but also in HIV, malaria and other critical health initiatives to ensure sustainability, equity and accountability in the health sector.

CLAIMS OF CORRUPTION, ABUSE OF OFFICE AND ENDANGERMENT
OF PUBLIC SAFETY AT MBAGATHI COUNTY REFERRAL HOSPITAL

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53 (1) to seek a Statement from the Standing Committee on Health regarding claims of corruption, abuse of office and endangerment of public safety at the Mbagathi County Referral Hospital.

Mr. Speaker, Sir, the Mbagathi County Referral Hospital established in 1956 and being regarded as a lifeline for the poor and vulnerable in Nairobi and beyond is today plagued by gross mismanagement and systemic rot that has gravely compromised patient care and staff safety. Allegations include the abuse of the medical bill waiver facility where facilitation fees are extorted from indigenous patients, intimidation and threats against staff and whistle-blowers, some of whom have died under mysterious circumstances and the illegal collection of parking fees whose revenues are reportedly diverted for personal gain.

These malpractices not only exploit vulnerable patients and instil fear among staff, but also amount to the misappropriation of public resources in violation of the Constitution, the Public Finance Management Act and the Leadership and Integrity Act.

In the Statement, the Committee should address the following-

(1) Alleged abuse of the medical bill waiver facility at the Mbagathi County Referral Hospital, including the involvement of the hospital staff management in the said malpractice.

(2) The veracity of allegations of threats and intimidation against staff and patients and their families and indicate the measures in place to guarantee the safety and protection of whistle-blowers.

(3) An audit of collection of parking fees at the said hospital determining whether due process was followed in the introduction of the charges and clarify how the funds collected are utilised.

(4) The mechanisms the Ministry of Health has put in place to monitor and ensure the proper administration of the medical bill waiver facility in public hospitals across the country.

(5) Whether the Ministry conducts regular audits and inspections of public hospitals specifying when the Mbagathi County Referral Hospital was last audited and inspected.

PLIGHT OF NURSING INTERNS WHOSE INTERNSHIP
PLACEMENTS WERE UNLAWFULLY REVOKED

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Health on a matter of nationwide concern regarding the plight of 306 nursing officer interns whose internship placements were unlawfully revoked by the Ministry.

On 30th June, 2025, the Cabinet Secretary for Health, Hon. Aden Duale, posted over 6,000 medical interns, including 2,098 nurses who reported to their stations. A month later, he abruptly revoked the placement of 306 interns citing failure to attend graduation ceremonies, which is a new discriminatory requirement that contradicts established practices where university completion letters suffice.

Internship is a statutory requirement and the 306 interns had already been verified by their universities, the Nursing Council of Kenya and the Ministry of Health, yet their placements were cancelled without prior notice, explanation or hearing thereby raising concerns of non-compliance with constitutional provisions on fair administrative action as provided in Articles 47 and 232 as well as the Fair Administrative Action Act, 2015 and the right to education. The decision has rendered them jobless, denied them the opportunity to obtain practising licences and further strained hospitals already facing staff shortages.

In the Statement, the Committee should address the following-

(1) The legal or policy framework that informed the revocation of internship placements for the 306 nursing officer interns and the basis for introducing graduation attendance as a new eligibility requirement.

(2) Whether the Ministry of Health consulted the Nursing Council of Kenya (NCK), universities or other stakeholders before making the decision and indicate the legal requirement for internship under the Nursing Council of Kenya Act.

(3) Whether the said interns had successfully completed their degree requirements and were issued with Senate-approved compliance letters as well as the support being provided by universities to their graduates affected by the revocation.

(4) Measures being taken to reinstate the affected interns to protect their constitutional rights and whether the Ministry of Health will compensate them for the professional harm suffered due to the revocation.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Statements pursuant to Standing Order No.56 (1)(b). The Chairperson of the Standing Committee on Energy, please, proceed.

ACTIVITIES OF THE COMMITTEE ON ENERGY
FOR THE PERIOD, MAY TO AUGUST, 2025

Sen. (Dr.) Oburu: Mr. Speaker, Sir, I rise pursuant to Standing Order No.56(1)(b) to make a Statement on the activities of the Standing Committee on Energy for the Third Quarter of the Fourth Session covering the period commencing 1st May to 31st August, 2025.

Mr. Speaker, Sir, during the period under review, the Committee held a total of 23 sittings. Attached to this Statement is a schedule of the legislative business considered by the Committee.

During the period under review, the Committee considered and concluded five Statements. Seven Statements are pending consideration by the Committee. Responses on the pending Statements have been forwarded to the relevant Senators and are awaiting consideration by the Committee.

The Committee has initiated a Bill; The Energy (Amendment) Bill (Senate Bills No.11 of 2023) to amend the Energy Act, 2019 to delete Section 223, which prohibits public entities, including county governments, from imposing levies on public energy infrastructure without approval by the Cabinet Secretary.

The Committee has initiated an inquiry into the oil spill at Thange Ward following reports of increased cases of diabetes, liver and kidney diseases among residents. It resolved to form a multiagency task force to investigate and report within 30 days. The Committee also directed the Cabinet Secretary for Health, to issue a statutory notice to KPC under Section 118 of the Public Health Act requiring compliance with Health Regulations and addressing non-compliance, including withholding financial resources.

On an inquiry regarding the handing over of a mass cooking gas handling facility to Asharami Energy, the Committee is reviewing the Ministry of Energy and Petroleum legal compliance and seeks clarification on specific legal provisions used. It will meet with the National Treasury to confirm if all Public-Private Partnership (PPP) requirements were met.

Mr. Speaker, Sir, during a county visit to Mombasa, the Committee engaged with the Kenya Maritime Authority (KMA) on maritime oil pollution risks from tanker ships inspecting oil routes and the port. The Committee noted that there are 500 tanker trips annually transporting 500 million tonnes of oil. The Committee urged stronger environmental management, enforcement and coordination to prevent and respond to pollution.

The Committee conducted a county visit to Kisumu, met energy stakeholders and toured oil and power facilities. The findings were that there was 68 per cent electricity connectivity with gaps in informal settlements and underfunded Last Mile Project. High street lighting cost and slow solar conversions due to budget limits were noted along with delays in devolving petroleum station licensing and security concerns on Nkurumah Road near KPC depot.

The Committee held a meeting with the Cabinet Secretary for Energy and Petroleum, to address critical energy policy and project challenges raised by counties and the private sector. Key issues included street lighting arrears, delayed energy subsidies, PPP risks, nuclear energy feasibility and flagship projects like South Lokichar Development Project. The Committee also discussed concerns over KPC partial privatisation and potential Rubis acquisition of the National Oil Corporation of Kenya (NOCK).

Mr. Speaker, Sir, in the previous session, the Committee concluded an inquiry into the supply and delivery of smart meters. That inquiry sought to promote local production of smart meters, amend the duration of framework agreements and ensure

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smart meters are integrated into the electricity installations. These measures aim to reduce electricity cost, decrease Kenya Power's monopoly and improve efficiency in the sector. The Committee adopted its report on 26th March, 2025.

The Committee visited Wajir to assess the local energy challenges and found it disconnected from the national grid thus relying on local power generation. This has increased energy insecurity and hindered economic growth. The Committee recommends to the Ministry of Energy and Petroleum to prioritise off-grid marginalised counties like Wajir in future power transmission projects to ensure equitable electricity access.

Mr. Speaker, Sir, in the coming quarter, the Committee will conclude on its inquiries into the 2015 KPC oil spill into River Thange and the transfer of gas mass handling facility to Asharami Energy under a 31-year lease agreement. The Committee will meet the Ministry of Energy and Petroleum to review plans for distributing Liquefied Petroleum Gas (LPG) cylinders and accessories to 9.6 million low-income households and public facilities, noting missed targets in 2023/2024, especially in informal settlements and public schools.

The Committee is planning a county visit to Siaya to assess the proposed nuclear energy plant site, part of Kenya's pursuit of nuclear power as a suitable long-term energy source following earlier feasibility studies in Kilifi.

Mr. Speaker, Sir, I wish to thank your office for the support accorded to the Committee in undertaking its work. I also wish to acknowledge the secretariat's support that the Committee has received from the office of the Clerk.

Lastly, I wish to commend Members of the Committee for their commitment, diligence and dedication to work and mandate of the Committee.

I thank you.

The Speaker (Hon. Kingi): Next is the Statement by the Chairperson of the Standing Committee on Finance and Budget. We have the Senator for Mombasa.

ACTIVITIES OF THE COMMITTEE ON FINANCE AND BUDGET

Sen. Faki: I am standing in for my Chair, Sen. Roba, who has a problem with his vocals.

Mr. Speaker, Sir, I rise pursuant to Standing Order No.56(1)(b) to make a Statement relating to the activities of the Standing Committee on Finance and Budget for the First Quarter of the Fourth Session, covering the period from April to August, 2025.

During the period under review, the Committee held 30 sittings, during which it concluded 31 Statements, considered five key Bills; four of which allocate funds to counties to ensure efficient service delivery by devolved units, and tabled six reports. Attached to the Statement is a schedule of the legislative business considered by the Committee and their status.

During the period under review, the Committee processed and tabled reports on the Division of Revenue Bill (National Assembly Bills No.10 of 2025), the County Allocation of Revenue Bill (Senate Bill No.9 of 2025), the Equalisation Fund Appropriation Bill (Senate Bills No.7 of 2025), the County Governments Additional

Allocations (No.2) Bill (Senate Bills No.8 of 2025) and the County Wards (Equitable Development) Bill (Senate Bills No.20 of 2024).

Further, the Committee held joint sittings with the National Assembly Departmental Committee on Finance and National Planning to undertake the approval hearing of Mr. Pius Angasa for appointment as a member of the Board of Central Bank of Kenya (CBK), which report was approved by this House.

The Committee held a meeting with the Cabinet Secretary, National Treasury and Economic Planning. During this meeting, matters on public debt were discussed, including total public debt, external debt, domestic debt and sustainable strategies put in place to reduce the high cost of living in the country. The Cabinet Secretary submitted that as at 30th June 2025, the stock of public debt was Kshs11.81 trillion, translating to 67 per cent of the GDP. That the public debt comprises Kshs6.33 trillion domestic debt and Kshs5.49 trillion external debt.

The external debt comprises Kshs3.05 trillion multilateral debt, Kshs1.11 trillion bilateral debt. China accounts for Kshs0.0653 trillion, that is 59 per cent of the bilateral debt and Kshs1.32 trillion commercial debt. Domestic debt comprises Ksh5.11 trillion treasury bonds, that is 80 per cent and Kshs1.04 trillion treasury bills and Kshs0.18 trillion overdraft from the Central Bank, IMF funds lent to Government, business and bank advances.

Mr. Speaker, Sir, the Committee sought public views on legislative business, including the Bills and the appointment of a nominee to the Central Bank of Kenya Board of Directors, through advertisement in two national newspapers and other social media platforms.

In processing the statements, the Committee followed the newly agreed-upon mechanism of presenting the Senators with responses as soon as they are received from the relevant stakeholders. The Senator is required to indicate any issues that require clarification within 14 days; otherwise, the statement is deemed concluded. A list of statements processed by the Committee is annexed to this statement.

During the period under review, the Committee undertook two county visits to Kitui County to deliberate on the status of pending bills in Kitui County and to deliberate on the status of pending bills in Kisii County, the alleged alteration of the county executive budget by Kisii County Government and the financial management in Kisii County government.

During the review of Bills, the Committee noted significant duplication and repetition in several Bills, such as-

(a) The County Government Additional Allocation Bill, (National Assembly Bills No.2 of 2025), with similar provisions as the County Governments Additional Allocation (No.2) Bill (Senate Bill No.8 of 2025).

(b) The County Governments Revenue Raising Process Bill (National Assembly Bills No.11 of 2023 which is similar to the County Governments Revenue Raising Process Bills (Senate Bill No.22 of 2023). This was a Bill, I think, by the Senate Majority Leader.

(c) The Equalisation Fund Appropriation Bill, 2025 (National Assembly Bill No.21 of 2025), is similar to the Equalisation Fund Appropriation Bill, 2025, (Senate Bill No.7 of 2025).

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(d) The Public Finance Management Amendment (No.3) Bill (National Assembly Bill No.44 of 2024), and a Bill with similar provisions contained in the Public Finance Management (Amendment) Bill (Senate Bills No.40 of 2023). This was a Bill by Sen. Hamida Kibwana, which has since stalled.

(e) The Public Finance Management (Amendment) (No.2) Bill (National Assembly Bills No.26 of 2024), which has similar provisions as contained in the Public Finance (Amendment) Bill, 2024 (Senate Bills No.27 of 2024).

The Committee held a meeting with the Senate Majority Leader and it was recommended that all amendments to the PFM Act be consolidated into one Bill. The Committee will submit a report on the PFM amendment Bills, recommending consolidation of the Bills. The Committee recommends that the leadership of the Senate and the National Assembly consider establishing a well-coordinated process between the two Houses of Parliament to avoid duplication of Bills.

Mr. Speaker, Sir, in the fourth quarter of this session, the Committee is scheduled to process the County Governments Equitable Share Cash Disbursement Schedule for the FY2025/2026, a notice of which was given yesterday. The Public Finance Management Bill, Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bills No.48 of 2024), the Public Audit (Amendment) Bill (National Assembly Bills No.4 of 2024) and the Kenya National Council of Population and Development Bill (National Assembly Bills No.72 of 2023).

The Committee will also consider reports of the Controller of Budget on the implementation of the Government's budget, meet with the various county executives to consider issues relating to pending bills in county governments and finalise the consideration of the Senate resolution on the level of the public debt in Kenya.

I want to take this opportunity to thank the office of the Speaker and the office of the Clerk for the support they have given the Committee. I also thank the Committee members for their dedication in enabling this committee undertake its work.

Mr. Speaker, Sir, I thank you.

The Speaker (Hon. Kingi): Thank you.

The Chairperson of the Standing Committee on Health, you may proceed.

ACTIVITIES OF THE COMMITTEE ON HEALTH FOR THE PERIOD APRIL TO JULY, 2025

Sen. Mandago: Thank you very much, Mr. Speaker. I rise, pursuant to Standing Order No.56(1)(b) to make a statement relating to the activities of the Standing Committee on Health for the second quarter of the fourth session covering the period between April and July, 2025.

During the period under review, the Committee held 29 sittings, during which it considered three Bills, two Petitions and 28 Statements. It held six county visits and followed up on the implementation status of one of the Senate resolutions.

In the reporting period, the Committee considered stakeholder submissions for three Bills and conducted considerations of two of the Bills and tabled its report. During the same period, the Committee considered two public petitions whose considerations are ongoing.

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The Committee also sought reports on the issues raised in statements and received 33 responses, which were submitted to the Senators who had sought the statements. In instances where responses were found to be insufficient, the Committee sought supplementary information from the concerned stakeholders.

Further pursuant to the provision of Standing Order No.228(4) of the Senate Standing Orders, the Committee sought a report from different stakeholders on the implementation status of the report on the petition on the management and use of Kenyatta University Teaching, Research and Referral Hospital (KUTRRH) by the medical students of Kenyatta University.

In the reporting period, the Committee undertook six county visits, which were aimed at ascertaining information received within the precincts of Parliament. The specific objectives of the engagements are-

(1) To visit select healthcare facilities to assess the state of the quality of infrastructure, facilities, hospital equipment and provision of emergency services.

(2) The availability of requisite healthcare personnel and the challenges these counties face regarding healthcare workers.

(3) The availability of drugs and medical supplies in healthcare facilities in the counties.

(4) Obtain information on all Social Health Authority (SHA) reimbursements, facility accreditations and pending bills in the Kenya Medical Supplies Agency (KEMSA).

The oversight visits revealed systemic deficiencies across key areas of default healthcare delivery, starting with chronic staff shortages of qualified personnel and specialists, which resulted in overworking, low morale due to poor contractual terms and delayed stipends and unauthorized use of unqualified staff.

The Committee observed that the infrastructure across healthcare facilities in the counties is often dilapidated, leading to overcrowding and sharing of beds, particularly in maternity wards. This is compounded by sanitation and hygiene deficiencies in crucial areas like maternity and the newborn units and female wards.

The Committee further observed that the healthcare service delivery is hampered by non-functional specialised medical equipment, including intensive care units, CT scans and dialysis machines, due to lack of electricity connectivity, reagents, maintenance support, post-contract expiry or lack of trained operators alongside widespread shortages of essential drugs and supplies.

These deficiencies are exacerbated by the tax management controls reflected in the rampant discrepancies between the manual records and the physical stock, the improper storage and dumping of expired drugs in unsafe locations, stalled capital development projects, including mortuaries and reliance on manual paper-paste inventory and patient systems that hinder efficiency and accountability.

Mr. Speaker, Sir, the main recommendations arising from the oversight visits are broadly focused on governance, finance, human resources, infrastructure, equipment and supply chain management, arguing for expeditious and immediate actions from both levels of Government.

During the current quarter, the Committee will undertake an inquiry on the status of implementation of the Universal Health Coverage (UHC) in the country. In this regard,

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the Committee will seek reports on the implementation of UHC policies and the challenges, if any, facing the implementation of the said policies.

Mr. Speaker, Sir, I wish to thank your Office and the Office of the Clerk of the Senate for the continued support accorded to the Committee in executing its mandate.

I also wish to thank Members of my Committee for their diligence and contributions during these Committee visits.

I thank you.

The Speaker (Hon. Kingi): Now, Hon. Senators, we will take comments for not more than 15 minutes. Each Senator is speaking for a maximum of three minutes.

Sen. Osotsi, you have the Floor.

Sen. Osotsi: Thank you, Mr. Speaker, Sir. Let me support all the Statements that have been raised by Members. However, I will pick only two. The first one is the Statement by Sen. Edwin Sifuna on the high fees being charged in our Vocational Training Centres (VTC).

Vocational Training Centres are very critical institutions in this country. It is one way of managing the youth problem in this country. Those who cannot progress to higher levels of education are able to join these village institutions and learn one or two skills so that they can be useful members of the society. However, we are seeing a trend that these centres are now collapsing in many counties because of funding issues.

A few years back, we had an arrangement where the national Government was supporting the VTC through capitation, but they stopped that and left it to county governments. Most county governments are unable to fund this important institution. It is sad that most of these institutions are being run down. Some have even closed.

Raising the fees is even going to make the situation worse because most of the students who go to these institutions are not able to pay that money. In fact, fees payment is one of the problems in these institutions. By charging higher fees, you are simply closing these institutions.

The second Statement is by the Chairperson of the Standing Committee on Health, Sen. Mandago. One of the good things I have seen the Committee of Health has done is to make oversight visits to referral hospitals across the country. I remember one year ago, Sen. Mandago led his team to my county. They unearthed several issues and made a report which was adopted by this House. They made very good recommendations.

I ask that Committee to follow up on its recommendations to see that they are implemented. Since you left, Sen. Mandago, the hospital has reverted back to the bad manners that were there before you came. Your Committee should have an implementation follow-up plan so that these hospitals are able to implement those good recommendations.

Mr. Speaker, Sir, for those few remarks, I support the Statements by Members.

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

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

The Temporary Speaker (Sen. Mumma): Proceed, Sen. Mungatana.

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Sen. Mungatana, MGH: Thank you, Madam Temporary Speaker, for giving me the opportunity to comment on the Statement that was referred to the Standing Committee on Lands, Environment and Natural Resources. As the Committee looks at the issues raised in that Statement, they must also look at what is happening in Tana River County.

The capital of that county, Hola, generates about 1,000 tonnes of garbage every day, according to the statistics. However, there is no dumping site within the county headquarters. On your way to Kone, there is an open field where a lot of the waste is thrown. There are no vehicles that officially take the waste there.

What is happening is that people give freelance garbage collectors to pick garbage from their houses. You give them Kshs20 or 50, depending on the amount of garbage to put on a *mkokoteni* and take to that dumping site. The county does not bother to even burn that waste. They can stay even for a whole three months without setting fire to that place. Remember, it is within town.

Madam Temporary Speaker, I ask the Standing Committee on Lands, Environment and Natural Resources to look at what is happening in Tana River County. When it rains, that place becomes horrible. Traders are suffering. They are paying revenues to the counties, but there is no service.

The county government has developed the County Integrated Development Plan (CIDP) and laws, but nothing is being effected on the ground. Can you imagine, with a budget on the Climate and Environment Department going as high as Kshs340 million, there is nothing on the ground. Not to mention all the other smaller towns and sub-counties. There is no dumping site, no proper disposal of waste nor plan. They just talk. The Governor in that county has totally neglected the right to clean and healthy environment for our people.

Madam Temporary Speaker, I am urging the Committee to also---

The Temporary Speaker (Sen. Mumma): Sen. Wambua.

Sen. Wambua: Thank you, Madam Temporary Speaker. I rise to comment on the Statement made by Sen. (Prof.) Tom Ojienda of Kisumu County on the lack of a proper mechanism for the disposal of broken-down motor vehicles and other movable assets in Kisumu County.

I congratulate him for bringing this Statement. Perhaps, the Senator may need to do a Motion so that this Senate can pass a resolution on how to deal with broken down and grounded vehicles that are found in every parking yard of every county government headquarters and county offices. In fact, the matter has become so serious that in some counties, you will find more grounded vehicles than the ones that are serviceable.

It gets worse that even the vehicles that are grounded and in parking yards that have now become the breeding grounds for mosquitoes and other rodents are being insured by county governments. You will find that a motor vehicle has broken down for two or three years, it is in the parking yard, but the county governments are still taking insurance covers for those vehicles. Others are even fueling those vehicles while they are in the parking yards, having broken down two or three years ago.

Madam Temporary Speaker, a Motion would be important to deal with these matters. I say this because in most cases, what happens is that you find a motor vehicle has just a battery that has gone flat or a tyre that has burst but it is parked in the parking

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yard, waiting for money to be availed to buy a battery or replace a tyre. One year down the line, that vehicle is still there. Two years down the line, it is still there. Then it is vandalised. It becomes a breeding ground for rodents but the county government still continues to take insurance covers and fuel for those vehicles.

This Senate must address itself to that matter and pass a resolution on how to deal with these broken-down vehicles and other movable assets in the county government.

Madam Temporary Speaker, I support.

The Temporary Speaker (Sen. Mumma): Sen. Cherarkey.

Sen. Cherarkey: Thank you, Madam Temporary Speaker. Mine is on the issue of global fund staff. I make an appeal for the Global Fund staff and Universal Health Coverage (UHC) staff. There was a directive by the President that all UHC staff, including Global Fund staff that is approaching almost 10,000, must be placed on permanent and pensionable terms. Most of them have stayed under contract for the last 15 years, others since the 2020 COVID era. It is important that the Ministry of Health and the Council of Governors come together and transit all UHC staff and Global Fund staff into permanent and pensionable. I am aware that in September, the SRC rates were applied. Therefore, it is important that they must be transited into permanent and pensionable terms, so that they can plan their lives and continue to serve our people the way they have done.

Finally, on the issue of motor vehicles, I agree that when you walk around our counties and even both national Government and county governments, there are so many junkyards. In fact, in my county, my governor has become very innovative by leaving the broken-down vehicles and going for car hire at Kshs42 million, yet when you go to the car yard in Kapsabet, it is only a broken bolt, a tyre burst or a battery gone flat. So, he has decided to leave these vehicles, which could be fixed and instead go for car hire at Kshs42 million. This was reflected in the Report of the Auditor General for 2023/2024.

On the matter of hospitals, I have seen the Mbagathi Referral Hospital issue that has been brought by Sen. Omtatah. I would have expected the Chairperson of the Committee on Health, who unfortunately has stepped out, to listen to this. All county hospitals, including Mbagathi and Kapsabet County Referral hospitals, the only thing they do is to receive bodies. They are doing nothing. If you go to Kapsabet County Referral Hospital, there are no medical services. They just wait for people to be pronounced dead yet they do nothing about it just the way Mbagathi Referral Hospital and other many hospitals are. So, I hope the Committee on Health can take note and ensure these hospitals work.

Madam Temporary Speaker, I support all the statements that have been brought by my esteemed colleagues.

The Temporary Speaker (Sen. Mumma): Sen. Ledama.

Sen. Olekina: Thank you, Madam Temporary Speaker. Let me begin by supporting the statement sought by the Good Senator for Nairobi City County with regards to the status of Karura Forest. Karura Forest acts as “lungs” for Nairobi City County. We are in a county that has a lot of industries. If we are not careful, all that carbon dioxide, which is absorbed by Karura Forest, we, in this House, are the ones who are going to be absorbing that carbon dioxide.

It is about time that we became intentional in defending our forests. This conflict between the Friends of Karura Forest and Kenya Forest Services has all been brought about by a desire to collect so much money and to centralise all revenue collection on e-Citizen.

I think there are certain areas we should not go. We should just let the Friends of Karura Forest manage it or find a better way of dealing with that issue because Karura Forest acts as “lungs” for this City. Also, that forest also is home to endangered species. There is an African eagle bird, or crown, which resides in Karura Forest. If we now grab Karura Forest, and I am not saying that it has been grabbed. I am happy that the court stopped an attempt to grab Karura Forest recently. We have to be alive to the fact of this danger that Karura Forest is facing on a daily basis, so that we can survive.

Karura Forest is a lab. It acts as a lab for endangered species. In fact, if I want some medicine, as a Maasai, that I cannot find anymore because our forests have all been destroyed, I will go to Karura Forest and get those traditional herbs. So, let us protect our forests.

Madam Temporary Speaker, secondly, because I see the time is running out, this issue of dumping of vehicles, it is about time that we became realistic. Let us reduce taxation, allow people to import new cars and lower prices. This happens because we do not have strict dumping laws. That is a problem.

So, if we are importing cars which are eight years old, when they come here, they have been used, I mean, eight years, come on. We cannot be always playing second fiddle. It is about time that even us, we up our game, we drive new cars at affordable prices. Go to South Africa - the people who live in South Africa are driving new cars. The taxes are lower because it is not just about money; it is about our health. Now we are complaining about dumping of those vehicles. Soon, we will be complaining also about dumping of batteries for the electric vehicles. That is a problem we are having.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Mumma): Sen. Nyamu, proceed. Senate Majority Leader, what is the issue?

The Senate Majority Leader (Sen. Cheruiyot): Apologies, Madam Temporary Speaker. I did not mean to interrupt my colleague, but when the Speaker rose to guide on this issue of comments, he was very specific that it is 15 minutes. We have done now 18 minutes.

Madam Temporary Speaker, there is substantive business. I want to hear about the Cash Disbursement Schedule. It is a very important item to our counties and it has been pending for a while on the Order Paper. So, I want to kindly indulge you, that, if possible, stick to the timelines that have been guided so that we transact other substantive business.

The Temporary Speaker (Sen. Mumma): Hon. Senators, in view of the fact that the time has run out and there are other serious business, I wish to rule and ask Sen. Nyamu to indulge us and pass.

(Hon. Senator spoke off record)

All right. Sen. Nyamu, I will give one from each side an opportunity. Let them just finish and then we move on.

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Sen. Nyamu: Thank you, Madam Temporary Speaker. I wish to make comments on the Statement brought by Sen. Okiya Omtatah on what is happening in the Mbagathi Referral Hospital. Mbagathi Referral Hospital is supposed to be a lifeline for the poor in Nairobi, but what is happening there is very shocking. The medical bills waiver facility is supposed to cushion and protect the vulnerable and the poor in our society. However, they have been extorted. You are asked to part with some money to facilitate access to that facility. We are hearing of parking fees revenue being diverted.

Article 43 of the Constitution is under attack in Mbagathi Referral Hospital and in our public hospitals. In this House, we must demand answers. It is not enough to tell us what is happening there, who is doing it, who is responsible, where is this money going to. We must protect the whistleblowers, the staff who are coming forward with this information. If we allow our hospitals to be grounds for corruption and fear of exposing corruption, it is the poor who end up paying with their lives. Mbagathi Referral Hospital needs an overhaul so that it gets back to its old self and continues to serve the people of Nairobi with dignity.

With those few remarks, I thank you.

Sen. Sifuna: Madam Temporary Speaker, I honestly disagree with the Majority Leader. I believe that every business that we transact here is important. Whereas we might think that the Disbursement Schedule is important, nobody follows that thing after we pass it. The National Treasury never follows that Schedule to disburse money to counties. In fact, these conversations we are having this afternoon are more important than that Disbursement Schedule that nobody gives any regard to.

Madam Temporary Speaker, I wanted to speak on the Statement that was brought with regard to Mbagathi Referral Hospital. We have had challenges with our Level 4 hospitals here in Nairobi. Yesterday, when I was reeling off all the pending appearances by the County Governor of Nairobi before our committees, like the County Public Accounts Committee (CPAC), Education and Devolution and Intergovernmental Relations, we have not been able to get or secure the attendance of the Governor.

The County Public Investments Committee (CPIC) led by Sen. Osotsi had scheduled a meeting on 17th September to discuss the Level 4 hospitals of Nairobi. Once again, our Governor was not available for these conversations and we can see that the issues are piling up.

Madam Temporary Speaker, I would like to touch on something that was said here yesterday during debate by the Senator for Mombasa. I do not pick any Governor for protection. As the Speaker of this House, you know that Sifuna wears many hats. You should distinguish the things that I say when I am speaking as the Secretary General (SG) of the Orange Democratic Movement (ODM) at a rally. That does not mean that I am speaking about matters of oversight in Mombasa.

I have never said that the Governor of Mombasa should not be subjected to oversight. I was speaking at a public *baraza* in Mombasa, Jomvu as the SG of ODM. I was donned in the colours of ODM from top to bottom. I was saying that the people who are low down in the hierarchy of the party must respect the Deputy Party Leader. That is not to say that I was protecting the Governor of Mombasa from oversight.

(Laughter)

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As the SG of ODM, I would like to call to order my Member from Mombasa, who is a Senator---

(Sen. Cherarkey spoke loudly)

The Temporary Speaker (Sen. Mumma): Sen. Cherarkey, order. We will hear the Senator in silence, please.

Sen. Sifuna: Madam Temporary Speaker, people know I wear different crowns. I am a Member of this House and a Senator. I am a member of the Kenya Moja caucus. I am also an SG. I am a father and a husband. When I am talking about my daughter, surely, you cannot bring in issues of the Senate and oversight. I can speak as a leader of the community that I come from. That does not mean that it is anything to do with oversight.

Madam Temporary Speaker, I would like those comments that were made by the Senator for Mombasa be expunged. Otherwise, I will use my other powers, and he knows me, to summon him for disciplinary proceedings.

I thank you,

The Temporary Speaker (Sen. Mumma): Next Order.

MOTION

IMPLEMENTATION OF AN AUTOMATED AND DECENTRALISED CERTIFICATE OF GOOD CONDUCT SYSTEM.

THAT AWARE THAT a certificate of good conduct is a major requirement for Kenyan citizens in accessing employment, business opportunities and in some instances, financial engagements with financial institutions in Kenya with a certificate having a validity or period of one year;

CONCERNED THAT many Kenyans are compelled to travel long distances to access this service, both for the initial application and for any subsequent applications making the process tedious, time consuming, and costly;

FURTHER CONCERNED THAT the current manual application system is prone to delays and inconsistencies, which may compromise the authenticity and integrity of a certificate of good conduct;

COGNIZANT THAT the importance of introducing an automated good conduct certificate system, including the utilization of biometric fingerprints verification through the deployment of biometric kits, will enhance accuracy, security, and expediency in verifying individual record;

Now, therefore, the Senate resolved that the National Police Service Commission in collaboration with the Ministry of Interior and National Administration:

(1) develop and implement an automated good conduct certification system designed to streamline the issuance, renewal, and verification of certificate of good conduct;

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(2) incorporate advanced technologies such as biometric fingerprint recognition, data encryption, and secure communication protocols to ensure the accuracy of individuals' records;

(3) establish decentralized service points and deploy mobile registration units across counties to enhance accessibility, especially in remote areas; and

(4) scale up public awareness initiatives in rural areas on the application and renewal process for the certificate of good conduct.

(Sen. Joe Nyutu on 06.08.2025 - Morning Sitting)

(Resumption of debate interrupted on 23.09.2025)

The Temporary Speaker (Sen. Mumma): Could the Mover now reply?
Hon. Senators, I now put the question.

(Question put and agreed to)

The Temporary Speaker (Sen. Mumma): Next Order.

MOTION

NOTING OF REPORT OF THE PARLIAMENT OF KENYA DELEGATION
TO THE 2025 HEARING OF THE IPU HELD AT THE UN, NEW YORK

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

(Sen. Mumma on 24.09.2025 – Morning Sitting)

(Resumption of debate interfered on 24.09.2025 – Morning Sitting)

The Temporary Speaker (Sen. Mumma): Hon. Senators, I now put the question.

(Question put and agreed to)

The Temporary Speaker (Sen. Mumma): Next Order.

MOTION

NOTING OF REPORT ON THE 67TH CPA
CONFERENCE HELD IN SYDNEY, 2025

THAT, the Senate notes the Report of the 67th Commonwealth Parliamentary Association (CPA) Conference held in Sydney, Australia, on 3rd to 8th November, 2024, laid on the Table of the Senate on Tuesday, 22nd July, 2025.

(Sen. Mandago on 24.09.2025 – Morning Sitting)

(Resumption of debate interrupted on 24.09.2025 – Morning Sitting)

The Temporary Speaker (Sen. Mumma): Hon. Senators, I now put the question.

(Question put and agreed to)

The Temporary Speaker (Sen. Mumma): Next Order.

The Temporary Speaker (Sen. Mumma): Chair for Committee on Finance and Budget?

Sen. Faki: Thank you, Madam Temporary Speaker. Before I move, I would like to remind my brother, Sen. Sifuna, that whatever is said in this House cannot be a subject of any proceedings in any jurisdiction.

(Laughter)

MOTION

ADOPTION OF REPORT OF THE STANDING COMMITTEE ON FINANCE AND
BUDGET ON THE COUNTY GOVERNMENTS (EQUITABLE SHARE) CASH
DISBURSEMENT SCHEDULE FOR FY2025/2026

I stand in on behalf of our Chair of the Committee on Finance and Budget who was in the House but has a problem with his vocals. I beg to move the following Motion-

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the County Governments (Equitable Share) Cash Disbursement Schedule for Financial Year 2025/2026, laid on the Table of the Senate on Wednesday, 24th September, 2025 and that, pursuant to Section 17(7) of the Public Finance Management Act and Standing Order 189(3), the Senate approves the County Governments (Equitable Share) Cash Disbursement Schedule for Financial Year 2025/2026.

Madam Temporary Speaker, the cash disbursement schedule is prepared in fulfilment of the National Treasury's requirement to administer the Consolidated Fund in

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accordance with Article 206 of the Constitution. The National Treasury is required to pay from the exchequer accounts without undue delay all amounts that are payable for public services.

Section 17(6) of the Public Finance Management Act, Chapter 412A, provides -

“The National Treasury shall, at the beginning of every month, and not later than 15th day of the commencement of the month, disburse monies to county governments for the expenditure of the following month.”

It is from this legal provision that the disbursement schedule is presented to the House for approval. This schedule is usually prepared by the National Treasury in consultation with the Intergovernmental Budget and Economic Council (IBEC).

Madam Temporary Speaker, the disbursement schedule was forwarded for approval to this House on 4th September after the enactment of the County Allocation of Revenue Act (CARA), 2025, which was assented to on the 13th August, 2025, and given commencement date of 2nd September, 2025.

It is critical to note that the passage of the Division of Revenue Bill and subsequently the County Allocation of Revenue Act paves the way for the preparation of the disbursement schedules.

The Committee had critical consideration of the Draft Disbursement Schedule as presented to the House. It is worth noting that allocation in the Schedule is based on the amount of Kshs415 billion shared among the 47 counties as contained in the County Allocation of Revenue Act, 2025. This disbursement to each county is exclusively scheduled to be made on the 15th of each month, from the 15th of July, 2025, to the 15th of June, 2026. This means the amount is spread across 12 months of the Financial Year 2025/2026.

Madam Temporary Speaker, the month scheduled to have the highest disbursement is April, 2026, with a disbursement of Kshs37.35 billion, representing about 9 per cent of the total Equitable Share for the Financial Year 2025/ 2026, at Kshs415 billion. The lowest amount is in the month of July, 2025, over a sum of Kshs32.93 billion.

Overall, there are no significant fluctuations from the Kshs34.58 billion monthly average if the Schedule was to be based on equitable monthly installments.

The Committee noticed some sinister motives by the National Treasury towards non-adherence to the approved Disbursement Schedule. The National Treasury indicates that the monthly transfers as proposed in the Schedule shall be based on the performance of the revenue raised by the national Government.

This is a clear escape route to continue the unusual underfunding of the counties within the required time of the year. The county equitable share is less than 15 per cent of the overall national Government revenues, hence negligible to be seriously affected by the monthly revenue shortfalls.

The National Treasury should strictly apply the Schedule as approved. In addition, we looked at the previous adherence to the approved schedules and noticed that disbursements have been made without due regard to the Schedule. A case example is Financial Year 2024/2025.

A big chunk of the counties' equitable share, approximately 42 per cent of the total relative Kshs7.425 billion was disbursed in the fourth quarter, that is, April, May and June of the Financial Year 2024/2025.

This back loading of cash disbursement to the fourth quarter runs the risk of slowing down county budget implementation as the main part of the resources is received at the tail end of the financial year. This is against the spirit of Article 203 (1) (j) of the Constitution that requires revenue to counties to be stable and predictable.

Madam Temporary Speaker, for the counties to implement the budget smoothly and offer the required services to the people, the cash flow predictability is very critical. I call upon the National Treasury to strictly adhere to the approved schedules to avoid distortions of programmes at our counties.

The Committee further observed that non-adherence to the Disbursement Schedule is against constitutional requirement in Article 209 of the Constitution where the counties' share of revenue raised nationally shall be transferred without undue delay or deductions.

I truly believe that this is a legal safeguard to devolution. Any attempt by the National Treasury to contravene this provision by circumventing the disbursement as provided in the Schedule should be called out strongly.

Having said that, I appreciate Members of the Committee on Finance and Budget for their commitment and dedication to complete the task. I further appreciate the Office of the Speaker and the Office of the Clerk for facilitating the Committee in executing its mandate.

Madam Temporary Speaker, finally, I request Senators to agree with the Committee's recommendation that the County Governments Equitable Share cash disbursement schedule for the Financial Year 2025/2026 laid on the Table of the Senate on 23rd September, 2025 be approved.

I thank you and invite the Majority Whip, Sen. (Dr.) Khalwale, who is a senior member of the Committee, to second.

Sen. (Dr.) Khalwale: Thank you, Madam Temporary Speaker. Let me set the record straight because remarks by Sen. Faki about my seniority seem to have displeased some people.

May the record show that it is true I am a senior member of the Committee. In fact, I remember introducing the Leader of the Majority to this Committee after he came through a by-election. I am truly senior.

There is even a neighbor of mine that is speaking, who has grown 32 teeth.

Madam Temporary Speaker, I rise to second this Motion as moved. Since it is almost a ritual Motion, I would leave it to be limited to the remarks by the Mover.

There are a few comments I want to make. If you look at this Cash Disbursement Schedule, there is mischief from the National Treasury. This House has decided that Kshs415 billion will be given to the devolved units.

The Cabinet Secretary in charge of the National Treasury and Economic Planning goes and sits in some dingy boardroom and they start playing poker with the Kshs415 billion. If you look at the Schedule, they decide in January, we shall give this much; in February, we shall increase a little; and, in March, we will reduce it further.

Who told them? Which law is CS John Mbadi using? The money that is supposed to go to counties should be Kshs415 billion and on a monthly basis. When it delays, it should not be undue delay.

In 2015, before the Leader of the Majority came to the House, we passed a law. I was saying you are a good man. Sen. (Rtd.) Justice Madzayo was there. We passed a law that this new delay should not be abused. We said the delay can only be allowed up to the 15th of the month.

So, it is expected that hon. Mbadi should deposit in the County Revenue Fund money due on or before the 15th. Now, he circumvents and chooses to abuse it.

I wish that we could amend this Schedule; it is not very difficult. We can actually amend it in just one statement. The Kshs415 billion should be due every month in the following proportions-

That every month a county be receiving what is due to it in amounts of Kshs415 billion divided by 12; period. Any other thing here should be treated as illegal and unprocedural.

What is more, we insist that going forward, the CS will have a case to answer should they come to us with any other variation. The excuse that they are using in their report that this money is released depending on the cash collections by the Kenya Revenue Authority cannot fly because the amount of 15 per cent of Kshs415 billion is so little in a country of Kshs4 trillion economy. We should not punish the governors in any way whatsoever. We know some of them are crooks, and on another day, I will come with the list of the top 10 crooks who call themselves governors.

Madam Temporary Speaker, we even saw them. I remember the role you played in Homa Bay County. Some of them were making presentations showcasing the history of their county as a form of development. I looked at it and asked myself: Is this Sen. Governor James Orendo, the one we sat with here, presenting the heroes born in Siaya County as being a showcase of development of devolution? Really, Siaya deserves better for the billions of shillings that we take there. I hope that Sen. Sifuna is around.

(An hon. Member spoke of record)

Yes! I want to request that when Sifuna goes to Siaya County, he should abandon the bad manners that he showed in Mombasa of heaping praises to the Governor, unjustifiably and using the Floor of this House to further it more.

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

(Sen. Cherarkey spoke off record)

Sen. Sifuna: Hon. Temporary Speaker, on the Statement of fact pursuant to Standing Order 105, is it in order for Sen. (Dr.) Khalwale to make a claim in this House that I went to Mombasa to heap praises on the Governor of Mombasa County, when I have taken the time this afternoon to explain to Hon. Khalwale that just as he is a husband of many, I also wear many crowns?

I am sure he understands that the way he speaks to his first wife is not the same as what he tells his second wife. I am the Secretary General of the ODM, Senator and a Member of this House. I have many crowns. When I am in a political rally that is being organized by my political party, what Khalwale does not know is that the Governor of Mombasa is my boss in the Party. I do not know which party Sen. Khalwale belongs to these days, so he does not understand the hierarchy. So, can he, please, substantiate?

(Laughter)

Madam Temporary Speaker, I have never been in the habit of heaping praises on fellow men. You know I do not do it. I have a constitutional duty to oversight governors. There is no way I can abandon that duty and heap praises on people. For women, it is allowed. I am a Bukusu man.

The Temporary Speaker (Sen. Mumma): Sen. Khalwale, Sen. Sifuna has explained himself the second time. Your allegation that he may have heaped praises on governors in Mombasa intended to suggest that compromise of oversight is mistaken. He has explained the context and I would wish that you abandon that line of argument.

Proceed.

Sen. (Dr. Khalwale): Thank you, Madam Temporary Speaker. I am fully guided and cautious about Sen. Sifuna. I am also cautious about Sen. Omar Hassan Emeritus. These are the Secretary Generals of a mongrel of a political party called Orange Democratic Movement (ODM) United Democratic Alliance (UDA) Broad-based---

The Temporary Speaker (Sen. Mumma): Sen. Khalwale, can you withdraw reference of a mongrel? I do not know what mongrel political party you are talking about. Do you want to substantiate?

Sen. (Dr.) Khalwale: Yes, Madam Temporary Speaker. My mind is clear on this one.

All I wanted to say in view of that is, some of us who were UDA when we came to this House and UDA transformed into something else after merging with Amani National Congress (ANC), and then they merged with ODM and became something else.

(Loud consultations)

The Temporary Speaker (Sen. Mumma): Sen. Khalwale, can you substantiate? Kindly substantiate about the merger of ODM and UDA.

Sen. (Dr.) Khalwale: Thank you, Madam Temporary Speaker. To the best of my knowledge, if I follow events, there has never been a merger between UDA and ODM. What has actually taken place and has been pronounced is that relationship between UDA and ANC. Immediately after, the thing that was birthed out went into a relationship with ODM. That is why I use the English word “mongrel”. We do not know how to describe the thing that came out. However, that being what it may, may I withdraw by requesting Sifuna, in this case, at the end of the day, maybe it is the Secretary General of ODM who will give me my certificate to run in 2027, or the one of UDA, the dead ANC or FORD-K. So, I am very careful about you.

(An hon. Member spoke off record)

That is a Mongrel. It has got 50 eyes and three---

Madam Temporary Speaker, I was using this just to appeal to Sen. Sifuna, and I have abandoned that line of approach; that even as we go to Siaya County, which is your region of birth, you know that the challenges there are shared with the challenges in Kakamega, Bungoma and Busia counties, and would be happy to see encouragement being given to the leadership of all these counties, so that they can become economically viable.

Madam Temporary Speaker, I look at this and see the billions of shillings that go to these counties every month. You look at a county like Kakamega; at no one time will it get less than Kshs1.1 billion, every four weeks. However, when you go to Kakamega and many other counties, the salaries of the employees of the county governments have not been paid. Why would a governor, knowing that after four weeks he will get Kshs1.1 billion here in Kakamega County, not be able to go to the bank, which is at a walking distance from his office and negotiate for a two-week overdraft that can allow him to pay salaries smoothly? It is a shame that county government employees are unpaid. They are in salary arrears in most of our counties.

Madam Temporary Speaker, I remember when I was a young doctor, I used to be paid Kshs4,770 per month. There was a time, before Hon. Cherarkey was born, when his grandfather was the President, and was unable to pay salaries. So, we went without salaries. I did not know what to do. So, I went to the hospital kiosk and started to negotiate about being given free bread for me to take home. It is not a comfortable thing.

People's salaries should, in fact, form the first charge on any expenditure, so that people can pay rent, meet hospital bills, pay school fees, take their girlfriends for a treat, and all manner of things that salaries do.

Sen. Cherarkey: What about the wives and boyfriends?

Sen. (Dr.) Khalwale: With my many years of experience, I have learned that there is no self-respecting Luhya man who can be taken out by a girl and the girl foots the bill. We normally leave that for our neighbours in Nandi County.

(Laughter)

The Temporary Speaker (Sen. Mumma): Order, Sen. Khalwale. Can you focus on the issue?

Sen. (Dr.) Khalwale: Yes, I am flowing well. Hon. Osotsi is the one who is forcing me to deviate because I am supposed to defend him. You can imagine his son at home, Osotsi, to imagine that his girlfriend can take him for an outing. It is not possible and unheard of. In fact, Edwin, who has my beautiful granddaughter, eight years old, is a rich man in Luhya culture because he will always receive from my sons, of course, when they take care of the small girl at home.

Madam Temporary Speaker, I, therefore, want to urge governors to pay salaries for our employees and Members of County Assemblies (MCAs). In fact, governors are frustrating Members of County Assemblies (MCAs) with salaries. Instead of paying them

their salary, which is due, they hold them over the weekend with some petty cash, so that they can move around with them in an entourage for the governor to look like a big man.

I wish more of our Senators will become governors for us to kill this African big man syndrome. I do not need that. In any case, I want my privacy. Why should MCAs be following me when I am the Governor of Kakamega County? They should go to their wards and perform while I do my county work.

Madam Temporary Speaker, I do not want somebody in Kakamega, listening to me, to think that this is a small thing. We have an average of 10,000 employees of the County Government of Kakamega. I want us to assume that the average salary is Kshs50,000. If you pay these 10,000 employees Kshs50,000 every month on time, then it translates to Kshs500 million. This means that on payday, Kshs400 million goes into circulation.

Where does it go? That money goes to the supermarkets, pubs and shop owners. The wives of these employees, their girlfriends and even the sex workers, for the people who apply that kind of business, also partake of that. Therefore, the economy remains vibrant. That is what we are talking about. We want money to flow. These days, if you go to Vihiga, Kakamega or Bungoma, you will realise that the nightlife is not there because people have not been paid salaries. Places close down at 6.30 p.m. and the economy stops. This must change with this strict Cash Disbursement Schedule.

I had a discussion with Hon. Mbadi, a man I respect, and he told me that he will do everything to make sure that he goes by this Cash Disbursement Schedule. Let us support Hon. Mbadi by not going to counties and making flowery speeches about governors. Instead, we should go and remind them that Hon. Mbadi has confirmed that he will send this money timeously.

Finally, now that this money is there, the governors should do us a favour. They should take drugs to the hospitals. We have enough noise from the collection of funds through Social Health Authority (SHA) and Social Health Insurance Fund (SHIF). We do not want noise in delivery of service. As the President and Hon. Duale struggle in Nairobi to ensure that SHA is working, the patients should find services when they go to the hospital. That is extremely important.

Colleagues, I urge that we support this and do more by speaking to it when we go back to our counties.

Madam Temporary Speaker, I second.

(Question proposed)

Sen. Olekina: Thank you, Madam Temporary Speaker. I rise to support this Cash Disbursement Schedule. As I do so, it is important for us to realise that something is amiss with the management of county and national governments in this country. The county governments are autonomous. I have listened to my colleague, the Senate Majority Chief Whip, lament. He has said that governors do not pay their bills when they are supposed to and he has called for them to pay those bills for everything to move, including the nightlife.

Madam Temporary Speaker, I am not in the business of defending governors, but I do not believe the problem here lies with the governors. The problem lies squarely with

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the National Treasury and we must call a spade a spade. If we want to move with development and make sure that projects in the county governments are not interrupted, then we must call a spade a spade.

Article 219 of the Constitution is very clear. I request each one of us to pick the Constitution and read Article 219. It states clearly that the equitable share of a county government must be released without undue delay. We are now talking about a Cash Dispensable Schedule. The Cash Disbursement Schedule is very clear. The law states that money should be sent to counties by 15th of every month, but is that the reality? No, it is not the reality. Our county governments queue every single day in the National Treasury asking to be given money.

Our county governments are taking loans from commercial banks and when the next payment is supposed to be disbursed to the counties, it is not disbursed. So, the loans accumulate interest over interest over interest. It is a very shoddy way of managing resources in a country.

Madam Temporary Speaker, it is about time that we amend the Public Finance Management (PFM) Act. We should amend that Act for it to be strictly in line with Article 219 of the Constitution. We should also ensure that this money goes to counties. If we cannot do that because of the excuse given by the National Treasury that the Government is struggling to raise revenue, then when amending the Constitution, we should ensure that county governments maintain their own source of revenue.

We have a big fight and I want to be very honest. We have a very big fight when it comes to procurement in counties. Procurement in counties is supposed to be managed by county governments. I have my views on this e-procurement business, although they could be considered completely unorthodox. I completely believe that county governments should manage their procurement. Hon. Mbadi should not be the one managing the procurements of county governments.

Article 6 and Article 176 of the Constitution clearly state that county governments are autonomous; it is quite clear. The problem that we have is brought about by Section 109 of the PFM Act, where all money collected must be sent to the County Revenue Fund. For one to get that money, we introduced Article 228 of the Constitution, which states that the Controller of Budget must go through and authorise the money that is going to counties.

We are here debating this Cash Disbursement Schedule a few days to October, yet the Constitution says that money should be sent every 15th day of the month. I heard that it should be from 15th July to 15th June, yet we are now getting to October. What happened to the money for July, August and now September? We have to look at the systemic issues and deal with them for us to solve these problems. These reforms are very important.

I thank the Senate Majority Leader for saying, “let us move. Let us get this business out of our Order Paper.” However, what happens after we have got this business out of our Order Paper? Will the Controller of Budget be delaying? Will our county governments be queuing there waiting to be paid their money? Are we going to have another bottleneck of e-procurement that everybody must subscribe to? Are we going to have the same problem?

In fact, we are incubating corruption by delaying the disbursement of funds to counties. What will happen is that the head of treasury of each county will now decide who to pay and who not to pay. However, if we have everything moving without any problems, where the money has already been sent to counties, we will not have salary delays.

I have seen counties where people have not been paid for two to three months. Service delivery is interrupted and suppliers suffer. Vehicles and property is auctioned because county governments have not paid. All of us are standing here blaming county governments that they are not sending the money, yet the problem is in the National Treasury minding business which they should not be minding.

If the truth of the matter is that we are not able to collect enough revenue to send revenue to counties when that money is due, then let us consider, once we pass this referendum Bill, and then, hopefully, we can consider amending the Constitution; let us now then define what this autonomy is for county governments. Let us allow them to keep their own source revenue, account for it and even introduce an Auditor General specifically for counties, so that we can see some progress.

Madam Temporary Speaker, it is imperative that when we are discussing this, we become realistic and candid on what the challenges are. This is because the delays in sending monies to counties is negatively impacting these counties. It is impacting the ability to pay employees. When you do not pay your employee, you do not expect good returns. That is the reason why this country is still lagging behind, because there is no morale. You find county government employees just running around the streets. Some of them have taken their jackets off, they have just put them there and have gone out of their offices. You go to our hospitals, the story is the same.

Sen. Khalwale is telling county governors to take drugs to their hospitals while the Kenya Medical Supplies Agency (KEMSA) is saying they will not give them drugs until they clear their bills. Then the county governor says he has sent it to the Controller of Budget (CoB). Their language nowadays is the CoB.

In fact, today, I dare say, if you go to the CoB, you will find a representative from all the 47 county governments with a cash disbursement schedule saying, hey, can you please release this money so that we can pay our employees? The issues of pending bills, we can pay our suppliers. The issues of development---

When you see these reports being issued out by the CoB on the status of development of each county governments, there are counties which are rated to be the last. I think Nairobi is one of them. Ask yourself, are we diligent in this disbursement schedule? Are we able to send money so that the execution of this development plan is not interrupted?

As I conclude, I want to state that the problem is not county governors and today, I will defend them. The problem is the National Treasury. The problem lies with the Constitution, the interpretation of Article 228 of the Constitution.

It also lies with the role of the National Treasury. It also lies with the challenges that the county governors are facing when it comes to the issue of own-source revenue. That is where the problem is.

If governors were able to spend their own-source revenue, the noise would be less because whatever is raised by the national Government would be secondary to what they can collect.

We have counties like my county of Narok where we collect Kshs6 billion in a year. If we are allowed to spend that own-source revenue, then the onus would be on our side to prove that we have spent the money diligently and we have paid our suppliers and employees. However, all that money must come because that is what the law says.

Section 109 of the Public Finance Management (PFM) Act and I think Article 217 of the Constitution stipulates that all that money must come to the County Revenue Fund, then that money is budgeted for.

I think we just need reforms on all these budget and cash disbursement issues. If we do not reform, we will be lamenting day-in, day-out. Every single year, we will be sitting here in October, after one quarter has lapsed, to talk about the cash disbursement schedule and the moment we pass it, it will take another fortnight before the money for this financial year is released.

Madam Temporary Speaker, by the end of the financial year in June, there is a lot of money lying on paper, CoB and on the County Revenue Fund. So, no projects will ever be completed.

I support and I hope that the Chair of this Committee and the Committee on Finance and Budget can actually begin drafting amendments that can assist this country develop.

The Temporary Speaker (Sen. Mumma): Senate Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Madam Temporary Speaker, I rise to support this very important Motion on the report of our Committee on Budget and Finance. Earlier on, there were comments about who is senior. I agree with the comments made by the Majority Whip, who has since left. However, I will be quick to remind him that I served this Committee for a straight eight years. I do not think he has served that number of years.

This report is extremely important. I find it to be important because it serves as a guide. We may not have achieved and I agree, I think it was Sen. Sifuna or somebody else who said earlier that we have passed this cash disbursement schedule many times, but how comes there is very little compliance to it? However, it is not a deterrence for us to still do the right thing.

There is a history as to how we came about this conversation of the Cash Disbursement Schedule. This is something we introduced in 2016 or thereabouts. Initially, you would find that counties, at the end of the financial year, are being lumped with nearly half of what was their equitable share and they were actually being asked to consume it before the 30th of June, which is the end of the financial year.

That is what led to many scandals if you remember the first cycle of governors between 2013 and 2017 because many of them were doing hurried procurements just to fulfil and tick off requirements that they have funds finally in their accounts after waiting and there were all the messes that we continue to read about up to today.

Therefore, this serves as an important guide. It is a true north in terms of shareable revenue to counties. We must continue to push until such a time when counties

will get their funds on time and without undue delay, as expected by the constitutional dictates of our country.

Previously, and I must celebrate this, because I remember, I think, last year, when we said that it is a good thing finally, by 30th of June, the National Treasury had submitted every coin that is due. Many people that did not understand the history of how the equitable share was being sent to counties felt that there is nothing worth celebrating about. However, I felt that it is an important achievement because there are times when counties, in the month of August and September of a new financial year will still be waiting for the last disbursement of the previous financial year and that puts them in a very difficult situation.

This problem that we have in the counties of pending bills is on account of revenue to the counties that is not sent or disbursed at the accurate time. Though there are other reasons, but this is one of the main reasons that contributes to pending bills accruing.

I know that many county governments have since established creative ways of filling the gap, many of which end up costing taxpayers additional funds. They have signed, I think, agreements with various banks, KCB and others where at least particularly for salaries, even if there is a delay, they consistently get their salaries.

You have to understand where county governments are coming from. If you are a governor and it is the sixth day of the month, you cannot be pushing people to come to work early when you have not paid them their salary. It might be true that some of them do not even have fare. So, we must continue to push and demand from the National Treasury that with the same seriousness that they treat debt, because I know debt is the first charge on account to revenue that has been raised nationally; that they must treat cash disbursement to our counties with the same level of seriousness.

In any case, the Constitution has already divided these funds between what remains at the national Government and what goes to the county governments. It is unfortunate that up to date, we have to push and issue statements here and sometimes even threats by the Council of Governors (CoG) for some of these disbursements to be issued. I strongly believe that that was not the expectation of our Constitution.

Madam Temporary Speaker, having explained and appreciated the need for that report, there are a few things that I must say about our county governments as well. First and foremost, we must continue to be the House that pushes for the realisation of the devolution dream in the Republic of Kenya. The Senate is properly placed in this constitutional architecture to be the defender of the interests of county governments.

In the same vein that we are pushing for county governments to be funded, we must continue to speak against misuse of public funds in our county governments; both misappropriation or even misbudgeting, and all the malfeasance that we see in many of our county governments. We must continue to be the voice of reason in the devolution conversation because, at least, the Office of a Senator in any county government does not have any other interest than to ensure that services are delivered to mwananchi.

Many times when Senators speak, people either choose to misunderstand us or perceive that there is a specific interest that we are trying to pursue. However, that is not the case. Many times, I am very clear that when we insist that monies should be put to prudent use in our county governments, it is taken that perhaps we have interests against

certain individuals. We are sent by the call of duty to just expect that our county governments will perform in an optimal manner.

I heard my colleague, Sen. Ledama say that he disagrees with the Cabinet Secretary for the National Treasury and Economic Planning, Hon. John Mbadi, on the directive to county governments on e-procurement. That is a statement of fact. There is no way the National Treasury can direct county governments on their operations. That is common sense.

However, Sen. Ledama, the part that I disagree with is where you appear to be making excuses for the kind of procurement practices that we see in our county governments. In fact, we should be leading the way as the Senate in ensuring that county governments do their procurement electronically, so that you can trace and know what services are being procured.

The other day, we saw a report here from a county government where they bought a bottle of soda at Kshs1,000. If they were using e-procurement, we could see the process from the time the tender was issued up to the end. This issue of paperwork is what is making our counties spend nearly 70 to 80 per cent of their development budgets over and above the price of common items. Sen. Ledama, that also happens even in your Narok County.

Therefore, as a Senate, I believe that we must push---

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

The Temporary Speaker (Sen. Mumma): That is fine.

Sen. Olekina: Madam Temporary Speaker, I have a lot of respect for my friend, the Senate Majority Leader. I just want to be clear that my statement and position is that the national Government should deal with its e-procurement because county governments are semi-autonomous. I fully support e-procurement, but it should be managed by counties and not by the national Government for county governments.

That is my position and my statement is supported by law and Articles 6 and 176 of the Constitution. Article 179 states that the executive authority of a county is vested and exercised by the Governor and County Executive Committee Members (CECMs). That is my position.

It is not true that I do not support e-procurement because I do. I went to court to stop a procurement process in Narok County because I felt that it was not right. Sen. Okiya Omtatah also went to court because of a procurement challenge in Busia County. The issue is having the national Government controlling county governments.

The Senate Majority Leader (Sen. Cheruiyot): That is good clarity. I just needed to be sure that my colleague is not opposed to e-procurement in county governments. Sen. Ledama, that is the only way we can establish procurement processes that are running.

I saw our colleagues in the National Assembly fuming and saying there is no way we can allow e-procurement because there is no internet in other parts of the country. I know for a fact that the only interest in that matter for most of them is because they want to do procurement using the National Government-Constituencies Development Fund (NG-CDF) money manually, so that they can dish contracts to many of their friends.

Hon. Senators, we must be different and firm and tell our county governors that we want to see procurement processes that are transparent. The only way you can do that

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is to do it electronically. In fact, many people that we procure services from know how to run digital systems. Let them upload their quotations, so that I am able to evaluate and know what led to me losing on a particular tender, why a certain contractor was awarded and at what price. Those are things that members of the public cannot see now.

I said in this House yesterday that the one thing I appreciate about the Social Health Authority (SHA) is the transparency of posting how public funds are being sent to all these institutions, so that diligent citizens can check and see how claims are made that a particular hospital received a certain amount of money. The same must be made out of procurement in out county governments.

Colleague Senators, the second issue I wanted to speak about is that we must continue to push for efficiency in our county governments. During the last session when reports by the County Public Accounts Committee (CPAC) were tabled here on financial statements for all our 47 county governments, does it not bother you, colleague Senators, that for all the 47 counties, none meets the statutory edict of using 35 per cent of the resources on actual development? Does it not bother you that more than a half of our 47 counties spend a half of their sharable revenue to pay just salaries?

Sen. (Dr.) Khalwale, that should bother you. If Kshs5 billion out of Kshs10 billion that we send to Kakamega is used to pay 10,000 people that we are talking about, should we not be concerned as a House? Those are issues that we must begin to speak about if we are true to the dictates of our Constitution on the objects of devolution.

I believe that when Kenyans voted for this Constitution, they believed that they were voting for services to come closer to the people. It is not for one individual in my village to be employed, then the governor says that they have employed so-and-so as a warden or the other. I would rather we have medicine in the dispensary in my village because at least when one of us falls sick, they will have an opportunity to go to that particular hospital and get services.

Dear friends, we must continue to push that county governments perform optimally. Even as we push this conversation on funds being devolved to them, we must have an analysis that is objective.

Madam Temporary Speaker, I have said many times that I went back to school to better my understanding of issues. Since each time you study you must submit a project proposal, I have submitted a project proposal on efficiency in county governments and how to measure it empirically, so that we do not have this funny business by some pollsters who keep coming and telling us that governor so-and-so is ranked better but there is no empirical way of checking that. You pay Kshs50,000 to 100,000, then they rank you. We want a scientific way of checking.

When you were elected as a governor, how much was being collected as own source revenue in your county and how much is being collected now? How much was spent on actual development and how much is being used now? How have you reduced exposure of the county on fiduciary risk? What is the feeling of mwananchi on access to services in your county government? What is the proximity to services? If your county has 50 health centres, how many of them have medicine for common diseases or you are likely to find things that they give for free which are used by young men that I do not want to mention on the Floor of the Senate? That is what you find in many of the dispensaries.

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(Sen. Chesang spoke off record)

Sen. Chesang is reminding me that even old men use those things but I do not know how true that is. As the Senate, having sat here as an institution for a third cycle, surely, it is not beyond us to find ways of pushing for better and more prudent ways of spending these resources that we send to county governments in an objective way, so that when Sen. (Dr.) Boni Khalwale speaks, people do not say it is because he wants to unseat Governor Fernandez. People can see and say, the Senator is making a fair point.

I believe that before the end of our term, it will be a failure of monumental proportion if, as a House, we will not elevate this conversation on the performance of our county governments to be just beyond the reports of CPIC and CPAC committees. There must be better ways that we can check, so that even as we cost these functions, we are able to go back to our colleagues in the National Assembly and say Ksh415 billion is not enough because of reason A, B, C and D. I believe that this House has sufficient competence in both the Senators and the technical staff that we have that can lead us into that direction.

It is my hope, like colleagues who have spoken before me have said, that at the end of this financial year, as we receive the report on the cash disbursement schedule for the upcoming financial year, we will equally get a report of the compliance in the previous financial year to establish and say; this is what these funds were supposed to be, this is when these funds were supposed to have been disbursed, they delayed by these number of days so that as we continue to push on this particular item, we ensure that our county governments are properly and sufficiently funded to take services closer to *mwananchi*.

With those many remarks, Madam Temporary Speaker, I beg to support and hope that our colleagues can conclude on this debate today, so that money can flow as it is supposed to, to our county governments.

I thank you.

The Temporary Speaker (Sen. Mumma): Sen. Sifuna, you have the Floor.

Sen. Sifuna: Madam Temporary Speaker, I hope the Senate Majority Leader understands the feeling of the futility of this exercise year in, year out. He has expressed frustration that, in fact, after we do all these, nothing is followed up by anyone.

From your contributions, I felt as if this disbursement schedule is just a suggestion to the National Treasury. He used the word, a “guide.” I was listening to him keenly. He said that this Senate introduced the tradition of passing a disbursement schedule in 2015. He said that at that particular point in time, you would find that 50 per cent of the money due to counties would be disbursed only at the end of the financial year.

Senate Majority Leader, the question that I am asking myself is: I read the report of the committee which was talking about 42 per cent of the money that was meant to go to counties in the FY2024/2025 having been disbursed in the final quarter. Are we really making progress with this piece of legislation? When you look at the schedule that is attached to the report, you will see it creates the image that because Nairobi has been allocated Kshs21.4 billion in this financial year, Kshs1.7 billion should be released to the County Government of Nairobi City on the 15th of each month but this has never

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happened. As we speak today, I think the county governors are telling us in the County Public Accounts Committee (CPAC) that the last disbursement they received was for July. We are asking ourselves certain questions.

If indeed this document is supposed to tie the hands of the National Treasury so that there is a predictable flow of funds to the county governments, why is it never respected? That is the reason I was telling the Senate Majority Leader at the advent of this debate that it would have been better for us to spend more time on Questions and Statements and say the things that need to be said, because this one, from my perspective, is an exercise in futility. In your own personal life, if you do not know when and if you are going to be paid, how do you plan for yourself? How do you know when you are supposed to receive the money to pay your rent, to buy food or take your kids to school? It is very difficult.

In fact, Sen. (Dr.) Khalwale had made a suggestion here that we should tie the hands of the National Treasury further and require that they disburse this money, I think he said every month or I do not know what he said. In view of what has been happening with our county governments, my suggestion would actually be that this money be released every quarter at the beginning of the quarter so that the county governments can have at least a three-month supply of resources to take care of the jobs that they have been given to do under the Constitution.

Now, we have always argued that the National Treasury has never understood that it is not a national Government treasury and that it is a treasury for both levels of government. However, from their behavior and conduct, one can be almost be persuaded that they do not consider county governments a priority. The National Treasury does not consider money that is supposed to go to county governments a priority. So, they will do other things.

We live in this country and we can see where the other money is going. Three-quarters of the budget is retained by the national Government and we can see where the money is going. How can you host 10,000 people at once and all of them live on Kshs10,000? Where are you getting that money?

If a governor were to pull such a stunt, the Ethics and Anti-Corruption Commission (EACC) would be in his office tomorrow. Every single time, huge delegations are being hosted and given money. If we were to starve the national Government of that money and give these counties the same, we would do better.

There was a claim here; I do not remember which financial year it was. People made a lot of noise, saying, oh, for the first time, counties are up to date. This is the new administration. What happened to that? What happened to that? Where are we with that? It was not true. It was simply not true.

Therefore, we are not saying that we do not have problems in the county governments. As a senator of Nairobi City County, when the committee report of CPAC was brought here, Nairobi had the largest fiduciary risk. You saw that we have the highest spending bills of over Kshs100 billion.

We have staff here who have not been paid for months and all of them come to my office all the time. They say;” oh, we have not received this, we have not received that.” MCAs are on our necks as Senators. There are no capital projects in their wards.

The ones that were concluded on the roads, the contractors have not been paid. That debt, that pending bill, continues to grow.

What have we proposed at CPAC to deal with some of these issues? Sen. (Dr.) Khalwale will be happy to know that the CPAC has proposed two things. First of all, we are going to do a list of shame for 10 counties that have repeatedly violated the public finance management laws in the constitution.

We had an engagement with the Cabinet Secretary for the National Treasury, Hon. John Mbadi, where we were actually going to recommend the stoppage of funds for these 10 specific counties. The paradox is, how would the county government feel the pinch if, in the normal course of events, they received money three months later? When you stop funds, the Constitution gives you a window of three months; you stop funds for three months. When the governors tell you that they have not received funds for three months, even if you ordered the stoppage of funds, they would not feel it. We need the National Treasury to cooperate with us, so that when we put these mechanisms in place, they actually work.

I have also heard the Senate Majority Leader lament about this opinion polling that ranks various governors and even Members of Parliament. At the CPAC, we have actually suggested and will be proposing to this House that the best ranking for county government performance can only come from the Senate. It can only come from the Senate and its committees. You only need to combine reports of all these counties; Senate Committee on Education, Health and the CPAC, and then you as a Senate can give an objective ranking as opposed to these posters which, as you have heard through accusations flying around from the Senate Majority Leader, are not very reliable.

On e-government procurement (e-GP), I also want to just add my voice to the sentiments that have been expressed by my colleague from Narok County. In fact, the e-GP, and I believe there was a court order that stopped the implementation of that e-GP, but because this government is not known for respecting court orders, they have chosen to ignore this one as well.

We want to advise the National Treasury that nobody has anything against technology. Nobody has anything against deploying technology in procurement. In fact, we believe in its ability to bring greater transparency to some of the happenings.

When the Senate Majority Leader referred to the Social Health Authority (SHA) system, I was just laughing because immediately, the government realized that Kenyans were going through every payment on the SHA, they pulled the system down so we do not see which hospitals they were paying. Therefore, if we do not have a national commitment to fighting this vice, let us not pretend that technology will come in and be the panache to all these problems we have been facing.

I strongly agree that the e-procurement system can be deployed separately without any Government level having to exercise jurisdiction it does not have over the other governments. Let us have our own e-GP at the county levels and then the Government at the national level can have its own.

Madam Temporary Speaker, with those many remarks, I conclude by saying I support the report of the Committee.

The Temporary Speaker (Sen. Mumma): Sen. Cherarkey.

Sen. Cherarkey: Thank you, Madam Temporary Speaker. From the onset, I support this Motion. It is more of a Procedural Motion. However, I want to correct a misconception that was advanced by my neighbor, that when we are on dates with girls and wives, they pay our bills. They do not.

In fact, I want to present the statistics that as a neighbouring county, we have rescued many girls from Luhya nation, our neighbours, by marrying a number of them. If you come to Nandi, we have quite a number of them. That means the Khalwales and the likes are doing badly. We are very generous and supportive. As you are aware, in that region, Kalenjin men, especially Nandi men, are highly sought.

The Temporary Speaker (Sen. Mumma): Order, Sen. Cherarkey. I am not aware of anything.

Sen. Cherarkey: No, Madam Temporary Speaker. I am making you aware since Sen. Khalwale inferred to it in his remarks. He should be excited that we are good neighbours and very generous. We will continue to support the girl child from Kakamega and other counties in that region.

Madam Temporary Speaker, let me make a few comments. Under Article 219 of the Constitution of Kenya 2010, any money appropriated by Parliament should be disbursed without undue delay. I have never understood the wisdom or lack of it as to why we do cash disbursements. Article 219 is very clear that it should be disbursed without undue delay. I do not know whether we are following, violating, defiling or rewriting the Constitution.

We must be very careful. Article 219 of the Constitution is sacrosanct; it is the people and has been passed as is. I do not understand why we are passing the Cash Disbursement Schedule. It appears like a suggestion or a love letter to the Ministry of the National Treasury and Economic Planning, when they have not disbursed the money.

Madam Temporary Speaker, to whom much is given, much is expected. Sometimes you want to oversight governors even sometimes when resources have not been disbursed on time. The issue of Cash Disbursement Schedule is very unfortunate.

You have seen the rise in pending bills. We are approaching almost Kshs200 billion in pending bills, with Nairobi City County leading. We have had a discussion with the Controller of Budget (COB) and the Office of the Auditor-General (OAG). No one has understood the genesis and origin of the pending bills. I thought the law was very clear that you cannot procure without a budget. How is it that pending bills are rising, yet the budget lines have been developed by the county assemblies across the country?

We have made a resolution with the Senator for Narok County on the payment of pending bills. However, as we speak today, on average, all counties have a pending bill of a billion shillings plus. One funny thing about these pending bills is that it is a dangerous mongrel. Let me use the word correctly; it is a dangerous mongrel. You are being told that there are verified, unverified, legible and ineligible pending bills. One funny thing is that the verified pending bills have been paid. The county governments are still telling the suppliers to take them for verification again.

Madam Temporary Speaker, it is a quagmire, confusion and creation of a mess. The solution to most of these pending bills is the e-procurement system. We must agree. You saw Kericho County, the other day, buying 500 ml soda at Kshs1, 000; soda that you can buy at Kshs50 or Kshs100. Water like what we drink on the Floor of the House

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is Kshs50. However, when you go to government offices, they are buying it at almost Kshs1,000, because of that gridlock.

I agree that county and national governments are mutual, distinct and semi-autonomous. However, we must agree to make sure they own the e-procurement system being rolled out by the Council of Governors (COG). We are not saying that the national government should patronise or overload the system they create.

The e-procurement system will allow transparency and accountability. That is why you saw Members of the National Assembly opposing it because they know what they do with the National Government Constituency Development Fund (NG-CDF).

Madam Temporary Speaker, you were on the Floor yesterday when we were 'crying loud' about food for prayers in some schools in Kilifi County, yet there is NG-CDF. That money should be used for the school feeding programme. We have pushed for school feeding programmes.

I remember in Sen. Otsotsi's Committee or was it the Education Committee, when we asked about school feeding programmes of Early Childhood Development Education (ECDE) Centres. It has been proven that the more we do school feeding programmes, the more the attendance and the more the children perform better in class because they are getting access to food.

The argument yesterday was that the budget of education is approaching a tune of Kshs800 billion. Where is the capitation? Why do we still have ghost schools and students? Therefore, we must be sure about the issue of accountability.

Madam Temporary Speaker, a few weeks ago, the Ethics and Anti-Corruption Commission (EACC) appeared before us. One of our concerns was that we are disbursing a lot of money and yet we are not seeing results. I am aware the EACC is auctioning property close to Kshs600 million belonging to the former Migori Governor. We must be creative on how we can recover the proceeds of corruption being perpetrated by senior county officials and county government officers.

That is a significant step. However, we are not telling the EACC that when they end up in plea bargaining agreements, they should not only take away the proceeds of crime, including acquisition of property and freezing of accounts, but leave the perpetrator. They must be punished in equal measure. We need to punish corruption in this country so that when you are mentioned or there are rumours or allegations of corruption, you may commit suicide, like what is happening in Japan. Or if it goes to the wire, we shoot you in town, at Jeevanjee Gardens.

The issue of corruption continues to bedevil counties. As a committee, we have requested the EACC and the Director of Public Prosecution (DPP) to be on the lookout so that we ensure there is accountability.

As I conclude that point, the EACC needs to be efficient. There were allegations of payroll manipulation in Nandi County last year. The EACC came with razzmatazz, took away the computers, but have not even arrested a rat to date or called someone to write a statement on payroll manipulation.

Madam Temporary Speaker, Nandi County is spending almost Kshs4 billion on wage bill every financial year. In the Kshs415 billion that all counties have been allocated, Nandi County gets Kshs7.7 billion in equitable shareable revenue. We have not even talked about the conditional and additional grants and own-source revenue.

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The point I am trying to make is that the EACC must be efficient. In fact, we had proposed in law, when yours truly was the Chairperson of the Standing Committee on Justice, Legal Affairs and Human Rights, that corruption cases must be heard and determined within 24 months. This would ensure that people do not sit pretty in office and interfere with investigations.

For example, in Nandi County, we are disappointed that after the payroll manipulation, where cronyism, favouritism and others were being perpetrated, no one has been arrested. Even in the labour-based scandal of ECDE centres, no one was arrested. Yet you want Kenyans to still believe that devolution is working? Kenyans must be told and made to understand.

Senators, I know the biggest question you are asked when in counties. I was in Vihiga County a few weeks ago. People will ask you: “There is corruption in counties, so what is the Senate doing about it?” However, they do not know the Constitution says that Parliament or the Senate or the National Assembly can only recommend.

Madam Temporary Speaker, there are many reports we have brought here as the CPAC. We have made recommendations and directed that investigations be done. However, the people who are tasked to do the job; EACC and DPP and DCI, must do their job.

If Kenyans so desire in future, if we have to amend the constitution, the way my brother from Narok has said, then we amend it and give power to Parliament to investigate, prosecute and jail. This is because whenever we go to *wananchi* agent and tell them this money has come, they tell us, where is the money? The money has been stolen.

When you come to EACC, they tell you, we are doing analysis to the file, the file has been taken to DPP, DPP says the file is not *prima facie*, the file is a skeleton, somebody has been discharged. This is done without due regard. I am happy because in the appeal by EACC is in some of corruption cases, the high courts have said those corruption cases must be pre-prosecuted. So, this issue of corruption will continue to be the biggest threat in the success of devolution in this country.

The issue of pending bills is very unfortunate. This will be my third point. It is very unfortunate. Whenever the Office of the Auditor General (OAG) and county governments bring a schedule, Senator for Narok, can you believe that some pending bills that have been pending for 15 years is Kshs20,000 or Kshs50,000? Most of the small businesses are being killed by counties. This is because you hear somebody saying, I have a pending bill in Kakamega or Busia. I thank Sen. Okiya Omtatah Andrew, the former seminarian. He told me that he almost became a priest. I think along the way he saw a beautiful girl and he abandoned the high calling. I laud him for ensuring that we have got a serious decision on our role to oversight.

The Temporary Speaker (Sen Mumma): Senator Omtatah, do you have a point of order or what?

Sen. Cherarkey, do you want to be informed?

Sen. Cherarkey: He is a presidential candidate. He can inform me.

(Laughter)

Sen. Okiya Omtatah: I would like to inform the venerable Senator and the “Bull” of Nandi that I did not leave the seminary because I saw a beautiful girl. I will just tell you that I did not leave the seminary because of any issue of morality or faith. My faith was not compromised; my morality was not compromised, but I left.

Thank you.

(Laughter)

Sen. Cherarkey: Madam Temporary Speaker, maybe what he saw in the seminary could have compromised his decision in faith and morality. I was saying that we must ensure that the decision that Sen. Okiya Omtatah – he is enriching the legal jurisprudence in terms of the role of devolution in this country. I thank him on behalf of all of us.

Oversight has come under threat. You remember there has been a conversation that even the Senate should not be doing oversight. The Deputy Party Leader of ODM is looking at me and smiling. It is very sad and tragic that it was suggested that Members of County Assemblies (MCAs) do oversight. Can you believe that the MCAs can do oversight? Look at the MCAs of Nairobi City County, for instance. They were called and told to abandon the agenda of impeaching the governor. They abandoned it.

So, can you imagine MCAs oversighting anybody? While I have tremendous respect for MCAs across the country, and I believe that they should be given better capacity and ability, they do not have that mojo to hold governors accountable. I hope that the Deputy Party Leader of ODM, Sen. Otsosi, will correct that perception in future because we know that ODM is pro-devolution in all aspects.

Madam Temporary Speaker, the issue of capital projects will be my fourth point. We have noticed and that is why I was saying that the pending bills are tied up between projects. Maybe other counties are different but most of our businessmen and women, young people and Persons with Disabilities (PwDs) even in Kisumu, where you come from, are affected by diabetes and high blood pressure. They are owed Kshs100,000 for the past five years by county governments. We must take a decisive action. What do we do to cure this problem? We saw, in Homa Bay County, contractors protesting. They wanted to come to CPAC to protest when their governor was appearing, because of non-payment of pending bills; even in Nandi, we have similar problems. It will reach a point when we will include 1,000 ways to die while doing business with counties.

There is a documentary, and I know the gentleman from Narok, who has stayed in the United States from America, knows it. There is what is called *A thousand ways to die* or is it *Ten thousand ways to die* – is to do business with counties. In fact, my friends now, whenever they tell me they are doing business with counties, I tell them to write their business obituaries because that will be the end of their businesses. In fact, we encourage people to do private business. This perception must be corrected.

Finally, on the capital projects, there are many littered projects across the counties. We talked about vehicles a few hours ago. There are projects, for example, in Nandi, and I saw my governor saying that there is a project complete in Kapsengere. Kapsengere is near Nyangori, where provincial hospital headquarters is. Kapsengere

Dispensary has stalled. My neighbour knows that. When you come to Kobujoi, a stone throw-away from my place, you will find Kobujoi Hospital that has been stalled.

I want to appeal to him that we have passed allocations for the money. At least he can build a public toilet in Kobujoi Centre, where I come from. When you go to Chepterwai near Mudete, you will find that the Chepterwai Nyayo Hospital project has stalled. You go to Mosoriot, Tinderet and Maraba Hospital; all have stalled. There is no mortuary. God forbid, when people pass on in Nandi, they are taken to private mortuaries because there was a misappropriation of Kshs100 million. Therefore, people depend on Nandi sub-county hospital, which can accommodate 34 bodies only. This undermines Article 37 of the Constitution on dignity of Kenyans, and more so the people of Nandi.

That is what I want to say in conclusion. I want to correct the perception that, if you are in politics and you do not use resources, you better not be in politics. I have heard the Senator for Nairobi saying that when the President meets people and facilitates them – I dare any politician who is here that whenever you host delegations, do not give them food, *chai*, *mandazi* and give them transport. This issue of people being too mean should stop.

I remember when we went to Sen. Osotsi's home, food was flowing freely and he was sorting people, he was "spraying" his supporters. If you are in politics, resources and politics go together. I want to tell these people who are saying it is wrong to use resources in politics to wait for the ballot in 2027. I am happy with TIFA survey results. You have seen that our party, UDA, is the most popular party in this country. That is why we elected Wakwapi; Senator Wakwapi from Bungoma.

The Temporary Speaker (Sen. Mumma): Order, Senator. It is Sen. Wakwabubi.

Sen. Cherarkey: Sen. Wakwapi.

Hon. Senators: Wakwabubi:

The Temporary Speaker (Sen. Mumma): It is Wakwabubi.

Sen. Cherarkey: Wakwabubi. One of our ---

The Temporary Speaker (Sen. Mumma): Say it correctly; it is Wakwabubi.

Sen. Cherarkey: Sen. Consolata, you will teach me privately.

The Temporary Speaker (Sen. Mumma): What is your point of order, Sen. Ledama.

Sen. Ole Kina: Madam Temporary Speaker, this is a House of record and it is important for all of us to be factual. I am a member of ODM and my good friend is a member of UDA. I have seen the TIFA report, but unless my good friend is willing to table it here, he should withdraw what he just said. This is because the popularities of counties, what is fact of our political parties? My political party is ODM and your political party is UDA. The fact is that the popularity is not what it was in 2024 versus today. So, I ask you to either withdraw that statement or table the report here, so that we can be factual. This is a House of record.

Sen. Cherarkey: Madam Temporary Speaker, in conclusion ---

The Temporary Speaker (Sen. Mumma): Can you respond to that, please? Yes, please. Just withdraw if you are not able to.

Sen. Cherarkey: No, I am not withdrawing. I will table the TIFA report tomorrow to show that UDA is the most popular party. In fact, President William Ruto

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will be re-elected in 2027. Those are facts that are in that TIFA report. I will table it tomorrow in the afternoon as per your guidance.

In conclusion, let us appeal that this money go to the people, so that they can get value. This is their tax. That is what is important in this report. I commend the Committee on Finance and Budget and assure you that Nandi County will get Kshs7.7 billion in this Financial Year 2025/2026. In future, when some of us with better plans for that county are called, God willing, we will ensure that Nandi is transformed into one of the world-class counties that we have ever seen in the history of this Republic.

Madam Temporary Speaker, with those remarks, I support and congratulate the Committee on this Report. I hope that compliance will come automatically as per the Constitution.

The Temporary Speaker (Sen. Mumma): Sen. Osotsi?

Sen. Osotsi: Thank you, Madam Temporary Speaker, for the opportunity to also comment on this important Motion, to process the cash disbursement schedule for the equitable share for 2025-2026 financial year.

I join my colleagues, Sen. Cherarkey and Sen. Sifuna, who have said that they do not understand why every year, we sit in here debating how cash should be disbursed to our counties when there is clarity in law. Article 219 of the Constitution is clear; that the money should be disbursed to counties without undue delay or reduction.

That law is very clear and the framers of the Constitution knew that there would be a challenge in revenue collection and there might be delays. However, they insisted and qualified that by saying, ‘undue delay,’ meaning, unreasonable delay. However, what are we seeing? We are seeing a situation where counties run even four or five months without money from the national Treasury. The PFM Act is also clear on this. It actually improved on what the Constitution provides for by saying that money should be disbursed to the counties on the 15th day of the month.

Madam Temporary Speaker, as a Senate, we come here every year to perform this ritual. When it comes to equitable share, we perform this ritual called disbursement schedule. When it comes to additional allocation or even money coming from donors, we come here and pass the schedule but the national Government never follows this disbursement schedule. So, what are we doing? We are wasting our time and our energy in doing this ritual every year.

By now, we ought to have come up with a solution to this problem. This is because, in my few years in this Senate, I have realized that the problem of devolution starts here, with delayed disbursement of funds to our counties. Delayed disbursement is what breeds corruption in our counties.

In the last financial year, the national Treasury released money to the counties a day before the end of the financial year. You will then find that in the counties, people are seated there and their work is to see who to pay, how to maneuver the payment system and get some people paid through corruption,

Therefore, the problems of devolution start with delayed disbursement of funds. Even on issues like absorption in county projects, the problem starts here. The issues of planning of projects in counties, the problem starts here as well. Issues of performance in the counties start here because how do you expect to have a performing workforce in counties when people are not being paid on time? The morale of the staff goes down.

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That is why you will go to counties and find that the staff are not working. They do not go to work and when there is no money in the county, even the governors do not sit in their offices because contractors are on their neck, their employees have not been paid. They leave the office. Senior officials of the counties do not even sit in offices. Overall, that affects the performance in the counties.

Madam Temporary Speaker, I would like you to listen to me because my good friend, Sen. Sigei is interrupting you.

Madam Temporary Speaker, you are the Vice Chair of the Committee on Devolution and Intergovernmental Relations and if there is one thing that your Committee working closely with the Committee on Finance and Budget is going to do in this House is to look into this problem of late disbursement of funds to the counties. We must get a solution to that because that is the source of problems in devolution in this country.

I am saying that with authority because two weeks ago, I led a delegation of my committee and some county officials to go and study the devolution system in Morocco. I was surprised that their process of disbursement to counties or regions is flawless. There is no problem of delayed disbursement to the counties and therefore, they do their work in time.

When it comes to auditing, they have a different method. Their auditing method is a judicial one based on a French model where counties or regions appear before a magistrate set up and defend their reports. Judgment is then issued there and there. So that, if you have stolen, you are taken to jail from there or penalties are issued there.

Madam Temporary Speaker, we need to look into ways of strengthening devolution. Our role under Article 96 of the Constitution is to protect devolution. If indeed this House exists to protect devolution, we must then deal with this problem of late disbursement of funds.

Suggestions have been made in the past. I remember that there was a suggestion by the CoG; that to solve this problem, we should have a contingency fund in the Central Bank of Kenya, where the national Government will put in their money and counties will borrow at extremely minimal interest. This is because we were delaying to send money to the counties. What did the counties do? They would go to commercial banks, get loans at higher interest and would end up paying even more. That ended up affecting their budgets.

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

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

I would like to recommend that one of the things the Committee on Finance and Budget Committee should do is try and research in order to find out how much the counties are paying on interests arising from late disbursement of funds. Madam Temporary Speaker, you might discover that it is billions of monies. That is also another source of corruption because now county officials---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Osotsi, the Chair has now changed to 'Mr. Speaker.'

Sen. Osotsi: Mr. Temporary Speaker, Sir, my good friend, I have seen. Sorry for that.

This is also another source of corruption because county officials are colluding with bank officials in order to get kickbacks when they get loans from commercial banks at higher interests. Therefore, a solution needs to be found so that we can get to the bottom of this matter. As I said earlier, this is the real source of cancer affecting devolution in this country.

Mr. Temporary Speaker, Sir, we have this problem of delayed disbursement in our counties but we do not have the similar problem in the national Government. You will never hear that salaries in the national Government have been delayed. They are always paid on time but in our counties, people are running several months without pay. These same people are the ones entrusted to collect own-source revenue. So, what are they going to do? They will simply collect their own-source revenue and pay themselves, waiting for their salary to come. That is why we have a problem with own-source revenue management in our counties.

Mr. Temporary Speaker, Sir, is some junior officer who manages Exchequer at the National Treasury more powerful than this House, that we can pass such an important Motion and they treat it as a piece of paper?

I know recently we passed a disbursement schedule on additional allocation, which contained 80 per cent donor funds. As we speak now, that money has not been disbursed to counties, and yet it is donor money.

What happens when donor money that has already been remitted to national Government is not disbursed to the counties? It is delayed because that money is put in other things, yet our counties are suffering.

That is why I agree with the Sen. Wambua's proposal that we do not need The National Treasury but a Kenyan treasury that is going to serve both the national and county Governments. We need a full department in Treasury that is going to deal with the county governments. Not what is there now because the National Treasury is working at the whims of the executive, the national Government. They do not care about county governments.

Something has to be done. Maybe we need a law to be brought to this House to be very clear on how the National Treasury is going to be organized, so that it is not going to serve the interest of National Executive but of two levels of government.

I also wanted to demonstrate the spiral effect of late disbursement of funds. We are going to pass this Cash Disbursement Schedule. They will sit on it for the next one month, and then they will disburse money for July. To access that money counties have now to come to Controller of Budget (CoB) which will take another one month. When it goes to the counties, of course there are other delays there.

The County Assemblies will even suffer more, because now they have to get their money through the county executive. That is why we are saying that law that we passed in this House, the financial autonomy of county assembly must now be implemented immediately because the President has already signed it into law. Why is it not being implemented?

We want to see a scenario where this late disbursement of funds does not continue affecting the oversight in our counties, because these spiral delays, it is also

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affecting the level of quality of oversight in our counties. This is because the Members of County Assemblies (MCAs) do not get their money in time just like county officials.

Mr. Temporary Speaker, Sir, the Committees on Finance and Budget the committees on Devolution and Intergovernmental relations, I think, need to look into the bottlenecks in devolution very seriously. My understanding is that all the problems of devolution including pending bills start here.

Our good friend, Sen. Ole Kina, came up with a very good motion here on pending bills. We passed it. Nothing has been done.

Sen. Olekina: We will now go to court.

Sen. Osotsi: We gave recommendations to CoB and counties, which they have ignored and pending bills are piling in our counties.

Why are we here if the things that we pass in this House are never implemented by relevant organization? We have said it many times here that is a high time that institutions such CoB are called to appear in the Committee of the whole house so that we question them on these issues. Even Ethics and Anticorruption Commission (EACC) should be called to appear. What they are doing in our counties is a mess. They come, raid the county offices, carry files away and stay for years with them.

When the county executive appears in the oversight committees of CPAC and CPIC, they come and say we have the documents. Why? They were taken away by EACC. This is a mess that is affecting devolution in many ways. I think we need to put more focus around this issue of disbursement of funds. Most importantly, we must get an explanation as to why money that is already given to government is being delayed to come to us and why money under additional allocation, that is given by donors, takes long to be taken to counties and yet it has already been reflected in government books? That money should be taken to counties.

Yesterday in my committee, we were looking at Financing Locally-Led Climate Action Programme (FLLoCA) climate change funds for Vihiga County. One of the things that we faced was late disbursement of funds from National Treasury. Why would we have late disbursement of funds for donor funded money? The money should just be available.

In fact, they should transfer the money in whole to the counties, not even on a monthly basis. They should transfer the money in one tranche to the counties. Something has to be done around the issue of disbursement of funds and it is in our hands as a Senate. The relevant committees of Finance and Budget and Devolution and Intergovernmental Relations need to up their game.

I believe that if they did something, then we would stop this cry-baby kind of thing that we go through every year when we are passing this schedule and become real protectors of devolution in this country.

I support.

Sen. Okiya Omtatah: Mr. Temporary Speaker, Sir, I thank you for the opportunity to contribute to this Motion, which I support, but with a few comments. Among my comments, I will start off where Sen. Osotsi was going to but stopped short.

We are dealing with a design problem that cannot be solved with a lot of English. Yes, my county has been allocated some good money and every mid-month it is

supposed to receive about Kshs630,000 shillings. It has been allocated Kshs7.956 billion for the year 2025/2026.

The problem with the National Treasury is a design problem. The Constitution of Kenya never anticipated or expected that the National Treasury to be a Ministry of the national Government.

The National Treasury was supposed to be autonomous for it to serve all the 48 governments, the national Government and the 47 county governments equitably and equally. However, because the National Treasury is a Ministry headed by a Cabinet Secretary, and assisted by the principal secretary and the departments, that is basically how Section 11 of the Public Finance Management Act defines the National Treasury. That is in contradiction with Article 225(1), of the Constitution, which clearly requires that the National Treasury shall be set up by an Act of Parliament, or an Act of Parliament shall provide for the National Treasury. To underscore that, if you go to Article 152(1)(d), it clearly says that we shall have not fewer than 14, and not more than 22 cabinet secretaries.

Much later, in Article 225, that is when the National Treasury was set up. There is nowhere it was anticipated that the National Treasury would be part of the National Government; that it would be headed by a Cabinet Secretary and a Principal Secretary, appointed by the President, and who serve at the pleasure of the President and have no security of tenure.

You have heard the President say that he has given counties money. How? Whose money can he give to counties? He cannot give counties money. We must get the institution right. We must create an independent National Treasury as anticipated, have an independent Treasurer, a professional who has security of tenure, is competitively recruited and cannot be fired. That man should ensure that the law is dealt with and we stop lamenting about the late disbursement of funds to county governments.

Similarly, in reference to the corruption that we are talking about, we also need a similar institution at the county government. We must take the money away from the Governor. The idea of having an imperial governor at the county and an imperial president at the national level is what we should be fighting in this House. We must ensure the separation of powers. The Executive power should remain with the President but the power of the purse should go back to Parliament and be vested in three institutions. That is Parliament which does the budget, the Controller of Budget, who oversees the budget, and the National Treasurer, who then disburses funds in a professional manner, not according to political whims.

The same structure should be there at the county government. We must slay the imperial Governor, take money away from the governor and invest it in an independent County Treasurer who cannot be fired by the Governor, is competitively recruited and serves the public, not an individual. That way, we shall protect money. That particular person would ensure that there are no pending bills because pending bills are unconstitutional. They should not be there.

Pending bills are not a public debt. That is something we should also clarify. Article 214 of the Constitution is clear on what constitutes a public debt. It states-

“1) The public debt is a charge on the Consolidated Fund, but an Act of Parliament may provide for charging all or part of the public debt to other public funds.

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(2) For the purposes of this Article, "the public debt" means all financial obligations attendant to loans raised or guaranteed and securities issued or guaranteed by the national government."

Part 2 of Article 214 clearly defines what a public debt is. That alone says that a county government has no capacity to incur a public debt. So, a pending bill cannot be a public debt. That is why I want to depart from the Motion that we passed in this House which said that pending bills should be the first charge on the County Revenue Fund. They are not public debts because a public debt is clearly defined in the Constitution. I agree with the Controller of Budget for not agreeing with the Motion that we passed in this House because it was unconstitutional, null and void.

The Motion that Hon. Olekina Ledama, the Senator for Narok County moved in this House, was unconstitutional, null and void because it failed to understand the concept of a public debt.

Sen. Olekina: Point of Order!

The Temporary Speaker (Sen. Wakili Sigei): Sen. Olekina, what is your point of order?

Sen. Olekina: Mr. Temporary Speaker, Sir, sometimes when I listen to my good friend Okiya Omtatah, I wish that he went to Law School and not just practice law outside without understanding the role of Parliament. Parliament pronounces itself through Motions or Bills.

So, is the good Senator in order to suggest that this Parliament will pass unconstitutional Motions or this Parliament will not pronounce itself? Then what else are we doing here? Sometimes it confuses me whether we know the work that we are doing in Parliament. We are in Parliament to convince each other. We have two sides of the aisle.

So, I really hope that you can find the good Senator out of order because this Parliament does not pass Motions which are unconstitutional. We have a secretariat that advises. In fact, it is like saying the Secretariat in this Parliament is incompetent; you cannot. It is completely uncouth to suggest that this Parliament can pass laws or Motions which are unconstitutional.

The Temporary Speaker (Sen. Wakili Sigei): You have made your point. Just a point of clarification before I give directions on it. If you followed the argument by Sen. Okiya, in the context of a Motion that was moved, he indicated that he would depart, in his opinion, with the Motion.

Sen. Okiya, you may proceed with your argument on it.

Sen. Okiya Omtatah: My argument is that my reading of Article 214, the one that says that a public debt shall be the first charge on the Consolidated Fund, goes further to clarify and define what qualifies for that public debt, not any owing. A county governor, for example, cannot go and incur a debt in a hotel and does not pay, and it becomes a public debt. A public debt must be a financial obligation, attendant to a loan raised or guaranteed and securities issued or guaranteed by the national Government. So, when we talk of pending bills, where suppliers have supplied goods and services and have not been paid, that cannot be a pending bill. That cannot be.

Sen. Olekina: Point of Order!

The Temporary Speaker (Sen. Wakili Sigei): Proceed to raise your point of order, Sen. Olekina.

Sen. Olekina: Mr. Temporary Speaker, Sir, let us be factual and try to interpret the Constitution accordingly.

County governments do not get their money from the Consolidated Fund. They get their money from the County Revenue Fund. What Sen. Okiya Omtatah is referring to is an issue of a public debt that has to do with the Consolidated Fund. The Consolidated Fund deals with funds for the National Government. All county governments accumulate pending bills by not paying money to suppliers. It is simple as that. Every county government operates on a cash basis of accounting. There is an accrual basis of accounting and a cash basis of accounting.

We can give accounting 101 to be able to differentiate the two. When you go to state departments, they operate on accrual basis because they depend on the Consolidated Fund. However, for County governments, every financial year, they must spend the money that they have. Then what do you call it? It is a pending bill. So, let us be clear when we interpret the Constitution. Article 219 of the Constitution 219 is clear. A county's share of revenue raised by the national Government shall be transferred to the county without undue delay and without deduction, except when the transfer has been stopped under this article. This matter is very clear and we need to be clear on it.

Just give me one second, Mr. Temporary Speaker, Sir. I want to clarify something

The Temporary Speaker (Sen. Wakili Sigei): Sen. Olekina, I want to notify you of the fact that you have already spoken to this Bill. If you are raising an issue with regard to a point of order, it is the Chair to direct. I was going to direct Sen. Okiya Omtatah that he should confine his arguments to the schedule for the financial disbursements for the Financial Year 2025/2026, which you are seeking to clarify by making reference to the Constitution.

Sen. Okiya Omtatah.

(Sen. Olekina spoke off record)

You do not have the Floor. You are raising a point of order. You have already spoken to this matter.

(Sen. Olekina spoke off record)

Please, do so in under 30 seconds.

Sen. Olekina: Mr. Temporary Speaker, Sir, I am not speaking twice on this matter. I am clarifying a point that is misleading. One cannot mislead the public. I raised the issue to correct what Sen. Okiya Omtatah was saying. I am not speaking twice on the matter. I cannot allow such things to go on record, when it is clear the county governments get their funds from the County Revenue Fund. That is under Article 207 of the Constitution.

The Temporary Speaker (Sen. Wakili Sigei): You have made your point. Sen. Okiya Omtatah, confine yourself to the arguments.

Sen. Okiya Omtatah: Yes, I will do so, Mr. Temporary Speaker, Sir. Article 206 of the Constitution defines what a consolidated fund is and the county governments do not get their money from the County Revenue Fund. They use the County Revenue Fund to disburse their money. They get their money from the Consolidated Fund because all money raised nationally are kept in the Consolidated Fund, except as directed by an Act of Parliament to be kept in a different fund.

The County Revenue Fund does not receive money.

(An hon. Senator spoke off record)

Look at Article 206 of the Constitution.

I will go back on the Motion. What I was trying to say is that we need to look at this Constitution keenly. We must not allow pending bills to become something that will burden us into the future. We spent and implement an Appropriation Act at the county government. An Appropriation Act cannot result in you having a pending bill. There is no way you can carry a pending bill from one Act to another Act without the involvement of the National Assembly that enacted the Act.

Mr. Temporary Speaker, Sir, pending bills have to be cured through a supplementary budget but not to become a first charge on the new budget on the new Appropriations Act passed by the National Assembly. We need to look at it. One of the problems we are now having with finances in the counties, even when we disburse them, is that we have a mechanism at the county government where the governor is an imperial animal controlling both the money and the executive power.

We must address that to be able to get rid of things like pending bills and misappropriation of funds. We should vest the money in the counties in the hands of professionals. We should have an independent county treasurer controlling the public money in the county. At the national level, we must take the National Treasury away from the executive. The National Treasury cannot be a Ministry of the national Government. It must be an independent organ serving the 48 governments. It must also devolve. We must also slay the imperial presidency at the national level by separating the executive power from the power of the past. The money must go back to parliament.

That way, we shall be adding value to the debate by ensuring that county governments are paid on time. With that, if the national treasurer does not disburse money on time, we can hold him to account. You can hold his feet to the fire and say; why have you not done this? When money is misappropriated and bills are not paid at the county yet work has been done, we can ask the county treasurer why he has not paid that money. When we vest money in politicians, we end up with all the problems we are having. The funds get mismanaged.

Can we put a padlock on public funds? We have all the laws we require. We just have a wrong political culture. Could we get a culture whereby we give the institutions the power they are supposed to have, get the proper designs, amend, get rid of laws like Section 11 of the Public Finance Management Act, which makes the National Treasury basically a cashbox for the President, because the President controls the Minister and the Principal Secretary (PS)? Therefore, you depend on the President to have money delivered to counties. None other than the President has said that they have ensured

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money has gone to the counties. This is a statement that should never come out of a human being's mouth because the law says how the money should be disbursed to counties. I really plead that we go that route.

On the question of e-procurement, I am a strong supporter of open governance. Digitalization of systems is one thing that will help us get proper open governance. So, e-procurement should go down to counties only that we must find a way of implementing it in such a way that it is not abused, the way e-citizen has been abused.

If we do it properly, e-procurement should enable us to get to a position whereby we are able to see procurement going on. As it has been rightly cited by Sen. Cherarkey, in e-procurement, because it is transparent and open, we will not allow somebody to procure a bottle of Fanta or Coca-Cola for Kshs1,000 in the open market.

So, e-procurement is also something I would like to speak to and I support. I plead that those opposing it should direct their energy on how to make it succeed and serve the public and not be a bottleneck on the public.

Finally, I would urge, even as we talk about these institutional reforms, that nothing stops the National Treasury as currently constituted, if it really has the goodwill, to bend down and to disburse this money as required because there is total confusion in counties where workers are not being paid. Some workers have obligations, are exposed to bank loans and other issues that make things very complicated.

I hope that going forward, the National Treasury will see sense in obeying what the law requires in the timely disbursement of funds and the Public Finance Management (PFMA) Act which stipulates that by the 15th of every month, the required funds should be delivered. I pray that the Kshs7.956 billion meant for Busia will be put to proper use when His Excellency Governor (Dr.) Paul Nyongesa Otuoma gets this money, it will go to what is required.

Mr. Temporary Speaker, Sir, with those few remarks, I support the Motion.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Senator Omtatah. In your argument, I believe you made reference to the fact that we needed to lock up, get a padlock for public funds. I tend to think the opposite would have been the case. Get the holder of the key because we need to spend that money and, therefore, we cannot padlock it. We just need to get the right person to hold the key and take care of the public resources.

Lastly, I will allow Sen. Consolata to make her contributions also to the schedule for financial year 2025/2026 cash disbursement for counties.

Sen. Consolata Wakwabubi: Thank you, Mr. Temporary Speaker, Sir, for the opportunity. I also want to contribute towards the report of the Standing Committee on Finance and Budget on cash disbursement schedule. I have observed the following. If you look at backdating of cash disbursement, you will realise that it curtails budget implementation in the counties.

In regard to the Constitution of Kenya, I feel that it contravenes Article 203(1)(j) that requires revenue allocation to counties to be stable and predictable. Sometimes money is released at the tail end of a financial year. That hampers service delivery in the counties thus occasioning blame game between various parties or actors at play.

To wrap it up, I have also observed that this must have stemmed from the revenue sharing formula and a buildup of delayed disbursements. It also leads to pending bills and a lot of controversies in the counties.

Much as we are deliberating on this fact, it is important to realise our mandate as a Senate which is derived from what the standing committee has quoted. That is Article 203(3) as read together with the Public Finance Management (PFM) Act.

We need to look at those constitutional and legal safeguards in order to operationalise this because devolution was meant to empower counties to bring services closer to the people. The hullabaloo on late disbursement in the counties tends to affect progress in regard to projects.

We have the County Integrated Development Plans (CIDPs) that always highlights what is to be done at various levels. Counties always submit their budgets and County Fiscal Strategy Papers (CFSPs) I think to the Senate. It is important for us to scrutinise that and see what is done at what level.

From a project management and planning point of view, a project has a definite start and a definite end. Therefore, there are timeframes vis-à-vis budgets that are given. We normally follow the itemized budget to carry out activities and that is how counties operate. Therefore, it is our duty as a Senate to infuse something like a monitoring and evaluation tool to keep track of the uptake of these funds. We can also propose to have a risk management and assessment tool so that we look at risks that might culminate from these hitches in regard to operationalization or implementation of budgets.

There is also a need for us as a House, through the relevant standing committee, to design a feedback loop or mechanism to fetch information regarding uptake of finances and how they are used in the counties. Let us do that because it is our responsibility to oversee prudent use of public resources and also ensure compliance with the same.

Mr. Temporary Speaker, Sir, I want to finish by pointing out that all this has a cycle. We have leaders in place, we have the CoB, we have the EACC and we have the Auditor General. They are all inclusive.

Let us harmonize the operations and, as a Senate, let us look at that because these delays will always bring conflicts in the counties and even amongst ourselves. We shall have that silo mentality of having negative competition and there will be a mismatch in communication, which hampers service delivery. So, for efficacy, let us follow the rules.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, let us rise.

Sen. Consolata, when the House resumes, you will still---

(Sen. Wakwabubi Consolata spoke off record)

Thank you very much. Thank you for that.

ADJOURNMENT

Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until tomorrow, Thursday, 25th September, 2025, at 2.30 p.m.

The Senate rose at 6.30 p.m.