



THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT



Fifth Session

Thursday, 2nd April, 2026 at 2.30 p.m.

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 2nd April, 2026

*The House met at the Senate Chamber,
Parliament Buildings, at 2.32 p.m.*

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

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

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

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

(The Quorum Bell was rung)

Hon. Senators, we now have quorum. Clerk, proceed to call the first Order.

PETITIONS

The Speaker (Hon. Kingi): Sen. (Dr.) Lelegwe Ltumbesi.

PROLONGED ACTING APPOINTMENTS OF TEACHERS IN SAMBURU COUNTY

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Speaker, Sir, on behalf of the petitioners, I present this public petition on prolonged appointments, staffing challenges and working conditions of teachers in Samburu County.

We, the undersigned citizens of Kenya and professional educators serving in public schools within Samburu County, draw the attention of the Senate to the following-

(1) That the prolonged periods ranging between three to seven years, a significant number of teachers in Samburu County have been serving in acting capacities as school

principals and deputies without formal confirmation, promotion or commensurate remuneration.

(2) That despite the absence of the formal appointment, these teachers continue to discharge full administrative, financial and academic responsibilities equivalent to substantive office holders, including institutional leadership, staff suspension and performance accountability.

(3) That the affected teachers continue to receive lower salaries and are denied responsibility allowances, resulting in financial disadvantage and inequity within the teaching service.

(4) That the schools in Samburu County, being part of the Arid and Semi-Arid Lands (ASALs), operate under extremely challenging conditions characterised by inadequate infrastructure, limited teaching and learning resources, teacher shortages, insecurity in some areas and poor road and communication networks.

(5) That the teachers in acting capacities are subjected to double burden, being required to teach while simultaneously managing administrative duties without formal recognition and responsibilities allowances, whereby affecting efficiency, institutional stability and overall education outcomes.

(6) That the prolonged acting appointments have resulted in career stagnation, professional demoralisation, reduced morale among teachers and inequitable treatment compared to their counterparts in other regions.

(7) That the dire situation of acting principals has adversely affected the quality of education administration, leading to inconsistent school leadership, poor administrative performance, increased principal turnover, low morale and burnout, reduced retention of acting principals in senior schools and disruption of school programmes during abrupt administrative transitions.

(8) That despite numerous appeals to the Teachers Service Commission (TSC) and other relevant authorities, the matter remains unresolved, denying teachers their rightful career progression and benefits.

(9) That this prolonged inaction amounts to violation of principles of fair labor practices under Article 41 of the Constitution of Kenya, 2010 as well as the state's obligation under Articles 10, 27 and 56, to promote equity and protect marginalised regions.

(10) That the issues raised in this petition are not pending before any court of law or constitutional body.

(11) That the petitioners have made efforts to have this matter addressed administratively through the Kenya Secondary School Heads Association (KSHA), Samburu branch to the Teacher Service Commission, but no satisfactory response has been received to date.

Therefore, your humble petitioners pray that the Senate-

(1) Inquires into the prolonged acting appointments of teachers in Samburu County and establishes the extent and causes of delays in confirmation and promotion.

(2) Directs the TSC to facilitate immediate confirmation and promotion of all qualified teachers serving in acting capacities.

(3) Recommends payment of all accrued responsibility allowances and salary arrears for the period served in acting positions.

(4) Recommends development and enforcement of a clear policy framework limiting the duration of acting appointments within the teaching service.

(5) Recommends targeted intervention to improve working conditions in ASAL regions, including provision of infrastructure, staffing and incentives for teachers.

(6) Ensure equitable deployment and staffing of teachers to reduce workload and enhance quality of education in Samburu County.

(7) Recommends a policy and legislative measures to protect teachers serving in leadership and marginalised areas for systemic neglect and make any other recommendations or take any action it deems fit to address the plight of teachers in Samburu County and improve education outcomes.

Your petitioners will ever pray.

The petitioner's list is there with their signatures and details. Thank you.

The Speaker (Hon. Kingi): Hon. Senators, pursuant to Standing Order No.238(1), I commit the Petition to the Standing Committee on Lands, Environment and Natural Resources. In terms of Standing Order No.238(2), the committee is required, in not more than 60 calendar days from the time of reading the prayer, which is today, to table its report in the Senate for consideration.

(The Petition was committed to the Standing Committee on Lands, Environment and Natural Resources)

Next Order.

PAPER LAID

The Speaker (Hon. Kingi): Chairperson of Standing Committee on Health.

REPORT ON CONSIDERATION OF THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL (NATIONAL ASSEMBLY BILLS NO.19 OF 2022)

Sen. Mariam Omar: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, Thursday, 2nd April, 2026-

Report of the Standing Committee on Health, regarding its consideration of the Assisted Reproductive Technology Bill (National Assembly Bills No.19 of 2022).

Thank you.

(Sen. Mariam Omar laid the document on the Table)

The Speaker (Hon. Kingi): Next Order.

NOTICE OF MOTION

The Speaker (Hon. Kingi): Sen. Karungo Thang'wa.

PROMOTION OF ARTIFICIAL INTELLIGENCE AND
INNOVATION POLICY IN KENYA

Sen. Thang'wa: Thank you very much, Mr. Speaker, Sir. I rise to give notice of the following Motion-

THAT AWARE THAT, the Fourth Industrial Revolution is redefining economies globally through emerging technologies such as Artificial Intelligence (AI), blockchain and financial technology (Fintech);

FURTHER AWARE THAT Kenya has made commendable strides in digital infrastructure and mobile innovation, positioning itself as a potential leader in Africa's tech-driven future;

NOTING THAT, in a landmark decision, the African Union Executive Council endorsed the Continental AI Strategy during its 45th Ordinary Session in Accra, Ghana, on July 18-19, 2024 to underscore Africa's commitment to an Africa-centric, development-focused approach to AI, promoting ethical, responsible and equitable practices;

COGNIZANT THAT the Continental AI Strategy calls for unified national approaches among AU Member States to navigate the opportunities of AI-driven change, aiming to strengthen regional and global cooperation and position Africa as a leader in inclusive and responsible AI development;

APPRECIATING THAT the Ministry of Information, Communications and the Digital Economy recently formulated and launched the Kenya National Artificial Intelligence (AI) Strategy 2025-2030;

RECOGNIZING the need to align Kenya's development with global standards in AI adoption while also safeguarding national values, inclusivity, and employment;

CONCERNED THAT the absence of a comprehensive framework may hinder innovation among local start-ups and youth-led tech enterprises and slow down Kenya's ability to harness AI for inclusive growth;

NOW THEREFORE, the Senate resolves that the Ministry of Information, Communication and Digital Economy develops a policy to promote artificial intelligence and emerging technologies with particular emphasis on-

(i) promoting research and development of locally relevant AI solutions;

(ii) facilitating ethical guidelines to ensure responsible and beneficial application of AI;

(iii) creating innovation-friendly sandboxes for supervised testing of AI and emerging technologies;

(iv) strengthening public-private partnerships to build digital skills and innovation ecosystems; and,

(v) integrating AI and coding into the education curriculum to prepare the next generation for the digital economy.

Mr. Speaker, Sir, I give notice.

The Speaker (Hon. Kingi): Next Order.

Before I call hon. Senators to make their requests, allow me to make this Communication.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM USA AND MEMBERS OF AFRICAN YOUTH LEADERSHIP FORUM

Hon. Senators, I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of a visiting delegation from the United States of America (USA).

The delegation comprises of members of the African Youth Leadership Forum (AYLF), who are on a nine-month fellowship programme. Their visit is aimed at connecting with friends of the USA Prayer Breakfast in Kenya and learning how Kenyan leaders grew in the journey of following Jesus Christ and leading with faith and purpose. They also volunteer at the National Prayer Breakfast and at the Capitol Hill. The delegation is in the Senate on a courtesy call to Sen. Daniel Maanzo, MP.

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

- (1) Mr. Jackson Eugene Thompson
- (2) Mr. Benjamin Casey Burgess
- (3) Mr. Davis Maanzo Kitonga
- (4) Mr. Gabriel Odhiambo Achayo

(Applause)

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

I request the Senator for Makeni to extend a word of welcome.

Sen. Maanzo: Thank you, Mr. Speaker, Sir, for the opportunity to welcome the young men to the Senate. There is a programme just like we have here, where young university students work and get attached to the Capitol Hill and have an opportunity to interact with Senators and Congressmen. The programme runs between 10 days and nine months. Many of these young people are able to interact with the leadership, volunteer, learn a lot and have an opportunity to travel to different countries. So, I welcome them to Kenya and hope that they are going to enjoy the session.

QUESTIONS AND STATEMENTS

STATEMENTS

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

Proceed, Sen. Mumma.

CHALLENGES AFFECTING IMPLEMENTATION OF THE HEALTH INSURANCE FRAMEWORK UNDER SHA

Sen. Mumma: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Health on a matter of national concern relating to the challenges affecting the implementation of the country's health insurance framework under the Social Health Authority (SHA).

The Constitution under Article 43 guarantees every Kenyan the right to the highest attainable standard of health. The Social Health Insurance Fund (SHIF) is intended to anchor the government's efforts towards universal health coverage. Despite its central role in facilitating access to health care services, the system continues to face operational difficulties, including digital system outages, delays in the claim settlements, uncertainty regarding empaneled facilities and covered services and concerns raised by health care providers and patients across the country.

In this regard, the committee should address the following-

(1) The status of the digital system supporting SHA, including the causes of recurring system outages, any vulnerabilities or breaches linked to fraudulent claims, losses incurred, if any, and measures taken to stabilise and secure the system.

(2) The status of investigations and legal action relating to fraudulent claims under the SHA, including reasons for delays in prosecuting, where applicable.

(3) The criteria and procedures used to empanel health care facilities, measures in place to enable the public to identify approved facilities and the strategies being employed to enhance public awareness and access to SHA information, particularly for citizens who may not access digital platforms.

(4) Measures in place to safeguard patient access to care, including support for survivors of defilement and other forms of Gender Based Violence (GBV), covering access to post-exposure prophylaxis, treatment for sexually transmitted diseases, infections, medical care for child pregnancies, including psycho-social support and related services and whether systems exist to track such cases and link them with the relevant security and administrative agencies.

IMPACT OF KRA ENFORCEMENT OF THE
ETIMS AND TAX RECOVERY POLICIES

Sen. Thang'wa: Mr. Speaker, Sir, on behalf of the Senator for Nyandarua, Sen.Methu, 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 nationwide concern regarding the impact of the Kenya Revenue Authority (KRA), enforcement of the Electronic Tax Invoice Management System (ETIMS) and tax recovery policies on contractors and business operators across the country.

Many taxpayers, particularly contractors undertaking government projects, continue to face punitive tax enforcement action even where payments due to them from Ministries, departments, agencies and county governments remain outstanding. This has exposed affected taxpayers to agency notices, withdrawal of Tax Compliance Certificates (TCCs), suspension of PINs, penalties and other administrative sanctions, notwithstanding that the delays arise from non-payment by government entities.

Mr. Speaker, Sir, it is unacceptable that genuine taxpayers and contractors who have invested their resources in executing government projects should be subjected to enforcement measures for non-payment of taxes tied to funds they have never received.

In the statement, the committee should address the following-

(1) The ETIMS enforcement and recovery policy that has been in effect, including the legal or policy framework under which it was operationalised.

(2) The basis for the suspension of individual taxpayers, that is, Personal Identification Numbers (PINs), upon inclusion in the special table, including data on the number of taxpayers affected since the year 2020.

(3) The criteria used by KRA in issuing agency notices, withdrawing TCCs and classifying taxpayers as non-compliant.

(4) Data on the number of taxpayers subjected to agency notices, TCC withdrawals, or ETIMS suspension in the last two financial years, including the total amounts involved;

(5) Whether the KRA takes into account pending government bills, currently estimated at over Kshs700 billion, before enforcing VAT remittances or penalties against contractors whose payments are delayed by the government, and whether KRA officers are guided by any internal policy that allows them to exercise discretion and consider taxpayers' financial circumstances on a case-by-case basis.

(6) Measures taken by the KRA and the National Treasury to cushion contractors working with national and county governments from punitive enforcement actions in cases of delayed government payment, including legislative or policy interventions to ensure humane tax enforcement.

This is a Statement by Sen, John Muhia Methu, Senator for Nyandarua.

Thank you.

The Speaker (Hon. Kingi): The hon. Senator for Embu County, the Sen. Alexander Munyi Mundigi.

DISCOVERY OF MINERALS IN EMBU COUNTY

Sen. Munyi Mundigi: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Lands, Environment and National Resources on a matter of county-wide concern regarding the reported discovery of mineral resources within Embu County following recent geological surveys and assessments undertaken by the government through an aerial geographical survey done in 2022 and 2023.

It is understood that various mineral aquiline, including strategic minerals, have been identified in Kiangunguru Hill in Mavuria Ward, Mbeere South Sub-County, Embu County. This development has generated considerable interest, expectations and concern among local communities and stakeholders regarding potential economic benefits, environmental implications and resource ownership.

In the statement, the committee should address the following-

(1) The current status of verification, mapping and comprehensive assessment of the identified mineral deposit in Embu County.

(2) The plans of the State Department for Mining regarding further exploration, licensing and eventual extraction of the identified minerals.

(3) The indicative timeline within which excavation or commercial mining activities, if any, are expected to commence and the measures being put in place to ensure mineral local community participation, environmental protection and sustainability and equitable sharing of benefits arising from the exploitation of these resources.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Senator for Machakos County, hon. Agnes Kavindu.

Sen. Kavindu Muthama: Thank you, Mr. Speaker, Sir, for this opportunity. I have two statements.

DELAYED PAYMENT OF GRATUITY TO FORMER
EMPLOYEES OF MACHAKOS COUNTY GOVERNMENT

Mr. Speaker, Sir, 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 countywide concern regarding the non-payment of gratuity to 33 former employees of the County Government of Machakos.

The affected former employees of the County Government of Machakos diligently served between 2015 to 2022 under contracts that expressly provided for gratuity and part of their terminal benefits, with regular deductions made from their salaries, despite termination of their contracts and the legitimate expectation of timely settlement of their dues.

The gratuity remains unpaid several---

(Loud consultations)

Mr. Speaker, Sir, can you protect me from Senators? Thank you.

(Sen. (Dr) Khalwale spoke off record)

Mr. Speaker, Sir, the gratuity remains unpaid for several months and in some cases, years after their exit, raising serious concerns about accountability, compliance with employment terms and the welfare of the affected individuals.

In the statement, the committee should address the following-

(1) The reason for the failure by the County Government of Machakos to pay the gratuity to the 33 former employees, despite deductions having been made from their salaries.

(2) The current status and whereabouts of their deduction gratuity fund, including whether the funds were set aside, remitted or otherwise utilized.

(3) The measures the county government has put in place to ensure payment of the outstanding gratuity and the timelines of the settlement of the same.

(4) The steps being taken by the relevant oversight and regulatory bodies to ensure compliance by the county government with employment contracts and protection of employees' terms and benefits.

(5) The measures being implemented to safeguard county employees across the country from delayed or non-payment of their gratuity and other terminal benefits.

Sen. Agnes Kavindu Muthama, MP, Senator, Machakos County.

Mr. Speaker, Sir, I will read the second one.

DETERIORATING CONDITION OF MLOLONGO MARKET

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1), to seek a statement from the Standing Committee on Devolution and Intergovernmental Relations on a matter of countywide concern regarding the deteriorating condition of Mlolongo Market in Machakos County.

Mr. Speaker, Sir, Mlolongo Market is a vital commercial hub within the Nairobi metropolitan region, supporting thousands of traders, including small-scale vendors and *mama mboga*. The market continues to face severe infrastructural challenges such as poor sanitation, inadequate waste management mechanisms, blocked drainage systems, muddy access routes, and insufficient public utilities.

In the statement, the committee should address the following-

(1) The measures undertaken by the county government to improve sanitation, waste management and drainage within Mlolongo Market.

(2) Whether the funds have been allocated for rehabilitation works, including paving of access roads and walkways in the market.

(3) The immediate and long-term interventions planned to establish modern market infrastructure and essential facilities, such as proper drainage systems, paved surfaces, sanitation blocks and organised trading spaces, to ensure safe and hygienic working conditions for the traders, particularly *mama mbogas* and other smallscale vendors.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Senator for Marsabit County, the Hon. Mohamed Chute.

STATUS OF KOMOTHE PRIMARY SCHOOL
IN MARSABIT COUNTY

Sen. Chute: Thank you, 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 countrywide concerns regarding the status of Komothe Primary School in El molo, which is in Marsabit County, and has been submerged by recent floods.

Mr. Speaker, Sir, Komothe Primary School serves the El molo community, a minority group in Marsabit County. The school has been submerged and rendered inaccessible by the recent floods, disrupting learning and raising concerns about the safety, welfare and continuity of education for the affected students.

In this statement, the committee should address the following-

(1) The number of students affected, the measures taken to ensure their safety and the arrangements in place to guarantee uninterrupted learning.

(2) Whether there are plans to relocate Komothe Primary School, including proposed timelines and estimated cost of relocation.

(3) The interventions planned to protect the rights of Elmolo community as a minority group and to guarantee uninterrupted access to education.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Tabitha Mutinda, please, proceed.

Sen. Tabitha Mutinda: Thank you, Mr. Speaker, Sir.

IMPACT OF THE WORLD BANK GROUP'S DEBARMENT
OF PwC (KENYA) ON DONOR-FUNDED PROJECTS

I rise pursuant to Standing Order No.53(1), to seek a statement from the Standing Committee on Finance and Budget on a matter of national concern on the impact of the debarment of the World Bank Group of PricewaterhouseCoopers Limited (Kenya), on donor-funded projects in Kenya.

On the 18th March, 2026, the World Bank Group debarred PricewaterhouseCoopers and Associates Africa Limited, PricewaterhouseCoopers Limited Kenya and PricewaterhouseCoopers (Rwanda) for collusive and fraudulent practices in a World Bank-funded electricity project in Ethiopia. The debarment renders the firms ineligible to participate in World Bank-funded projects during the sanction period. This debarment has far-reaching implications for Kenya, which has a significant portfolio of donor-funded projects.

In the statement, the committee should address the following-

(1) The number of all ongoing and planned World Bank-funded projects in Kenya, including details on the number of projects where PwC (Kenya) or its affiliates are or were involved.

(2) The impact of the debarment on the projects and the mitigation measures put in place to address or minimise the impact.

(3) The measures in place to ensure compliance with World Bank eligibility requirements, including confirmation that all consultants are screened against the World Bank Group debarment list.

(4) The steps being taken to strengthen procurement and oversight frameworks in donor-funded projects, particularly with respect to disclosure of subcontracting arrangements, conflicts of interest, beneficial ownership and verification consultant credentials and deliverables.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): The Statement by the Senator for Kisumu County, the Hon. (Prof.) Tom Ojienda is dropped.

ENFORCEMENT OF LAND RATES AND SINGLE
BUSINESS PERMITS IN KISUMU COUNTY

(Statement dropped)

The Speaker (Hon. Kingi): Let us proceed to the Statement pursuant to Standing Order No.57(1).

The Senate Majority Leader, please, proceed.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 21ST APRIL, 2026

Sen. Wafula: Thank you, Mr. Speaker, Sir. On behalf of the Senate Majority Leader, I rise under to Standing Order No.57(1) to present the business for the week commencing Tuesday, 21st April, 2026. As Hon. Senators are aware, in accordance with the Calendar for the Fifth Session, the Senate will proceed on a two-week recess, at the rise of the Senate today. Regular sittings will resume on Tuesday, 21st April, 2026.

During the recess, the 6th Legislative Summit will be held in Mombasa County from 13th to 17th April, 2026, under the theme: “Resilient County Assemblies - Reinforcing Representation, Legislation, and Oversight”. Further details on the Summit will be communicated through the Office of the Clerk.

Mr. Speaker, Sir, the status of legislative business before the Senate is as follows-

(i) Sixty four Bills are pending conclusion, of which 43 are at the Second Reading, 16 are at Committee of the Whole and five are awaiting First Reading, four of which are scheduled in today's Order Paper.

(ii) Fourteen Motions are pending conclusion.

(iii) Sixteen Petitions are pending conclusion by respective standing committees. Of this petitions, 15 are due for reporting.

(iv) One hundred and eighty five Statements passed on to Standing Order No.53(1) are under consideration by respective standing committees.

Mr. Speaker, Sir, at the next sitting of the Senate on Tuesday, 21st April, 2026, the tentative business for the day will include business not concluded from today's Order Paper as well as business indicated in the Notice Paper.

The tentative business for the morning sitting on Wednesday, 22nd April, 2026, will include questions to Cabinet Secretaries as approved by the Senate Business Committee (SBC) as well as Motions.

The Questions scheduled include-

(i) Questions to the Cabinet Secretary, Ministry of Interior and National Administration;

(ii) Questions to the Cabinet Secretary, Ministry of Health; and,

(iii) Questions to the Cabinet Secretary, Ministry of Cooperatives and Micro-Small Medium Enterprises Development.

In this respect, I urge Senators who have filed questions to the three Cabinet Secretaries to ensure that they are in Chamber to ask the questions.

Mr. Speaker, Sir, during this part of the Session, the Senate has failed to attain quorum on two occasions on Wednesday morning and consequently, could not commence its proceedings. This does not augur well for the Senate, particularly when Cabinet Secretaries have already been invited and are present within the precincts of Parliament, yet proceedings cannot begin due to lack of quorum. I, therefore, take this opportunity to urge Hon. Senators, as we proceed to recess, to take time and reflect on the progress we have made and approach Part II of the Fifth Session with renewed energy and commitment.

Tentative business for the afternoon sitting on Wednesday, 22nd April, 2026, will include business not concluded on Tuesday's Order Paper and the following-

(a) Bills at Second Reading:

(i) The County Government's State Officers Removal from Office Procedure Bill, (Senate Bills No. 34 of 2024);

(ii) The County Governments (Amendment) Bill (Senate Bills No. 39 of 2024);

(iii) The Street Naming and Property Addressing System Bill (Senate Bills No. 43 of 2024):

(iv) The County Government Laws (Amendment) Bill (Senate Bills No. 53 of 2024);

(v) The County Government Laws (Amendment) Bill (Senate Bills No. 14 of 2025); and,

(vi) The National Construction Authority (Amendment) Bill (Senate Bills No. 15 of 2025).

(b) Bills at the Committee of the Whole:

(i) The Nuts and Crops Oil Development Bill (Senate Bills No.47 of 2023);

(ii) The Heritage and Museums Bill (Senate Bills No. 8 of 2023);

(iii) The Statutory Instruments (Amendment) Bill (Senate Billd No. 10 of 2024);

(iv) The County Hall of Fame Bill (Senate Bills No. 18 of 2023);

(v) The Public Fundraising Appeals Bill (Senate Bills No. 36 of 2024);

(vi) The Environment Laws (Amendment) Bills (Senate Bills No. 23 of 2024);

(vii)The Sports (Amendment No. 2) Bill (Senate Bills No. 45 of 2024)

(viii) The Kenyan National Council of Relation and Development Bill (Senate Bills No. 72 of 2023);

(ix) The County Oversight and Accountability Bill (Senate Bills No. 3 of 2024);

(x) The Sports (Amendment) Bill (Senate Bills No. 33 of 2024);

(xi) The Electronic Equipment Disposal Recycling and Reuse Bill (Senate Bills No. 5 of 2025); and,

(xii) The Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bills No. 48 of 2024).

(c) Motions:

(i) Delinking junior secondary schools from primary schools.

The projected business for Thursday, 23rd April, 2026 will include business not concluded in the Order Paper of Wednesday, 22nd April, 2026 and any other business scheduled by the Senate Business Committee (SBC).

Mr. Speaker Sir, in conclusion, I take this opportunity to wish Hon. Senators a happy and peaceful Easter Holiday.

I thank you and hereby lay the Statement on the Table of the Senate.

(Sen. Wafula laid the document on the Table)

The Speaker (Hon. Kingi): Hon. Senators, I will allow comments for not more than 15 minutes. If you get an opportunity, kindly, speak for not more than three minutes.

The Hon. Onyonka Richard, proceed.

Sen. Onyonka: Mr. Speaker, Sir, this House has for a long time been trying to figure out what to do with itself. My honest observation and conclusion is that with time, I think the House has realised that maybe, this is a House that might be the last line of defence for the simple reason that we have several issues that are outstanding and every elected leader is fighting for their space.

What you normally realise is that in the process, there are those who suffer, that is, the Kenyan public. To a large extent, I even extrapolate my thinking that maybe, we have never quite understood what this thing called democracy was all about. It was never meant that if we disagree, then it becomes personal or it is something that we can fight physically or otherwise about.

My conviction and belief is that this House understands its responsibility. I believe that the Kenyan public has got a soft heart for this House because it knows, this is the only House that does not directly handle money. The reason for that is that we have the two levels of government; the national level and at the county level. Therefore, our role is purely to just oversight.

This oversight is sometimes not very clear to people. It is seen as being vindictive and an exercise in futility, while others seem to think that this House is actually meant for retirees and people who have literally no value. It is assumed that many of us would be moving towards the elderly years of our lives, yet in reality, this House carries some of the best, most intelligent and most educated people.

Mr. Speaker, Sir, starting with yourself, if we were to sit here and run what everybody's Curriculum Vitae (CV) is, Kenyans will shudder. It is only last month that I

came to know that my Vice-Chairperson in the Committee on Health, Sen. Tabitha Mutinda, is a pharmacist; I actually did not know. It has been wonderfully useful when we go to health facilities, visit the hospitals to try and interrogate ---

The Speaker (Hon. Kingi): Sen. Okenyuri, proceed.

Sen. Okenyuri: Thank you, Mr. Speaker, Sir. I wish to support the statement by the Senator for Embu County on the discovery of minerals in Embu County. Probably this committee needs to go beyond Embu because it is not the first time this matter is coming up. The other time, Sen. Eddy of Migori County raised the same on gold and I commented and said, probably, I need to hear from the Ministry on what they look at for them to term a certain mineral as strategic.

For instance, we have soapstone down in Tabaka, South Mugirango, Kisii, which has existed for a very long time. However, I have seen very little intervention from the Ministry, so that whatever mineral that exists in all regions can benefit the people. I hope the case in Embu is not going to be the case in Turkana, where such minerals are discovered and the residents take a very long time to ever see the essence of why this was even brought to their attention.

Mr. Speaker, Sir, I request the committee that is going to look into this issue to go beyond Embu County and to the very many other areas where mineral discoveries have happened.

I thank you.

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

Sen. Sifuna: Mr. Speaker, Sir, listening to the request for statement by the Senator for Machakos County, the Hon. Kavindu, you will notice that our people have a yearning for development. My reading and understanding of the Constitution under the Fourth Schedule, Clause 7, is that when it comes to trade, development and regulation, it is a function that is specifically assigned to county governments.

I reiterate that we, here in Nairobi City County, witnessed a very unfortunate spectacle just a few days ago. There is a government programme to redevelop Gikomba market. If you spoke to many of those traders and on the 14th March, I was fortunate enough to interact with the ones at Ruai Market, the problem is the way these programmes are being run.

Development must carry the people along and involve them. For instance, the traders at Gikomba and even in Ruai are being told to relocate to a certain place to allow for their current location to be built up. When you see where they are being sent, in the case of Ruai, they are being sent to the Eastern Bypass. There is a place there on the Eastern Bypass. Even basic amenities such as toilets do not exist in those places that people want to be relocated.

There is a problem with the numbers that we are relocating. You bring down stalls for 10,000 people and send them to a place that can only accommodate 2,000 people. People want development, but it must be done in a humane manner and in accordance with the law. The Constitution requires it. It is an imperative for you to involve the people whenever you are developing these programmes. When this administration was

campaigning, we were told that the spectre of nighttime demolitions would be a thing of the past.

Mr. Speaker, Sir, if indeed you are doing it for the people, why come in the dead of the night and demolish people's stores? Why can you not just come during the day and even allow the people to cart away their property and tell them, now, this is the day for the demolitions? Whenever you see anything that is done in the dead of the night, it cannot be for the good of the people.

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

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

So, Madam Temporary Speaker, I want to warn Sen. Kavindu that she must stand on guard because some of these programmes actually end up hurting our people because they are not done properly. We have asked, for instance, why can these programmes not be run in a way that is phased? Must you kick out 10,000 people at a time, at once, or you can actually phase it out and do it in three phases, where you have 3,000 people relocating, the market is built, people come back in, and you do the next phase? I have never understood why that does not make sense to this administration. So that you bring misery to 10,000 people at once, there is no knowing when that market will be complete, there is no knowing what these traders are supposed to be doing now, because they have lost their livelihoods.

Madam Temporary Speaker, there is no one who sits around waiting for nine months, six months or the three months that were thrown around for their livelihoods to go back to how they were. They have children to take to school, they have to eat, they have rent to pay. So let us do this---

Sen. Wakili Sigei: Thank you, Madam Temporary Speaker. Let me comment on the statement by Sen. Kavindu. In terms of the unremitted statutory deductions by the various county governments on the payments due, whether as NSSF or NHIF deductions, the failure by our various county governments, not only Machakos County Government that Senator Kavindu made reference to, but it cuts across almost all the county governments. They deduct statutory deductions from the salaries of their employees, but fail to remit them. In most cases, especially when you note from the report of the Auditor-General, these deductions are intentionally retained for diversion to other interest claims. At the end of the day, an employee's salary is deducted, but those statutory deductions are not remitted. The employee entirely fails to gain on the services and the entitlements that they are supposed to.

I support that to the extent of the deductions which are done by the various county governments, we must compel them to make sure that once they are deducted, within certain timelines, because that is the requirement of the law, those deductions must be remitted to the relevant agencies, whether it is a government agency or whether it is a statutory institution like NSSF or NHIF that receives, failure to which penalties must be put on the unpaid or remitted amounts. This will ensure that at the end of it all, it is the

employee who will benefit as well as that institution in form of the penalties that are levied on the county governments that deduct.

Madam Temporary Speaker, I, therefore, expect that the committee that will deal with this statement will pass a resolution that will support the employees whose deductions are not remitted.

I thank you.

Sen. Ogola: Thank you Madam Temporary Speaker for granting me the opportunity. I support the statement by the Senator for Embu on the issue of minerals. However, it is important to notice that there are serious challenges to this industry. For example, the issue of royalties continues to remain unsolved by the parent ministry. It is so unfortunate that National Treasury keeps on confirming that there are monies that they are keeping for royalties, yet communities and county governments are not able to access these royalties.

The weirdest thing is that the parent ministry has continuously refused to prepare the regulations that would help in the payment of the royalties. Communities have over the years preserved and protected these natural resources and so, it is very unfair. As the committee looks at this, the issue of regulations for the payment of royalties must be dealt with.

There are also other issues that come to play, for example, the safety of miners, that even though the people of Embu might be excited that they are going to explore these minerals, but over in our communities where there are minerals, we do not see the communities benefiting so much. In the past, we have seen a lot of accidents where a number of miners have lost their lives when they are buried in gold mines. We have seen the challenge that is there in western Kenya of the gold mining area in Kakamega and Siaya. It is probably a time that the government must pay attention to the way in which the contractors are acquired. The communities must be involved through public participation and our communities must also benefit from these minerals.

There is the issue of safety. The issue of environmental measures must be taken into consideration. There is also the issue of rehabilitation of the mines once they are closed. They need to pay attention to the issue of social impact.

Madam Temporary Speaker, I also want to comment on the statement that you asked about SHA. The SHA should be made to work. I have evidence. I have been in hospitals and I have seen---

The Temporary Speaker (Sen. Mumma): Sorry. Let us have Sen. Khalwale.

Sen. (Dr.) Khalwale: Thank you, Madam Temporary Speaker. I would like to comment on the statement by the Senator for Marsabit in respect of the El Molo community. I was recently in Turkana and saw that El Molo Bay Village has been submerged by water, just like Komothe Primary School. On this statement, I urge that the government must come clear on how they are going to settle the villagers of El Molo Bay Village and what is more. Instead of taking the funds from the recoveries they make through the housing levy and investing those monies in treasury bills, can the government, since they are unable to absorb that money - they have too much money - go and take this community to a safe ground? This is a community that does not have an MP in Kenya. It does not have an MCA in Turkana. We truly must speak for it.

Madam Temporary Speaker, the second point is on the statement by the Senator for Embu. He has raised the issue of concluded aerial geological surveys. Maybe some members might not know, at the end of this aerial geological survey, when the investors now come in, they do not go and apply for a mining licence, they apply for a survey licence. So, they are going to stay there for the next 10 years, mining these minerals, pretending that they are doing surveys when, in fact, they are making profit.

Finally, on that point, the government must tell us what the minerals in Embu are. Is it diamond? Is it gold? What is it? The old mindset where African countries have never benefited from minerals must come to an end with the new governments.

I was in the House of Commons and I saw a seat 20 feet tall, pure gold, on which the Queen was sitting, small like this, and that thing is built from gold that was gotten from Ikolomani in Kakamega and Accra, yet we got nothing in exchange. This must stop. I am surprised that the government today is supporting Shanta Gold to continue that exploitation of the people of Kakamega in Ikolomani, Shinyalu Constituency.

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

BILL

First Reading

THE EQUALISATION FUND APPROPRIATION BILL (NATIONAL ASSEMBLY BILLS NO.21 OF 2025)

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

POINT OF ORDER

PROCESSING OF THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO.2 OF 2026)

Sen. (Dr) Khalwale: On a point of order, Mr. Temporary Speaker, Sir.

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

Sen. (Dr) Khalwale: I am rising on a constitutional issue, and now that we have taken the order on Bills, the matter is in respect of the Division of Revenue Bill and the Bill for the County Allocation of Revenue. Article 218 of the Constitution states that at least two months before the end of each financial year, there shall be introduced in Parliament a Division of Revenue Bill and a County Allocation of Revenue Bill.

Going by what happened yesterday, it looks like the Division of Revenue Bill has been paused. Arising from that, for which I would like you to guide the House, the County Allocation of Revenue Bill, which arises from the decision on the Division of Revenue Bill, cannot be introduced before Parliament. Given that today is the last sitting,

when we come from recess, we shall be remaining with only three sitting days before this constitutional timeline is breached.

How does the office of the Speaker and the Senate Business Committee (SBC) want to navigate this, so that these constitutional timelines are not beaten, and so that at the end of it, when we do it wrongly, Kenyans will go to court and find that the budget of Kenya for the Financial Year 2026/2027 has been handled unconstitutionally by Parliament?

What is more, what was the wisdom of the pausing of the Division of Revenue Bill yesterday? The Division of Revenue Bill is not just about the money that goes to county governments. This House had a quarrel with governors. It had no quarrel with the national government or with the money meant for Equitable---

The Temporary Speaker (Sen. Mumma): Sen. Khalwale, I think I would want to stop you and bring your attention to Order No.18. Order No.18 today is the Division of Revenue Bill. So kindly sit down, let us finish.

Sen. (Dr.) Khalwale: Madam Temporary Speaker, if you allow me to finish, I do not want to be rude.

The Temporary Speaker (Sen. Mumma): Can you quickly finish what you are saying here?

Sen. (Dr.) Khalwale: Yes. These are constitutional issues. They will end up in court, and it will look like all of us do not know what we are doing. I would like clarity on this matter, because we had no quarrel with the Equalisation Fund or with money due to the national government, which are both in that Bill. We only had a quarrel with money due to county governments. What is more, not all governors have breached the requirement to come before the County Public Accounts Committee (CPAC). They have come religiously. So, when you oppose it, you punish everybody---

The Temporary Speaker (Sen. Mumma): Sen. (Dr.) Khalwale, I have actually brought to your attention that the Bill is scheduled as Order No.18 in today's Order Paper. Sen. Sifuna, what is your point of order?

Sen. Sifuna: Madam Temporary Speaker, my understanding of the decision that was taken by this House yesterday is that we are not sending a single coin, it does not matter under which instrument, to these governors.

In fact, if you look at this Equalisation Fund Bill that has just been read the First Time, it has a schedule of 33 counties. I can confirm that the 29 that precipitated this problem, including Wajir County, where the Chairperson of the Council of Governors (CoG) comes from, who is the problem in this issue, is here, expected to receive a total of Kshs1.9 billion. We are not giving the Governor of Wajir County money. Period!

The clarification I wanted from you is, if you are telling us that we decided yesterday to stand down the Division of Revenue, what is it doing on our Order Paper? We said we will not discuss that Bill until these rogue governors--- In fact, I was speaking with some of these governors and they did not understand what the problem is. The problem, the cause of this stalemate, is the Governor of Wajir County.

Governors who are coming to CPAC and CPIC are being called by the Governor of Wajir. We are not going to give him Kshs1.9 billion, so that he can bounce around telling us that he is the one who knows about devolution.

The Temporary Speaker (Sen. Mumma): Sen. Sifuna, please, sit down. At Order No.18, we are actually going to finalise the conversation that we had yesterday.

(Sen. (Dr) Khalwale spoke off record)

Sen. Sifuna: Let me clarify. Yesterday, and the HANSARD can bear me witness, the Majority Leader stood to move the Division of Revenue Bill. A decision of this House was made that we are not going to handle that matter until the Chairperson of the CoG removes that illegal directive of governors not appearing before the CPAC.

I think it is in defiance of a decision of this House for someone to purport to sneak that Division of Revenue Bill into the Order Paper today. This one must suffer the same fate until Governor of Wajir withdraws that illegal directive.

The Temporary Speaker (Sen. Mumma): Sen. Sifuna, you may sit down. Sen. Roba, what is your point of order?

(Loud consultations)

Sen. Roba, Chair, you are out of order. Can you go to the appropriate place and do--- Thank you, Sen. Roba. You may proceed.

Sen. Ali Roba: I rise on an issue that Sen. (Dr.) Khalwale has sought on some constitutional requirement that is likely to pose a quagmire ahead. He is not questioning other decisions that maybe the Chamber has done. The issue he requires is guidance.

In line with Article 218 that requires the tabling and processing at least two months before the end of each financial year, the Division of Revenue Bill and County Allocation of Revenue Bill, and the politics around the issue that is happening right now within the Senate and the county governments. We have some challenges that need to be navigated.

The point here, Sen. Sifuna, through the Chair, is the concerns he has shared. Taking cognisance of the provisions of these articles, the reality we are dealing with, and the fact that we are going on recess, how do we legally navigate around it? As a respected legislature, I did not expect you, my colleague, to stand and say: “regardless of whether the Constitution says or the law says...” because the HANSARD will indicate the same.

You know, the provisions are a reality that is with us. The leadership of this House must navigate realistically around the constitutional requirements that are here. We are not ignoring the decisions that have been made. As the committee responsible, on behalf of the House on these issues of constitutional deadlines, how do you intend us to navigate around it?

That is what Sen. (Dr.) Khalwale asked. He did not delve into other issues. Let us just restrict ourselves to the constitutional requirements in the light of what is happening and the reality that we are going on recess and how we fit it.

The Temporary Speaker (Sen. Mumma): Sen. Roba, you may have your seat, please. Sen. Roba, we have adequate time. There is no danger of the constitutional timelines being violated if that Bill is not passed today. We have also the Motion brought

by Sen. Olekina. During that conversation, a decision can be made whether to discuss Order No.18 or to step it down and to when.

I do not think there is a constitutional requirement that that Bill must pass today. Sen. (Dr.) Khalwale has raised an important point that will be handled by the House leadership. It does not have to be handled now.

Sen. Onyonka: Madam Temporary Speaker, I hope that my colleagues realise that the Constitution we have is a cut and paste from the US Constitution. I hope that they are prepared to realise that in the US Constitution, you can have a government shut down if there is no negotiated agreement on what we are going to do. Because that has never happened, I think we need to start thinking about the precedence of such an exercise.

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

BILL

First Reading

THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL (SENATE BILLS NO.8 OF 2026)

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

BILL

First Reading

THE ARTIFICIAL INTELLIGENCE BILL (SENATE BILLS NO.4 OF 2026)

*(Order for First Reading read – Read the First Time and ordered
to be referred to the relevant Departmental Committee)*

BILL

First Reading

THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO.5 OF 2026)

*(Order for First Reading read – Read the First Time and ordered
to be referred to the relevant Departmental Committee)*

MOTION

IMPLEMENTATION OF RECOMMENDATIONS BY CPAC AND CPISFC ON AUDITOR-GENERAL REPORTS FOR FY2024/2025

AWARE THAT, Article 96(1) and (3) of the Constitution mandates the Senate to represent counties, protect their interests, and oversee national revenue allocated to county governments; and that Article 229(8) and the Public Audit Act require Parliament to debate audit reports and act within three months;

CONCERNED THAT, despite repeated invitations and summons, fifteen county governors defied the Select Committees on CPAC and CPI&SF by refusing to appear and answer for financial mismanagement and accountability failures in the Auditor General's FY 2024/25 reports;

APPRECIATING THAT, CPAC and CPI&SF diligently interrogated the Auditor General's issues, filed reports within constitutional timelines, and secured Senate approval on 31st March 2026;

NOTING THE urgent need for rigorous follow-up on these recommendations and ongoing Senate oversight of implementation;

NOW THEREFORE, notwithstanding Standing Order 225, THE SENATE RESOLVES that the Select Committees on CPAC and CPI&SF immediately:

1. Track implementation of the Senate-approved recommendations and table monthly progress reports detailing compliance status;

2. Fast-track the next audit cycle by prioritizing Auditor General reports on county financial statements for the year ended 30th June 2026, tabling committee reports promptly to enable thorough Senatorial scrutiny;

3. Enforce fiduciary accountability by re-summoning non-compliant county governors, recommending sanctions for defiance (including budget withholding under Article 229), and escalating unresolved cases to the Controller of Budget, Ethics and Anti-Corruption Commission, or Director of Public Prosecutions as appropriate;

4. Collaborate with oversight bodies—Controller of Budget, EACC, and DPP—to impose consequences under Chapter Six (Leadership and Integrity) for governors' failure to appear, including contempt charges, suspension of county equitable share, personal liability for losses, and disqualification from future electoral candidacies.

(Sen. Ole Kina on 01.03.2026 - Afternoon Sitting)

(Resumption of debate interrupted on 01.03.2026 - Afternoon Sitting)

Senator Eddy Oketch, you had three minutes left.

Sen. Oketch Gicheru: Madam Temporary Speaker, I guess just to put it in context, yesterday we were discussing the agenda of why governors do not want to come to this House and the consequences it has, in terms of our mandate and our role to send money to the counties, as well as our role as watchdogs for the counties.

I like the fact that almost all the Senators in this House, majority of us do not do oversight in funerals or functions in the villages. We do our oversight roles professionally in this House, so that our accountability does not become a witch hunt. That is the context in which the reports that have been put in this House by all the honorable Senators make us more honorable than governors.

That is not to say that we cannot be able to hold these governors accountable. In that context, I was asking the people of Kenya that if the Auditor-General, for instance, in the case of Migori County, has indicated the following, is it right that my governor would refuse to come before CPAC in the pretext and in the context of the CoG saying that they cannot appear? The Auditor-General has indicated in a report that there is a laboratory that was supposed to be built for a dispensary in Nyamekongoroto in Kuria. The Governor of Migori, with the agreement of the executive, used Kshs4.1 million and that money, in the best understanding of the auditor, did not do the job. I was asking my governor, Hon. Ochilo Ayacko, is it okay as a county that they do not appear before the Senate to answer this?

Further, you know how our women have suffered in this country. There was a maternity ward at a place called Nyamotembe Dispensary, also in Kuria. The Auditor-General reports that were tabled in this House yesterday say that there was use of Kshs3.8 million to build that ward. The Auditor-General went there, the money was used, but the ward was not built. I am asking the nation and the country, is it right for my governor not to appear before the committee of this House to answer to this money?

There is a laboratory also for a health care centre in Getabwanga health centre in Kuria, again, that the governor planned Kshs1.5 million. The Auditor-General says the money was used, but the laboratory was not built. I am asking this honorable House and the nation, is it okay for the Governor of Migori County not to appear to answer to this?

I am still on the report before you in this House. There is a market shed in Gupimo where the governor spent Kshs2.7 million, paid some contractors, but the shed was not built.

The Temporary Speaker (Sen. Mumma): Sen. Oketch, your time is over.

Sen. Oketch Gicheru: Just 30 seconds.

The Temporary Speaker (Sen. Mumma): No. We have a malfunction and we agreed yesterday that everybody is interested in speaking. So, when your time is up, please, allow the others.

Sen. Oketch, finish in 30 seconds. Sen. Wakili, you will be next.

Sen. Oketch Gicheru: I was tying up on the question of Gupimo market that Kshs2.7million was lost. Is it fair for the governor to fail to show up?

Madam Temporary Speaker, the country must understand that the Senate is not witch-hunting the governors. We are taking our fiduciary responsibility. We are taking an accountability path for all our governors. They will not waste people's money. We have

decided, as the Senate, that we are coming for the governors. We must make sure they account for all this money.

I thank you.

The Temporary Speaker (Sen. Mumma): Thank you, Senator. The system is malfunctioning.

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

Sen. Wakili Sigei: Thank you, Madam Temporary Speaker. We are struggling with this system. The other day, a concern was raised before the Senate Business Committee (SBC) on the malfunctioning of the system. That has been our experience from the time we started. Nonetheless, we have important business to deal with.

I thank the Senator for Narok County for the Motion we are debating. We did it yesterday and today, we are enhancing the oversight role of this House. I recall that, previously, we debated on a Motion requiring all county governors to pay pending bills first from any allocation. That has never been implemented.

The governors have refused to appear before this House. The drama we experienced yesterday was that of a thief making every effort trying to paint the person exposing them as wrong. A thief is a thief whether they have stolen diamonds or avocado seedlings that Prof. Barchok of Bomet County takes from the Financing Locally-Led Climate Action (FLLoCA) investments. We need to call them by their names.

I thank the committee for proposing that we adopt all recommendations by the report of the Auditor-General. We all support that proposal. This applies to governors who did not appear before the committee. Some of them take pride in appearing before the committee to ask for more time or do not have proper documentation, including my governor. That does not take away the responsibility the Auditor-General has given on stolen money. It still exposes the resources of our county governments that have been stolen.

Therefore, as a House, we must stand firm. I agree with colleagues that we have no business pushing for additional allocation or passing legislation to facilitate resources to county governments when those meant to account for them see us as enemies of development.

I agree with the resolution this Motion seeks, including tracking the implementation of the resolutions of the Auditor-General's report. It must be done in this House or other government agencies, including the Office of the Ethics and Anti-Corruption Commission (EACC), where most of the problems we have are domiciled. I am aware that my governor, who was previously charged over an amount he claims to be minimal, still has a matter pending before the same institution.

As a House, we must ensure that the collaboration mechanism we put in place works. We need to call to order officials delaying prosecution of these cases, whether it is EACC or the Office of the Director of Public Prosecutions (ODPP). We must kill this monster called corruption.

As a House, we have done our part. We ensured resources were put in place and sent to county governments. However, we are not seeing services to the people. When we

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

call upon governors to appear before committees, they say we are embarrassing them. Colleagues have said the documents brought before the committee are the ones that embarrass them. Some even claim they are unable to read because the statements placed before the Auditor-General and the committee do not make sense. They must answer to the theft of public resources.

Madam Temporary Speaker, it does not make sense. For example, the Auditor-General's report states that the County Government of Bomet, Hon. (Prof.) Barchok, takes Kshs119 million for casual employees, whose records are not available. This money is taken by heads of departments and not paid out. A number of them have gone to court complaining. The matters are pending before the court. Over Kshs119 million, as reported by the Auditor-General, has been siphoned from public coffers. Do they want us to keep quiet when such amounts of money have been lost?

Madam Temporary Speaker, we took oath of office to protect devolution and ensure services to the public are delivered by those responsible. We must call them out. It does not make sense where irregular payments of over 1,454 officers, amounting to Kshs50 million are paid outside the Integrated Payroll and Personnel Database (IPPD) system.

We cannot keep quiet when this money is paid to ghost workers, yet the public is crying to be employed. We are crying to get our brothers and sisters, our sons and daughters, who have gone to school, to be employed. They opt to pay outside the system because that is the only way they can siphon money.

The governor's residence had a ceiling of Kshs45 million. The Auditor-General's report now indicates that over Kshs100 million has been spent on building the governor's residence. It is over eight years now, more than Kshs100 million has been spent, yet the structure is still dilapidated. The contractor is not on site and they want us to keep quiet. They want us to say we are politicising. That will not happen. This House will do what the Constitution requires.

Madam Temporary Speaker, we have over 25 ward offices under construction for 15 years since devolution began. Every financial year, allocations are made, but the projects are never completed. As we speak, they are stalled. Out of 25 wards in Bomet County, only three are complete but not utilised. We cannot keep quiet when public resources are abused. We cannot keep quiet when money is stolen.

I like that this House decided that if you fail to appear before the committees, monies meant for counties should be stopped. We serve the public. Let us do this, so that the public knows we are not witch-hunting governors. We are telling them to be responsible because we have given them resources.

When Kenyans passed the Constitution in 2010, they did not devolve corruption. They devolved governments expecting service at the lowest level. They did not anticipate theft at the lowest level. They did not anticipate governors who refuse to account for resources sent from the national government.

It does not make sense that as we struggle to allocate funds to counties and out that, 50 to 60 per cent have become employment bureaus. Resources going to recurrent expenditure are over 50 per cent. Development receives less than what the Constitution

provides. We must speak out. We must call out governors, not only those who appeared before the committee, but all of them.

The Auditor-General's report raises issues specific to many counties. We must call them to book. For example, the Chairperson of the County Public Investments and Special Funds Committee (CPISFC), Sen. Osotsi, reported that the Bomet Water Services Company is not a going concern. We appeared before them. The Chief Executive Officer of the institution and the Chief Officer for Water confirmed that it is no longer a going concern. Over Kshs100 million has already been budgeted and allocated, yet employees have not been paid salaries for the last two years.

Remittances have not been remitted to the National Hospital Insurance Fund (NHIF) or National Social Security Fund (NSSF), yet these resources have already been budgeted for, allocated and taken to the relevant accounts. Unfortunately, the county government, governor and his cronies are the ones who are taking them away.

Bomet County is one such county where the governor has decided to pass a policy where all dispensaries that receive the Facility Improvement Financing (FIF) remit back to the county government over 25 per cent of the remittances. He appeared before the committee and admitted that was what they were doing and requested for more time to go and rectify. How can you rectify an illegality?

These monies get back to the county coffers and it is unknown what they are utilised for. Therefore, they do not expect us to keep quiet when we know that these resources are going to individuals and their friends, yet we do not have drugs in our dispensaries, employees have not been paid and the infrastructure in those dispensaries is terrible. There is a lot that we must speak about.

Over Kshs111 million has been allocated to the Early Childhood Development Education (ECDE) centres and signed up with contractors. However, a good number of them do not have documents of ownership. Where does Kshs111 million go to if not to the stomachs of this team? Where does over Kshs115 million that has been set aside for the purchase of the stadium go? We are aware that amount has not been paid and the titles have not been issued. This is because the contract on the part of the county government has not been honoured yet Kshs76 million has already been set aside. That is captured in the report of the Auditor-General.

We, therefore, cannot keep quiet and watch as they steal public resources. We must call them out and to order. I support the Motion that requires the Ethics and Anti-Corruption Commission (EACC), this House, the Director of Public Prosecutions, as well as other government institutions to pass, under Chapter 6 of the Constitution, that this team of thieves are not fit to hold any public office in future and even right now.

I support and thank Sen. Olekina, as well as Members that have come out to support this cause. The only way we will perform our role under Article 96 to protect the Constitution is to speak out. We do not have resources. We are the ones who are giving them resources. We must speak out and tell Kenyans and the residents of our various counties that we send resources, but it they are stolen by a few people for their own benefit. Therefore, they must be called out, so that they know they are being watched. Kenyans will not tolerate that, as much as they are saying we are embarrassing them. We will continue to embarrass them in this House and in other places.

Lastly, allow me to just quote for them the fact that they might be thinking they have the resources right now to protect themselves, whether in court, to pay their way out or get goons, like the one who did so yesterday to protect himself. Alex Hay says, theft may give you a momentary advantage, but karma will ensure that you pay the price. Whether they will survive right now when they are in office, the law will catch up with them and they will pay the price for stealing public resources.

I support.

The Temporary Speaker (Sen. Mumma): Hon. Senators, we agreed yesterday that only those who have not spoken to the Motion be given opportunity. So, I would like to ask those who have not spoken to log in, so that they are given the opportunity.

The next person is Sen. (Dr.) Khalwale.

(Loud consultations)

Sen. (Dr.) Khalwale: No. I have not spoken to this matter. Thank you, Madam Temporary Speaker. The people of Laikipia, the county represented by the distinguished Sen. Kinyua, may hear that I am rising to speak to the pain that they are going through under the hands of these governors.

I laud the attempt by the Senator for Narok, to put another layer of emphasis on the fact that governors must be accountable. That is all that we are saying.

I have been following the discourse that has taken place from the drama which was there yesterday and some of the members of the public are losing it. Forget about that drama. What we are talking about is accountability. Just like Parliament insists that the national Executive should give the first charge on the Consolidated Fund for public debt. Similarly, the Senate is saying, on pending bills, they should attract the first charge before governors make any other commitment on expenditure.

This is exactly what governors do not want. They want to run county governments like kiosks, personal accounts or accounts they have opened for their children to pay their school fees, not caring where they get the money that they put in the accounts that they have opened in the names of their children. We want to insist that governors must present themselves for oversight.

So that I do not lose track, let me appeal to the people of Kakamega who understand the CPAC. Governor Barasa is lucky I do not sit there. If I was sitting there, I would have added more oomph into what they did to him when he came and they found he had fallen short of the glory. People of Kakamega, Governor Barasa should be forced and frog-marched to Nairobi for the following reasons.

So that the people of Malava can be told what happened to Kshs100 million that was in the account for the construction of Tumbeni Dairy Factory, where we had 78 high grade dairy cows. He should come and tell us how the animals dropped from 78 to 17. Some agents of the governor come in the night and walk away with the cows belonging to the public. They are cattle rustlers. This is what we want them to respond to. The people of Malava want Governor Barasa to tell them what happened to Kshs250 million that was in the books, indicates that it was put on the Butali-Malekha Road. The road is

there looking like the bald head of Barasa. I wish it was bald like mine, which is bald and smooth.

The people of Mumias West and Matungu want to hear Governor Barasa explain what happened to the Kshs400 million plus which he put for the construction of the road from Mumias Town, through Mwiboma, Matawa, Lureko, all the way up in Indangalasia. They want to be told because the money has been spent in the books, but the road is not there on the ground.

This is what we are talking about. The people of Matungu want Governor Barasa to tell the country what happened to the Kshs600 million that he put for the construction of the road from Bulimbo, Harambee Market, to go and cross all the way to Malaha. Instead, the road is not there. It is only three and a half kilometres to the governor's gate and Kshs600 million is gone.

This is what the CPAC is talking about. You must forgive young Sen. Sifuna and young Sen. Oketch for being energetic and moving the way they did yesterday. It was the collective anger of this House. It was not that they wanted to assault Governor Lelelit. In fact, Governor Lelelit has nothing for which you can assault him. What does he have apart from those vehicles which he acquired the other day after looting the county treasury? If Sen. Sifuna wanted to commit robbery with violence, he would not go to Samburu. He would go to the Central Bank where real money is. Nobody should sympathise with these people. We must insist that accountability must be the order of the day. What is more, I appeal to the people of Shinyalu. watching these proceedings, the reason why Governor Barasa must be brought here is to explain why, today, despite the hundreds of millions of shillings that have been pumped into Shamakhubu Health Centre, four years since Governor Barasa went into office, they have yet to open their gates, and the money has been spent.

The people of Ikolomani must bear with us and support us in marching Hon. Barasa to this place, because they need to be informed about the Kshs120 million that was allocated for the completion of the section from Eregi to the crossing of River Lukose, so that they can understand why the funds went to build the bridge at Bushiangala. It is what we are talking about and we are not about to keep quiet.

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

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

Mr. Temporary Speaker, Sir, if we do not do this, then the drama that the Governor of Nairobi City County was trying to bring here--- I am glad that Sen. Sifuna, you were spot on in your contribution to that debate. You came with the report of the Auditor-General. You were reading it out for the people of Nairobi City County to realise that it was nothing personal.

You know, recently, because Sen. Sifuna has become “*Sisi ni Sifuna*,” people think he is doing things for other reasons. No. He is discharging his mandate. Whether he is a two-term or one-term person is not the issue; the issue is accountability.

Mr. Temporary Speaker, Sir, the way you are looking at me is like it is a crime to say 'two-term'. The people who are saying 'two-term' are saying they want President Ruto to continue in office and those who are saying 'one-term' are saying he has fallen short of performance, therefore, he should be relieved of the presidency. So how you criminalise it and you end up teargassing politicians when they are articulating serious national issues like 'one-term', beats logic. It completely beats my logic. You should not. Why teargas them? Why? For what reason?

In fact, when the late President Moi arrested me as a young, dashing doctor because of my conscience, I look back and say, probably President Moi would have killed us if he were having the kind of bad attitude, but the guy used to lock us up. He locked me up and he locked Sen. Richard Onyonka and we have lived to say it.

Why attack people? We thought it would just be teargas, but now, they are using bullets, and we would have thought they would be rubber bullets. They are using live rounds and Hon. Murkomen is there, shouting, shoot to kill. Hon. Nelson Koech from Belgut is there, shouting, shoot to kill and the President is saying, shoot in the leg. Really? Really?

What country do we want to build? We refuse and because we are experienced and senior citizens of the country, we fear nothing. We are saying that God has given us beautiful children, some of them today are in the Public Gallery---

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Dr.) Khalwale, your time is up. The way I looked at you was to tell you that besides 'two-term' and 'one term', there is also long term, and there is no term. So, there was nothing to communicate other than to tell you that even half-term is existing.

Thank you, Sen. Khalwale, I will ask Senator Mumma to give her contributions.

Sen. Mumma: Thank you, Mr. Temporary Speaker, Sir, for the opportunity to speak to this Motion and thank you, Sen. Ledama Olekina, for moving it. I support it with amendments. I do not know whether we can amend.

Hon. Senators, this is a very important issue. Lawlessness will kill this country. The Senators are angry because of lawlessness. The Senate County Public Accounts Committee (CPAC) and the Senate County Public Investments and Special Funds Committee (CPISFC) have carried out their task in accordance with the Constitution, but the governors think this is a joke. The governors think they are so much above the law that they cannot subject themselves to what the law requires. That is bad.

The key issue here is lawlessness. What are we supposed to do about lawless public servants, lawless state officers? Are we supposed to be terrified and say, now if the governors say we cannot do this, then the Senate should proceed, as we were earlier told by Sen. (Dr.) Khalwale, or their constitutional timelines? I think the country will collapse if we do not pass this Division of Revenue Bill.

We need to start asking these questions, seriously. That lawlessness applies to everybody, including the Senate. It would be my wish that the Senate and the Council of Governors (CoG) would be the entities that are helping this country to bring back devolution on track.

I feel so sad that we are at that stage where we are speaking at each other instead of speaking with each other to try and bring back devolution on course. On the reports

submitted by the two committees, CPAC and CPISFC, this is unfortunate because they were just submitted in a day and there was hardly any time to speak on them.

If you ask me, Mr. Temporary Speaker, Sir, this House should have had ample time, possibly a whole week of conversation discussing the reports of the 29 counties whose governors have refused to appear before the committees. That is the only way that the citizens in those counties get to hear what is in those reports. In this time of 10 minutes, we are just speaking in anger because of how they have behaved, but there is a serious accountability issue.

I find it sad, hon. Senators, that county public servants are being taken for a ride. Their statutory deductions have been squandered. If you have a government that does not care about the very people who take care of themselves, can they take care of citizens? I think we are in a bad place as a country. That you can consciously direct that statutory deductions be deployed to other things, be squandered, is a big problem for this country. It points to the fact that governance has gone wrong in Kenya and we need to do something about it.

Now, the Motion has proposed several things and that is where I think we might want to relook and think of amendments. In paragraph one, Sen. Ledama suggests that we should resolve that the CPISFC and the CPAC should track implementation of the Senate-approved recommendations and table monthly progress reports detailing the compliance status.

My view is that the CPISFC and the CPAC, having been the ones who have picked these issues, should not be the ones moving for implementation. It has been suggested in this House several times that an implementation committee be established, but that has not happened. I think good governance would require that we get a committee that can actually follow up on the implementation. That committee, in my view, should develop a tool that we can use to track implementation.

That would not be implementation by the county governments. Rather, it should also be implementation by the Ethics and Anti-Corruption Commission (EACC), the Directorate of Criminal Investigations (DCI) and Office of the Director of Public Prosecutions (ODPP), so that there is a roundtable of holding every institution accountable on what they are supposed to do. However, that is not happening. That is why whoever is concerned knows that they can do whatever they wish because they will get away with it. After 13 years since devolution was operationalised in 2013, this House needs to do Kenyans a favour and develop a clear accountability tool with indicators which can publicly be accessible to wananchi to see if this was recommended.

If we have recommended that all monies required for the pensions and the gratuities of workers of the county should be remitted to where they are supposed to be remitted, that should be followed up and every month we should be able, in this House, to read publicly and say this county is compliant, and this one is not. Unfortunately, we are not doing anything about it. We only vent for that moment when we are angry and nothing happens around that.

Mr. Temporary Speaker, Sir, the Senate's County Public Investments and Special Funds Committee (CPISFC) and County Public Accounts Committee (CPAC) work on the basis of the reports of the Auditor-General, on the basis of the functions that counties

have elected to implement. I sit in the Senate Standing Committee on Education and would like to inform this House that there are some functions that governors are doing nothing about. Thirteen years into devolution, the Senate has also not come up with a tracking method to find out whether every function assigned to counties under the Fourth Schedule is being implemented.

Those of you who sit in the Senate Committee on Education will attest to the fact that we have gone to some counties and the governors do not seem to have a clue on what they are supposed to do about Early Childhood Development Education (ECDE). We have found counties that have invested zero in the Technical and Vocational Training Colleges (TVTCs). We have counties that do not even know the percentage of the population of learners in their counties who are not in national government's tertiary institutions and who are in the TVTCs.

The TVTCs have a very small enrolment because governors prefer to assist the national government. They enter into a Memorandum of Understanding (MoU) with the national government to give county funds to schools where even Members of Parliament (MPs) are giving bursaries where you have many scholarships, yet they are doing nothing about the very function they have been given. So, I am suggesting that accountability based on only the financial audit of where the governors have deployed the monies is not full accountability. We need to come up with tools that can actually tell the residents of, for instance, Vihiga and Tana River counties that their governor or government has been doing nothing about this function. That is what we were established to do.

As I finalise, I request that we find a way of getting the two entities to get back to business in accordance with the law. I am calling on the Council of Governors (CoG) to be humble enough to start appearing before the CPAC and CPISFC. You have no legal mandate to pass a resolution that you cannot appear. Please, submit all the evidence you have against any Senator and get that Senator investigated. You cannot stop accountability of the funds that you are doing because you do not like the face of a particular Senator or you do not like being called out in public. I request that the House leadership reaches out to the leadership of the Council of Governors (CoG), so that we do what is right in accordance with the Constitution and the laws of this country.

I thank you Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Sifuna, please proceed.

Sen. Sifuna: Sen. Mumma, as part of the leadership of this House, I need to remind you that this House has already written to the CoG on how this matter can be resolved.

Mr. Temporary Speaker, Sir, if you remember, before we went to Nakuru, the Speaker of this House issued a communication and said, yes, we can have a conversation, but we cannot suspend constitutional imperatives. He asked the governors to continue appearing before the committee and once that is done--- In fact, a date was set. However, as I was saying earlier, this entire problem is a pointer to the total collapse of leadership at the CoG.

Mr. Temporary Speaker, Sir, would you believe it, a member of the Council, a governor, would appear in Parliament buildings, where we hold our meetings, ready to

appear before the Senate County Public Accounts Committee, and she is called and threatened by the Chairperson of the CoG to leave the premises of Parliament.

I would like to tell the country, the problem is the Chairperson of the CoG, Governor of Wajir County. As his SG, I am ashamed because he is a member of the Orange Democratic Movement (ODM). I am very ashamed of the Governor of Wajir.

Mr. Temporary Speaker, Sir, I would like to assure Sen. (Dr.) Khalwale that I personally do not mind being criticised for the work that I do. If there was one thing that my late boss, the Hon. Raila Odinga, kept telling me is, Sifuna, you must grow a thick skin. He was one of the most insulted persons. Out of the seven newspapers that are printed in a week, four would have his name on the headline. Some abusing him and others praising him. So, it comes with the territory. I do not have any issue being criticised. You can also not threaten Sifuna. I have heard the Governor of Samburu say he is ready to face me. I am still a member of the County Public Accounts Committee. The duel that people want to see is not a physical duel. It is for you to come before the Committee and answer the questions that we, as a Senate, are going to ask you to answer.

Mr. Temporary Speaker, Sir, of late, there is a recent development that the Senate has suddenly become a bad place. In fact it is this Fourth Senate, that for the first time pushed the amount of money that goes to counties under the shareable revenue across the Kshs400 billion threshold. It had never been done. We did it. When these governors want things, they look for us to push for them. I was embarrassed to see the CoG sitting in this Chamber, before the Senate Standing Committee on Finance and Budget, chaired by Sen. Roba, coming to tell us to help them to push what the national government has proposed in this financial year from Kshs420 billion to Kshs450 billion. If you have noticed, these days I do not even talk about that Kshs450 billion that I used to sing every day in that expired MoU because I am asking myself, Kshs450 billion to go to Governor Wajir and these other governors who are buying supplements for wild animals? I am conflicted because I swore an oath to defend the counties and their governments, but not these ones.

When they had a problem with Road Maintenance Levy Fund (RMLF) and the National Assembly was refusing to release money for roads, they came to Sifuna. They came to this House. They came to the Senate. We were fighting for them. In fact, it is them who ran away. In my opinion, there is a total collapse of leadership of the CoG. They will come here when they have problems, we agree that because we are the devolution family, we will fight this fight together. When they are called somewhere behind the tent, you hear they have reached an agreement with the National Assembly or with the state and consequently they abandon the fight and leave the Senators hanging.

Mr. Temporary Speaker, Sir, it is this House, the Senate County Public Accounts Committee, that wrote off Kshs16 billion in pending bills from Nairobi City County books. We sat down with the then Cabinet Secretary for the National Treasury and Economic Planning at the onset of this House and the Comptroller of State House, and we told them in no uncertain terms, that the bills that were incurred by the Nairobi Metropolitan Services (NMS) were not going to be paid by the County Government of Nairobi City. That was the Senate. That was Sifuna. That was the County Public Accounts Committee. They came to us crying that because of late exchequer releases,

when they delay in paying Pay As You Earn (PAYEE) remittances to Kenya Revenue Authority (KRA), there are penalties imposed.

It was this committee called the County Public Accounts Committee (CPAC); it was Sifuna; it was this Senate that sat down with the National Treasury and Economic Planning and agreed that because the problem is not originating from the county's side and late exchequer releases are a reality, they should not be penalised. You cannot delay giving us money, then when I delay remitting PAYE for my employees, you add a penalty on top.

It is this House that they are demonising that ensured that we passed a law for financial autonomy for the county assemblies because governors were running circles around the assemblies with the famous Form C. We have done a lot of things.

Mr. Temporary Speaker, Sir, there was the other one for the shareable revenue that I have addressed. There was also the question of late exchequer releases. Whenever there is a delay, you will hear the national government saying that they are up to date and yet, governors come to our committees and say that they are three months behind. This is a question; how is it possible that they only come to us when they want things? That we are only good people when we are pursuing what they consider their interests? Now that we ask for accountability for the same amounts that we fight for, they are demonising us.

Last financial year, the so-called small counties such as Lamu and Vihiga came together and convinced us to introduce an affirmative action amount in the new formula. From those 13 counties, the only governor appeared before us and actually said thank you for the fight for devolution is the Governor for Nyandarua County. These other ones continue to insult us and even up to today, they are still calling us names.

Mr. Temporary Speaker, Sir, we have told them that because we are also politicians, we can also throw down. These suits are just clothes; we can remove them and just wear *magwanda rasmi ya vita*. Nobody should think that because Sifuna wears a suit every day, that in certain circumstances, if need be, I cannot throw around. They should not threaten us.

I want the country to understand what we were objecting to yesterday. You have a governor who you have given resources and the Constitution requires him to come and account for those resources. You have invited him once, twice and three times; issued summons to him and even sent the police to look for him, but he has refused to appear before the CPAC and the Senate. Then, he comes to the Senate to create content for his TikTok out here yet, there is a live matter before the committee and a live arrest warrant.

Mr. Temporary Speaker, as a lawyer - I know because you were my classmate - you know that it is the responsibility of everyone to hold him accountable. Even in the village, if you know there is a thief who the chief is looking for and he has put a notice asking you to tell the thief that he is looking for him, when the thief comes and prances around with a battery of journalists making content for his Facebook page, will you expect us to just sit here and also send him some likes? It is not possible.

Governor Lelelit, you know where to find me. I am still a Member of the CPAC and you must answer the questions that I have for you. You cannot threaten me with anything, I am doing the job that I was given under the Constitution. I am available and as we told this House, we are going to do a schedule for the meetings of the CPAC in

accordance with this Motion that has required us to enforce fiduciary accountability by resummoning non-compliant county governors, recommending sanctions for defiance, including budget withholding - which we are already doing - and escalating unresolved cases to the Controller of Budget (CoB), Ethics And Anti-Corruption Commission (EACC) or the Director of Public Prosecutions (DPP) as appropriate. We are prepared to do that job, whether you jump up or you run away.

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

Hon. Senators, before I allow more Members to contribute to the Motion, I have a communication to make on a visiting delegation from Kenyatta University.

(Sen. Olekina stood in his place)

Sen. Olekina, take the nearest seat.

Thank you.

(Interruption of debate on Motion)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM KENYATTA UNIVERSITY

Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of a visiting delegation from the Kenyatta University (KU). The delegation comprises 33 students who are visiting the Senate for an academic tour.

On behalf of the Senate and on my own behalf, I extend a warm welcome to the delegation and wish them fruitful learning in the Senate.

I thank you.

I am notified that this delegation is from the great County of Homa Bay. I cannot see the representation from Homa Bay; Sen. Kajwang' as well as Sen. Beatrice. However, Sen. Oketch, being the neighbour, I will give you an opportunity to welcome the delegation from Kenyatta University in under one minute.

Sen. Oketch Gicheru: Mr. Speaker, Sir, I thank you for giving me this opportunity. It actually gives me a lot of delight to see these wonderful younger people coming to this House. During study days, many people really struggle in their different schools, waking up in the morning for what we used to call preps and study to the extent of making it to the university. You deserve serious congratulations.

More importantly, to even get time to come to this House and learn what these wonderful Senators do to contribute to the nation, is even more beautiful. You have come here when we are discussing a very serious matter on the integrity of our governors on the issue of accountability. I think that as a country, if there is a generation that has given us hope, more than even ourselves, it is your generation. Your generation is the generation that stood up against any issues of accountability of this country and said that your desire is to just see a country with a sense of good governance.

You have found us discussing a serious matter, where governors do not want to account to the people of Kenya on the money that they are using. If there is anything to learn from this place is that, you have now practically seen the voices that you hear outside there demanding and clamouring for justice and accountability.

This means that even for you, the sky is not even the limit. I am seeing Senators, ministers, presidents and global business leaders of the future amongst yourselves. My advice to you is; work hard and never arrive because, you are the future leaders of our country who will do better than us for sure.

When we leave here, I definitely want to come and have a chat with you. Since you can see my two leaders in the House, Sen. Ledama, my Whip and his Deputy, Sen. Sifuna, I ask them to also come and greet you in a special way that we do in this House. However, I sometimes do not have the powers to untie their shoes, they have better ways of greeting you than myself. When you leave, I will make sure that I come with the two of them to say hi to you.

Thank you, Mr. Temporary Speaker, Sir.

(Applause)

The Temporary Speaker (Sen. Wakili Sigei): Order, Members.

Sen. Eddy, you have made the guests in the House do what is not supposed to be done in Chambers; clap their hands.

(Resumption of debate on Motion)

Sen. Joyce Korir, it is your turn.

Sen. Korir: Thank you very much, Mr. Temporary Speaker, Sir, for giving me this chance to also contribute and support the Motion that has been brought forward by the Committee of CPAC led by Hon. Ledama, my good neighbour.

Before I comment on this, allow me to first thank the committees of this House for the work that they are doing. I commend them for the role that they are playing in terms of oversight as enshrined in the Constitution. I have seen a lot of fights in the social media and even within this House. I just want to remind Kenyans that CPAC operates with other relevant oversight bodies, including the Controller of Budget and the Auditor-General, who gives us these reports. Once the Honourable Members fight for the resources to go to the county governments, it is the duty of this House to make sure that the monies that have been sent to the county governments are prudently used.

The issues that are on the Floor of the House and even within the social media right now are issues that the members of the public should know because the Senate is the consumer of the reports of the Auditor-General. They speak based on the facts that have been collected at the grassroots level. Remember these resources go to the grassroots. Projects have been collated and the CIDPs have been made by the residents of these counties. After the CIDP has been made, they come now and do the annual budget. That is where these resources are budgeted for.

As we speak, it is within our fingertips that these resources were supposed to do one, two, three things that Members have raised in this House, which others have raised the figures in terms of purchases. Others have misused in terms of appropriation while others have done things, that we need answers as a House because at the end of the day, the governors fight day-in, day-out, to make sure that there is increment in terms of the share that is given by the national government to the county governments.

On the 29 counties that have refused to appear before the committee, this is a constitutional issue. It is always a duty of each and every county to appear and respond to the issues; not issues that have been raised by the Senate, but the issues that have been raised by the Auditor-General. Our fight is about misuse of monies that are meant to equip the hospitals, pay the workers that are working for these governors and do the roads. This fight is because of the misuse of funds by the relevant governors that have been mentioned in the 29 counties. They have gone ahead to make sure that they do not appear before this House to answer these questions. We are raising these questions on behalf of our counties and Kenyans.

Also, a number of amendments have been raised by the honourable Members, but I want to ask this honourable House, how far have we gone since the inception of this county governments in terms of making sure that we put them to task in responding to these issues that have been raised by the Controller of Budget or the Auditor-General? The auditor has been raising these questions. It has been deliberated on this Floor of the House. It has been submitted to the relevant bodies, the bodies that collaborate with the Senate in terms of oversight. However, as we speak, there is none that has been responded to.

I hope the Clerks are not messing up me with their time. I am also very observant because you need to tell me how many minutes I have spoken. So, do not do your things.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Joyce, this system counts time. So, you do not have to worry about anything that is happening. The Clerks are doing their job. You still have got four minutes and four seconds to conclude your submissions.

Sen. Korir: Thank you, honourable Speaker. I just wanted to remind them. Sometimes you know they--- yeah.

(Laughter)

Mr. Temporary Speaker, Sir, there are a number of cases that have been raised since the inception of the county governments. They have been raised with the EACC, the Controller of Budget and the DPP. We also need to get the report or answers pertaining to the issues that were raised since the inception of these county governments. This is because we will be debating these things day-in, day-out, without relevant answers.

(Applause)

We need to get this. We need to move from here, so that it is not that we are just debating because it is a debate. We are not in any competition with the governors. What we are saying is, the monies that the Senate is fighting for, the monies that the national government is trying to raise, the monies that are being taxed from the citizens of this country, must be put to prudent use. That is the issue.

So we will need to know - despite the fact that the committee has recommended that the relevant bodies should take a lead in terms of making sure that they assist us with these rogue governors - we also need to get the reports that has been raised from the inception of this county governments, how far they have been answered, who has been apprehended and how much resources that have been misused have been returned to those relevant counties.

I would not like to say much. However, we have enough statutory instruments that are supposed to guide us, as a House, our governors and the residents of this country in terms of making sure that their monies are put to prudent use. That is supposed to guide this House in terms of their oversight role.

I commend the committees in terms of the way they are doing their work. It is their mandate. I do not want to read their mandate in the Standing Orders. It is known that it is their work. It is the work of this committee to make sure that the report of the Auditor-General is implemented to the letter in terms of making sure that they give answers as to why a number of projects are exaggerated, are white elephant within the villages and a number of projects cannot be accounted for.

I support the committee. Job well done. Continue doing your work, that is the work of this House. We are always there to stand with you. Governors must give answers to this House on the issues of the resources that we are giving them.

Thank you, Honourable Speaker.

The Temporary Speaker (Sen. Wakili Sigei): Now you see, Sen. Joyce Korir, you were just worried. You did not fully utilise your minutes and I will donate that to Sen. Onyonka, whom I am giving the opportunity to speak to this Motion.

Sen. Onyonka: Mr. Temporary Speaker, Sir, very sincerely, first of all, before I say anything, I would like to request to move a Motion to amend certain words within the Motion that Hon. Olekina had laid on the Table.

Therefore, I request to move that the Motion to be amended by-

“Deleting the words “select committees on the County Public Accounts Committee (CPAC) and County Public Investments and Special Funds (CPISF)” appearing immediately at paragraph five of the Motion and substituting with the words-

“to establish an *ad hoc* committee comprising of 15 Senators” and number two, or b, inserting a new resolution after the resolution listed in number four to-

“submit a final report to the Senate within 90 days from its establishment.”

Mr. Temporary Speaker, Sir, it is a very interesting day for me today. At a personal level, it is really something that I have kind of been wanting to have an opportunity to discuss. I have looked at the audited accounts of Kisii County, that is the county that I represent. Some of the things you see in the Kisii County report are just astounding as they are shocking. I know that this is not just happening within Kisii

County. Apparently, all governors, once they take over power, they behave the same. I have been really observing what they do.

One, they make sure they look for a way to control the Members of the County Assembly (MCAs). Two, they then immediately after they have taken over, come up and they want to change everything about the personnel that was working for that county when the governor who was there before them. That goes into some of them deliberately trying to disband the County Public Service Board (CPSB) or doing cross-transfers even for some of the individuals within the county system, whether it is health or road construction. If these people were trained and they received executive training so that they could produce the results expected, they are immediately transferred because they are not behaving nicely.

Out of the 47 counties, many of them, close to 40, have never done a biometric registration exercise to know the total number of workers in the county system who are either permanent and pensionable or temporary. I would like to see which one has, and I would give them recommendations for an A.

The reason why, and I want to tell my colleagues here, is because many of our colleagues, the governors who are saying how this House is useless and, in fact, we have no business talking to them, are the ones who have been keeping those lists where they are having the lists manual and they are paying a wage bill of about Kshs40 million to Kshs50 million a month. That money is what is the cash cow and is the kitty that is supposed to be utilised to do politics.

When you look at the way our governors behave, immediately a governor is elected, they disregard all the pending bills that existed and begin to bring companies that are owned by their friends. These companies are the ones that are given work and as a result, they have thrown away the first-in, first-out policy, which used to be there in government employment and government payments. Right now, it is whoever that knows the executive who is paid first and those are the people who receive the best jobs in the county governments.

As a result, like in Kisii County, our pending bills, when I was elected four years ago, were actually Kshs1.2 billion. Up to now, close to Kshs700 million or Kshs800 million has been paid out as pending bills. However, Kisii again has incurred extra pending bills of Kshs1 billion. These are the issues that I think we need to talk about. You look at the own source revenue, how much money are county governments collecting? Why do counties not want to have the same financial platform to run their taxes which they are collecting, like the Kenya Revenue Authority (KRA) does? In fact, some of them had wanted to use KRA. They do not. They must get a company which comes up and works. That company through which kickbacks are exchanged and that is where they share the money.

The truth and the reality is that now we are the highest taxpayers. We are the people who tax most our sick people. The Facilities Improvement Financing (FIF) funds which is supposed to be generated within our health facilities in our counties, which were never meant for profit making. Now those funds are actually kept. Most of them are collected manually. Some very good counties have gone the electronic way and we give them

appreciation. We have seen what they are doing, but many of our friends in this sector are actually taking FIF funds and mismanaging them.

Mr. Temporary Speaker, Sir, I will give you just three examples. A company comes to Kisii three years ago and is supposed to be doing the work of constructing the facilities that were supposed to be for industrial purposes. There is a word we use that I cannot remember it right now. The company that was given that tender without any procurement was paid in advance Kshs475 million and the building that they were doing is on second floor. That building is supposed to be the governor's office. The Governor of Kisii County already has an office. The county assembly were the ones missing a few blocks, maybe one block and they would have most probably been fitted into those offices. We are at Kshs450 million and we are not done yet.

When you look at procurement laws, you, gentlemen, saw the other day my governor brilliantly came out and displayed all those machines saying how he is going to do fantastic roads. The truth is those machines, nobody knows who the owner is. The contractor that is supposed to do roads in my county, nobody knows who he is. The employees who are supposed to work, nobody knows whether they are private or they are going to be workers of the county government. As we speak, nobody has seen a single agreement that the county government and this Public Private Partnership (PPP) outfit signed.

The truth, when you listen to all the contractors and people who are the stakeholders, no public hearings were discussed for people to be asked whether the county government was going to go and buy machinery and equipment worth a billion shillings yet, the amount of money that was in the budget to purchase those machines was Kshs200 million, which means Kisii County again has now created another pending bill. Then you come where lawyers are having cases and those cases are won by the litigants and the county government does not appeal and their fees increase from Kshs2.1 million to Kshs7.9 million because the county refused not to pay the litigants and as a result there are three, four cases like that.

You look at the whole audit report, Kshs375 million which cannot be accounted for completely on money used for fuelling machines and equipment of the county government. There is a section where we are also discussing about Kshs48 million, which has been used for fuel and lubricants.

If Members of this House could sit down and calculate what Kshs48 million can buy in fuel in a year, so that we are able to know how many vehicles you need to have, how many kilometres you do and all that, you will find this is one of the biggest scams on how money is pilfered from the County Revenue Fund (CRF) as if vehicles are being run and as if we are going to fuel all these vehicles which the governor is running from. Of course, some governors think they are presidents, so they are running around and going to functions and rallies.

Finally, what do we do? Suggestions? I know many of us are always criticised that we never give solutions. We need to get out of this building and go and visit these counties because of the dirt and the stuff going on. We must make sure that we give master and clout to the EACC. If it means we create an independent arm that is going to monitor and audit and look at the criminality going on in all our counties, we can do that.

The systems must be made stronger. We must create a higher standard of public good where people who are leaders are able to carry themselves with decency and we must strengthen Chapter 6.

I have not discussed how some governors are selling minerals from their county governments. I have not discussed how in Kisii, my governor picks up a Chinese company and gives them the picking out of all the soapstone; the only stone like that in the world and they take it away. When we were discussing this two years ago, we said Kisii needed to have a factory because the soapstone is a very unique stone globally. I think one or two other countries that have that stone and yet we sell that to the Chinese.

We are cutting trees in Homa Bay, South Nyanza and Kisii County where the Chinese are crushing our timber, picking it and putting it in trucks and these trucks are sending the timber to China. Then it is brought to look like what we have here. You think the timber is natural yet it is just been doctored. We are deforesting unbelievably. Soon, Kisii will become a desert. These are the issues. Our governors do not conduct public hearings or consult anybody when they are doing anything.

When we begin to talk about oversight, they say we are extorting them, we are petty and that we want their money. We have been telling them we no longer admire money that is stolen, that is supposed to make us happy. We want to be proud bequeathals of Kenya's history, so that devolution can be rated highly. For the last 15 years, what have we done to change the lives of our people? That is why our youth are getting angry with us because they believe all of us are thieves that basically steal their future.

I beg this House that this is the best opportunity we have to sort out the mess we have created. Let us look at the structures, the Consolidated Fund and how the CRF fund is being handled. Let us look at the IFMIS and e-payment systems. If that is what it requires for us to state in the financials, so be it. Some governors are not remitting the statutory payments. My County of Kisii cannot pay the Kenya Revenue Authority (KRA) Kshs36 million. People who are supposed to be given gratuity are not being paid, not just in Kisii, but in the whole republic. Can you imagine we who work in this House and at the time of going home, after we have finished one or more terms, we are told that Parliament cannot pay our gratuity? How would we feel? All the monies for the National Health Insurance Fund (NHIF) and National Social Security Fund (NSSF) were picked by the governors and some---

The Temporary Speaker (Sen. Wakili Sigei): You now may need to move your Motion to amend in 15 seconds. I will give you 30 seconds, so that you conclude and move.

Sen. Onyonka: Mr. Speaker Sir, I request to move that the Motion be amended by-

(a) Deleting the words "select committees on CPAC and CPISF" immediately appearing in paragraph 5 of the Motion and substituting with the words-

"to establish an *ad hoc* committee comprising of 15 Senators"

Inserting a new resolution after the resolution listed on No.4 as-

"submit a final report to the Senate within 90 days of this establishment."

To finalise, you notice when one governor does something everybody does it. They started packaging milk. Instead of having the audacity of buying milk locally, they go and get powdered milk from Ukraine and some from China, which is fake and that is how they are making milk. They package the milk boxes in their colours and on their ugly pictures, so that the children can love them as they die. This House has a responsibility to change that history because we are better than many of these people think we are.

The Temporary Speaker (Sen. Wakili Sigei): Who is seconding your proposal to amend the Motion?

(Sen. Onyonka pointed at Sen. Kinyua)

Sen. Onyonka: Him.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Onyonka, you are a seasoned legislator. You know what to do. You do not expect the Chair to direct you even on that aspect of---

Sen. Onyonka: I am sorry, Mr. Temporary Speaker, Sir. I was emotional with myself.

The Temporary Speaker (Sen. Wakili Sigei): Apology accepted.

Sen. Onyonka: I move and request Sen. Kinyua to second.

Sen. Kinyua: Bwana Spika wa Muda, naunga mkono marekebisho yaliyopendekezwa na Seneta wa Kisii, Sen. Onyonka.

Hatupaswi kurudi nyuma sisi kama Seneti baada ya kupitisha jambo. Jana tulipitisha ya kwamba hatushughulikii Mswada wowote ambao utakuwa ukipeleka hela katika gatu zetu.

Hata hivyo nimesikia kwa muda mchache uliopita Seneta wa Kakamega, Sen. Khalwale na Sen. Ali Roba, wakijaribu kusema ya kwamba kuna sheria tutakazo kuwa tumevunja. La, kwa sababu tukipitisha jambo lolote hapa, tunapaswa kulifuatilia kwa sababu ndilo la manufaa kwetu.

Ninapongeza kamati ambayo imeshughulikia na kuleta ripoti hapa. Vilevile nimpongeze Sen. Olekina kwa Hoja aliyoleta ijapokuwa kuna pendekezo la marekebisho.

Katika Kaunti ya Laikipia, hela ambazo zinapaswa kuwa zikileta maendeleo ni chache mno. Hela nyingi, asilimia 55, zinatumiwa kwa kulipa mishahara. Hayo ni kinyume na Katiba yetu kwa sababu inasema hela zinazopaswa kutumiwa katika mishahara ni asilimia 35. Kaunti ya Laikipia imekuwa kama ofisi ya malipo ya mishahara. Mambo mengi hayatendeki Laikipia.

Magavana wanapaswa kuwajibika. Ukiangalia wanafunzi wa chekechea, majengo ya shule zao yako katika hali duni kwa sababu bajeti iliyowekwa katika masomo yao ni kiwango cha chini sana. Vilevile watoto wale hawapati mankuli kama ilivyo idhinishwa katika sheria inayosema wanapaswa kulishwa shuleni. Hela nyingi zinatumiwa kutoa misaada ya karo na hayo siyo majukumu ya gatu zetu bali ni ya Serekali ya Kitaifa. Magavana wanazembea katika kazi zao, badala ya kuchangamkia kazi waliyopewa kikatiba.

Laikipia haijakuwa ikilipa madeni ya wanakandarasi ambao huwa wemechukua mikopo katika benki. Mtu anafuatiliwa na benki alipe lakini hajalipwa kwa sababu gatuji zetu hazilipi madeni. Inajulikana wazi katika Katiba ya Kenya kwamba jambo la kwanza kulipwa ni madeni aidha ya serikali ya Kitaifa au serikali za Kaunti.

Katika Gatuji la Laikipia, watu hawalipwi pesa zao. Wengine tayari wamekufa na wengine wanataka kujinyonga. Wengi ni vijana tuliwaambia wachukue mikopo na kufanya kazi katika gatuji zetu. Baada ya kuchukua mikopo na kufanya kazi, hawalipwi. Sen. Cherarkey anafahamu vizuri hata ukienda Nandi, Kakamega na Laikipia, shida ni ile ile. Magavana wawajibike na kulipa madeni.

Ukitembelea Gatuji la Laikipia, tayari tunapozungumza, wauguzi wamegoma. Kisa na maana? Hela zao hazijalipwa. Mishahara iliyopendekezwa na Tume ya Mishahara na Marupurupu (SRC) haijalipwa. Wamekuwa katika kiwango kimoja kwa muda mrefu badala ya kupandishwa. Hiyo ndiyo inaleta migogoro katika gatuji letu na wauguzi kugoma.

Ukitembelea hospitali zetu Nyahururu, Nanyuki, Doldol, Ramuria au Kinamba, unapata hakuna dawa. Wagonjwa wanaandikiwa dawa na kuambiwa waende katika maduka ya kuuza dawa huko nje. Ninashukuru Maseneta kama Sen. Cherarkey na Seneta wa Bungoma na Kiranja wa Walio Wengi. Walisukuma sana ili hela ziongezwe kwa kaunti ndogo. Kaunti ya Laikipia iliongezewa shilingi milioni 700. Vile vile, Kaunti ya Lamu iliongezewa hela. Bwana Kamau alikuwa katika mstari wa mbele kusukuma hoja hiyo na tulifanikiwa kuongezewa zile hela. Kwa hivyo, tunapaswa tuone dawa na vifaa vinavyohitajika hospitalini.

Bwana Spika wa Muda, ripoti iliyoletwa inaonyesha kuwa bei ya maji katika Kaunti ya Laikipia iko juu sana. Kila mahali ukienda bei ya maji iko juu. Ni rahisi kuoga na maziwa kuliko kuoga na maji kwa sababu bei ya maji katika Kaunti ya Laikipia ni maradufu. Inapaswa iangaliwe kwa sababu haitakubalika.

Kama Seneti, tumepigana vita vikali ili kaunti ziweze kuongezewa pesa. Lakini hawa magavana wakiambiwa wawajibike na Kamati ya Uhasibu wa Fedha za Umma katika Kaunti inayoongozwa na Sen. Kajwang, wanaanza kucheza mchezo unaofanyika hapa mjini. Mwizi akipatikana anasema yule mwingine ni mwizi. Wameanza kusema Sen. M. Kajwang, Sen. Sifuna, Sen. Cherarkey na Sen. Mwaruma wanawaitisha hongo. Wanawezaje kuitisha chochote? Mimi namjua Sen. Cherarkey hawezi kuitisha chochote. Ametosheka na hela anazolipwa katika Seneti hii.

(Makofi)

Kwa hivyo, kamati inayohusika isilegeze kamba kwa watu wanaowaibia wanainchi wa Kenya pesa zao. Pia, Maseneta hawa hawapaswi kuondolewa katika ile kamati.

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

The Temporary Speaker (Sen. Wakili Sigei): Sen. Kinyua, do you want to be informed by Sen. Cherarkey?

Sen. Kinyua: Ningependa kufahamishwa na ndugu yangu, lakini naomba muda wangu usimamishwe.

The Temporary Speaker (Sen. Wakili Sigei): That will eat into your time, Sen. Kinyua and you know that.

Proceed, Sen. Cherarkey.

Sen. Cherarkey: Mheshimiwa Spika wa Muda, ningependa kumjulisha Seneta wa Kaunti ya Laikipia aliyeongea Kiswahili sanifu ya kwamba Kamati ya Uhasibu wa Fedha za Umma katika Kaunti huwa tunaitisha stakabadhi za ukaguzi. Hatuitishi mambo mengi. Nafikiri jambo hilo limekuwa wazi.

Asante.

The Temporary Speaker (Sen. Wakili Sigei): Proceed, Sen. Kinyua.

Sen. Kinyua: Asante, Bwana Spika wa Muda. Nakubaliana na yeye kuwa hawafanyi mambo haya kihobela-hobela. Wanafanya wakitumia stakabadhi zinazopaswa kutumiwa.

Mheshimiwa Spika wa Muda, makafani ya Laikipia, Nanyuki na Nyahururu yako katika hali mbaya sana. Kwa hivyo, magavana wanapaswa kuwajibika ili makafani yetu yawe katika hali inayofaa.

Vile vile Serikali kuu inapaswa kuwajibika. Kaunti ya Laikipia tayari ilitoa shilingi milioni 250 za shamba ya kujenga viwanda na biashara ndogo ndogo. Lakini Serikali kuu inapaswa kuwajibika kupatia Kaunti ya Laikipia shilingi milioni 250 ili tuweze kujenga viwanda na pia biashara ndogo ndogo zinawiri. Tayari kaunti yangu imetenga sehemu yake.

Naunga mkono marekebisho yaliyoletwa na Seneta kuhusu kuundwa kwa kamati maalum itakayojumuisha maseneta 15 ili wafuatilie utekelezaji wa mapendekezo yaliyoletwa na kamati hii. Naunga mkono Hoja ya marekebisho yaliyoletwa kwani ni vigumu kwa Kamati iliyoleta mapendekezo kufuatilia utekelezaji wa mapendekezo yao. Kamati ya maseneta wale 15 wanaeza kujipata katika hali hiyo hiyo ya kina Sen. Sifuna na Sen. Sen. Cherarkey ikiwa---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Kinyua, your time is up. You have already seconded.

(Question of the amendment proposed)

Hon. Senators, you will appreciate that this Motion was moved. The proposal to amend is on two items. The Motion is not being amended other than with regards to the resolution being sought. It is now for you to debate whether you agree with the proposals to amend the Motion as proposed or otherwise.

Sen. Wafula, proceed.

Sen. Wafula: Asante, Bwana Spika wa Muda, kwa nafasi hii ili nichangie Hoja ya uwajibikaji wa kaunti humu nchini. Wenzangu wamedhihirisha kwamba wakati umefika Wakenya waone uzito wa shilingi. Wanafaa kuona jasho lao likitekeleza miradi kutokana na ushuru wanaolipa.

Tumesoma ripoti ya Mkaguzi Mkuu wa Hesabu za Serikali na tumegundua kuwa baadhi ya magavana hapa nchini wameanza kuwa wataalam wa kubuni vitabu na hesabu gushi ili Mkaguzi Mkuu wa Hesabu za Serikali akose kupata ukweli.

Mheshimiwa Spika wa Muda, nakumbuka nilikuona nyanjani ukifanya ukaguzi wa miradi ya maendeleo katika vyuo vya chekechea. Hii ni ishara tosha kwamba Mkaguzi Mkuu wa Hesabu za Serikali huenda alisema kwamba chuo cha chekechea kilijengwa na kikakamilika na malipo yakafanywa na ripoti ikaandikwa. Lakini unapofika mashinani, unapata hata msingi haujajengwa. Wakati umefika, kando na kuzingatia vitabu hivi, Wakenya wahusike kuhakikisha kazi inatendeka kwa miradi inayotangazwa na kandarasi kupeanwa.

Ukizuru Kaunti ya Bungoma, kuna Wakenya wachapakazi, waadilifu, wanaomcha Mungu na wanaojivunia kaunti yao. Ukitembelea hospitali ya kiwango cha nne eneo bunge la Sirisia, kuna hospitali kubwa ya ghorofa imejengwa. Ni takribani miaka mitano sasa na bado haijakamilika. Hospitali hii haina maeneo ya maji taka na mahali ambapo uchafu wa hospitali utawekwa. Watu wa eneo Bunge la Sirisia wanajiuliza kila mara ilhali gavana wao kila mara anapita huku na huko lakini hawezi kusuhulisha donda sugu la hospitali hiyo. Kandarasi ilipeanwa mwanakandarasi anayejulikana lakini watu wa eneo bunge hilo hawapewi majibu.

Hospitali ya kiwango cha nne kule Bumula, jambo ni lile lile. Hakuna maji, wodi hazina vitanda na majitaka hayajulikani yataelekezwa wapi. Jambo hili ndilo magavana wanaogopa kujibu. Utakuta mtu anapewa kandarasi ya kujenga vyuo vya chekechea kama madarasa sita na hajajenga lakini analipwa. Mwingine amepewa pesa za vyuo anuwai na hawalipi pesa za capitation, yaani ule mgao wa fedha kwa wanafunzi. Hawalipi pesa za mgao wa wanafunzi alafu ukimwuliza anakwambia unajipiga kifua wewe ndio unaleta pesa. Piga tena meza pesa zirudi Nairobi.

Ninasema leo nakubali kwamba mjadala wa mgao wa pesa usitishwe ili tuone nani atatetea serikali za kaunti. Kuna mradi kule Bungoma wa uji wa watoto wa mamilioni ya pesa. Baadhi ya shule wanapewa paketi 20 au 50 na wanasema mradi umetia fora sana, watoto wameshiba na wana afya. Baadhi ya shule hawajui uji hii inatoka wapi au unga unanunuliwa kiviipi na mwanakandarasi alipewa kandarasi kiviipi. Lakini, hawataki tuulize. Hii ni kwa sababu waingereza walisema ukiwa unala, haupaswi uzungumze kwa sababu mchakato wa kutafuna na kumeza unahitaji umakinifu wa hali ya juu. Ninashukuru Maseneta kwa kuamua. Hiyo meza tutaitikisa, vyombo tutavisambaratisha na meko tutachafua ili wanapodai kula chakula cha watoto wasikipate.

Kule kwetu Bungoma, walizindua mradi wa kujenga ofisi rasmi ya gavana. Zaidi ya shilingi milioni 90 zikazama. Hadi sasa, hata msingi peke yake haujachibuka. Mwanakandarasi alipokea pesa, akatundika gube ndani aste na kwenda zake. Mpaka sasa, serikali ya kaunti haijatuambia chochote. Na hapa wamenyosha mikono juu wakingoja pesa zingine. Hii tabia mbovu lazima ikome.

Kuna baraste pacha kule Bungoma, kutoka Kanduyi hadi eneo la Musikoma. Barabara hii imepunja pesa shilingi bilioni 1.4, barabara ya kilomita 6.7. Ni wapi Kenya hii barabara ya kilomita sita inakamua watu wa Bungoma shilingi bilioni 1.4? Huu ni wizi wa mali ya umma. Kila mara wanabadirisha hesabu ya barabara. Walipokuja juu wakamwaga kokoto, mvua ikasomba yote, halafu wanaomba serikali ya kuu hapa Nairobi ichukue mzigo huo kwa sababu wao wameshiba sasa kuchafua hewa na watu wa Bungoma waendeleo kuvumilia.

Kwa niaba ya watu wa Bungoma, ninaungana na Maseneta wenzangu kwamba sisi ndio kioo cha jamii na watetezi wa watu wa Bungoma na kaunti zetu. Kila gavana awajibike kwa kazi yake. Nimeona kwa vyombo vya habari ati gavana amekaa ametundikwa na wazee wanamtakasa na kumuekea majani. Ati alikuwa huku akafanyiwa madira na sasa wanamtakasa. Mimi ninaomba watu wa kaunti hiyo, ninyi ombeni jinsi mnavyooomba. Hatuna shida. Lakini siku ya kiama ni huyo gavana ajisalimishe mbele ya Bunge la Seneti na ajibu maswali ya pesa za watu wa kaunti hiyo. Ninaomba Wakenya popote mlipo hivi sio vita vya kikabila, ukoo au kifalsafa, ni vita vya uwajibikaji jinsi tunavyotumia pesa za umma.

Magavana walisema jana, Mheshimiwa Rais akienda Bungoma wao wako mbele wanaimba vidole viwili. Akipita akienda Homa Bay, magava wamefinyilia Maseneta na MCAs hawaonekani. Lakini, ukiwauliza hizi pesa ambazo wamepewa wametumia aje, wanasema hawa viongozi hawana heshima. Wakenya tunawaambia Bunge la Seneti tumekata kauli. Tutawaandama na kuwafuata.

Pesa za *bursary* na *scholarship*, wametoa mamilioni. Tulikuwa na Mheshimiwa Osotsi katika kamati yake. Nambari ya *cheque* aimbatani na majina yaliyoandikwa kwenye *cheque*. Idadi ya pesa zinazoenda shule fulani, ukienda huko, hawahitaji shilingi 50,000 mbali ni shilingi 22,000. Hizi pesa za ziada walikuwa wanalipa yakufanya nini na hakuna thibitisho kwamba wamepokea hizo pesa?

Mimi nimekata kauli kwamba siku ya kiama, kila mtu atabeba mzigo wake na atasema kwa matendo yake. Ninaomba niwachie hapo lakini, sisi Waangilikana tutaimba wimbo wa imani. “Na kila mtu atatoa habari zake mwenyewe mbele za Seneti, siku hiyo inakuja” wapende wasipende.

Asante, Bw. Spika wa Muda.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Mariam Omar, you may proceed.

Sen. Mariam Omar: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity. I also stand here to add my voice to this Motion.

This Motion is crucial and what we are dealing with is something that makes the Senate to be where it is. We must have a standard on how we deal with some characters.

This Motion is about the audit reports cross-cutting to all counties. Most of the issues which are raised by the Auditor-General are pending bills and leakage of resources, which is revenue collections, human resource and implementation of most of these development plans.

Let the governors who are holding these positions know their roles. One of their roles is resource management. If you hold the position and you are not willing to be accountable for whatever resource which has been directed to the counties, the easiest way is to resign, so that there is no accountability from your part.

When it comes to the pending bills, I wonder where this issue of pending bills normally comes from. I am saying this because when we are awarding contracts or whatever, they normally do it with budgets. When the National Treasury releases the funds, they normally do so at the request of the counties. The counties normally make requests based on their budgets. If at all they request as per their plan, then what is this figure of billions of monies in pending bills? To me, these pending bills mostly come

when the governors give out the contracts without budgets. It is not included in the budgets, but they give out the projects. If the project is done now, paying the contractor will be difficult. That is exactly what happened to Machakos. That is why they are not even paying. The contractor comes and looks for the money, protests and in the end, they become victims.

To reduce this issue of pending bills, we may be encouraged to cut at the source, which means the National Treasury deducts the money as the KRA does and the rest is released to the counties, so that these pending bills issue will be disposed of first. I remember when I came to the Senate, I sponsored a Bill called the Prompt Payment Bill, 2022. If that Bill had been passed, the issue of pending bills would have been sorted out.

With regards to the revenue collections, I am the Vice-Chairperson of the Senate Standing Committee on Health. We went to almost 28 counties. We realise the health sector is 90 per cent contributing the revenue collection of the county through the Facilities Improvement Financing (FIF). We realised that the FIF is the committee they normally constitute, which are proxy of the governor, who end up using the money for hospitals for other issues. As a result, the hospitals are unable to have drugs and maintenance, which are small issues that can be handled by the hospitals and dispensaries. To avoid that, as Senate Committee on Public Investments and Special Funds (CPIC) has said, the fund must be properly audited, as well the committees of the FIF.

Mr. Temporary Speaker, Sir, the other issue is on human resources. Whenever a new governor comes in, instead of looking at the percentage of absorption, which is capped at 35 per cent, their aim is to impress their people. So, they will employ more people, especially those who campaigned for them, so that at least to impress them and get more voters on the other side, instead of focusing on the percentage that is required for human resource absorption.

I would also like to talk about the implementation bodies like the Ethics and Anti-Corruption Commission (EACC). When the Senate County Public Accounts Committee (CPAC) gives direction of arresting the governors, the Inspector General (IG) of Police should immediately implement, so that the escalation that we saw yesterday does not happen again.

Mr. Temporary Speaker, Sir, the Office of the Auditor-General and Controller of Budget (CoB) are independent bodies. For checks and balances, their reports must come to the Senate for review, analysis and further recommendation. That is exactly what Senators have done and recommended. This is one of the Motions which require our implementation.

Mr. Temporary Speaker, Sir, my biggest issue is implementation of the recommendations of all our reports, which have been tabled here. Nobody follows up, and if we do, nothing is done. We need to have an implementation committee in place, so that they can follow up with the implementation of all the reports that have been tabled here.

Mr. Temporary Speaker, Sir, on the amendment of this Motion, the two committees have done their part. The report is owned by the Senate now. It is time for the

Senate to do further investigations through an *ad hoc* committee consisting of 15 Members, preferably not Members of the two committees, so that, at least, fair hearing of the governors can be achieved.

With those all remarks, I support and recommend the implementation committee to be constituted, so that the implementation of the recommendations is achieved.

Thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Omar. Hon. Senators, you know that we are at the amendment to the original Motion. As you delve into the main Motion that was moved yesterday, I ask you restrict yourself to whether you agree with the amendment to create a 15-Member *ad hoc* committee, as well as give a timeline of 90 days to that committee to give a final report to this House.

Sen. Kamau, proceed.

Sen. Githuku: Asante sana, Bw. Spika wa muda. Nachukua fursa hii kumshukuru Seneta wa Narok ambaye ameleta Hoja hii. Nimefurahishwa sana na Hoja ambayo ameleta na kuunga mapendekezo ambayo yameletwa katika Bunge hili mkono.

Tumekuwa na matatizo na magavana ambao wamekuwa wakija katika Kamati zetu za uhasibu. Kamati ya CPAC ambayo inaongozwa na Mheshimiwa M. Kajwang' na pia Kamati inayoongozwa na Mheshimiwa Osotsi, zimefanya kazi nzuri. Nawapongeza wanakamati wa Kamati hizi akiwemo rafiki yangu, Sen. Cherarkey, ambaye pia amekuwa katika mstari wa mbele kukashifiwa na magavana kwamba, anawaitisha senti. Vile ninavyomuelewa, najua kwamba hawezi husika katika mipango hiyo.

Namshukuru pia Seneta wa Nairobi---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Kamau, just hold on.

What is your point of order, Sen. Joyce Korir?

Sen. Korir: Thank you, Mr. Temporary Speaker, Sir. You have just given a directive on the Motion at hand. That, it is on the issue of the formation of an *ad hoc* committee and the amendment that has been brought forward by Sen. Onyonka, not the report that was tabled by Sen. Ledama.

The Temporary Speaker (Sen. Wakili Sigei): Very well. Sen. Kamau, I gave the directive, confine yourself to the amendment.

Sen. Githuku: Asante sana, Bw. Spika wa Muda. Tunasema tu jambo moja, ingawaje yeye anasema moja mimi nasema vingine. Tuko katika mstari mmoja.

Hizo kamati mbili zimefanya kazi zao vizuri. Nawashukuru nikiunga mkono mapendekezo ambayo yameletwa na Sen. Onyonka, kwamba, tutengeneza Kamati ya maseneta 15 ambao watahusika katika kufuatilia utekelezwaji wa mapendekezo ambayo yamefanya vizuri na hizo kamati mbili. Hilo jopo la maseneta 15 ambalo litatengenezwa, litasaidia kwa mambo ya kufuatilia mambo muhimu katika gatuji zetu 47.

Miezi kadhaa iliyopita, Gavana wa Kaunti ya Lamu alifika katika Kamati ya Uhasibu wa Fedha za Umma katika Kaunti. Alikuwa ameitwa kwa sababu ya mambo ambayo alikuwa amefanya kinyume na sheria. Kuna zaidi ya shilingi milioni 795 ambazo zimepotea; hazijulikani ziko wapi. Alipewa masharti na Kamati ya kwamba, aje baada ya mwezi moja aeleze. Mpaka sasa, gavana huyu hajafika mbele ya Kamati hiyo ili aeleze hizo pesa zilienda wapi.

Lamu ni kati ya kaunti zinazopokea pesa chache kabisa katika Jamhuri yetu ya Kenya. Inasikitisha sana kuona ya kwamba gavana ambaye anafaa kuchukua hatua ya kufanya kazi inayostahili; kuona hata kama hizo pesa ni kidogo ama hazitoshi, zimesaidia wananchi wa Kaunti ya Lamu, ndiye yuko kwa mstari wa mbele kufuja zile pesa. Nasema hivi kwa sababu, nina uhakika kwamba kuna mhasibu ambaye amefanya hesabu.

Takriban zaidi ya shilingi milioni 795 zimeweza kufujwa ama kutumika vibaya. Kwa hivyo ni wajibu wa gavana aje aeleze. Na ndiposa ninataka kuliunga mkono hilo jopo litakalotengenezwa katika Seneti hii kwa muda wa siku 90. Jambo la kwanza, ningependa hiyo kamati ifanye, ni kufuatilia hizi pesa za Lamu. Zaidi ni hili suala la shilingi milioni 795 ambazo zimefujwa na hazikutumika vile inafavyostahili. Jambo hilo la kufuata hizo pesa liwe la kwanza ili pesa hizi ziweze kuingia katika mipango ya kusaidia wananchi wa Kaunti ya Lamu.

Mheshimiwa Spika wa Muda, Kaunti ya Lamu inapokea pesa kidogo kabisa. Juzi, mhasibu ametoa ripoti na kusema kwamba Gavana wa Kaunti ya Lamu anajipa shilingi milioni 1.5 ya kununua nyama. Hii ni nyama ambayo gavana anakula. Sasa unashangaa kwani ana tumbo kiasi gani gavana huyu.

Ni jambo linalohusunisha zaidi. Anatenga zaidi ya shilingi 1.6 milioni ati ananunua kuku na ilhali kuna watoto katika wadi kama Basuba wanaenda shuleni, hasa watoto wa chekechea, hawapati hata uji shuleni. Ni jambo la kuhuzunisha sana. Huyu gavana anatumia pesa za ugatuzi vibaya.

Sisi katika Bunge hili tumepewa mamlaka kwa mujibu wa Katiba Kifungu cha 96 ya kwamba tulinde gatuzi zetu na serikali zake. Gavana huyu anafuja pesa kiholela, na akiletwaa katika Kamati ya Uhasibu wa Fedha za Umma katika Kaunti, anachukulia tu mambo vivi hivi, kirahisi rahisi na anaenda scott free; anakuwa sasa hakuna mtu anaweza kumwuliza swali. Pia, juzi ameitwa katika kamati hiyo. Pia ni kati ya wale magavana ambao walichana mbuga kupoteza wasije katika Kamati ya Uhasibu wa Fedha za Umma katika Kaunti ili kujibu maswali.

Ninaunga mkono kwamba magavana waweze pia kuja katika Seneti kujibu maswali ili ulimwengu mzima uweze kuona vile ambavyo wanafuja pesa ambazo zinafaa kuwasaidia wananchi wetu.

Mambo mengine yanahuzunisha sana. Mambo haya yanaweza kuchukuliwa kwa uzito kabisa na Kamati ya watu 15 itakayobuniwa ili gavana atayekaidi kamati hiyo itakayobuniwa, baada ya siku 90 kuanzia sasa, ile kamati iwe imepewa uwezo wa kwenda katika kitengo cha anti-corruption na kuripoti yule gavana ili aweze kuchukuliwa hatua na hatimaye kuwekwa jela kwa sababu ya ufujaji wa pesa za kaunti.

Lamu ni kaunti ambayo inapokea pesa kidogo lakini juzi mhasibu ametoa ripoti na akasema kwamba Lamu inatumia asilimia tatu pekee katika pesa za maendeleo. Pesa hizi zingine zote zinafujwa. Mimi kama Seneta wa Kaunti ya Lamu nikiongea mambo hayo, gavana anaanza kwenda kufanya mobilisation huko kwa ground na kuwaambia wananchi kwamba Seneta anamwingilia kwa njia isiyostahili. Hatimaye juzi pia amekimbilia kortini. Ni jambo ambalo linahuzunisha sana kwa sababu mimi nafuatilia pesa za wananchi wa Kaunti ya Lamu, vile ambavyo wanaweza kusaidika kutokana na pesa ambazo ninatoa hapa katika Seneti hii au Serikali kuu na kuzipeleka katika Kaunti ya Lamu ili ziweze kuwafanyia wananchi wa Lamu kazi.

Hiyo inaonyesha kwamba sio Lamu pekee. Hii shida iko katika gatuzi zetu zote 47. Ni lazima tuwajibike kama maseneta kuona ya kwamba tumelinda serikali za ugatuzi kwa sababu tukiachilia Serikali za ugatuzi sasa, wananchi hawawezi kupata nafasi katika kaunti zetu. Wananchi wanatutegemea ili tuwasaidie kutokana na mtego wa matumizi mabaya ya pesa za serikali.

Mheshimiwa Spika, ninatoa hakikisho kwa wananchi wa Kenya kwamba sisi kama maseneta tutasimama kidete, kuwatetea na kuwalinda tukifuata katiba ambayo tulipitisha mwaka wa 2010, kuona kwamba tumewasaidia ili msigandamizwe na hao gavana ambao hawataki kuja kuwajibika katika Seneti hii.

Naunga mkono ya kwamba jopo hilo la Maseneta 15 liweze kuundwa kwa haraka sana ili kwa muda wa siku 90, liweze kufanya kazi na tuweze kuona matunda ya hiyo kamati na wananchi wetu waweze kujivunia kuwa ugatuzi unawasaidia.

Hospitali hazina madawa. Juzi, Kamati ya Afya imetembelea Kaunti ya Lamu na kupata kuwa kuna shida chungu nzima; hakuna madawa wala *equipment* muhimu za kusaidia Kaunti ya Lamu lakini unapata kuwa pesa zinafujwa kwa njia ambayo haistabili-

--

The Temporary Speaker (Sen. Wakili Sigei): Sen. Githuku, muda wako umeisha. Nitampa nafasi Seneta kutoka Kaunti ya Uasin Gishu, Sen. Mandago.

Sen. Mandago: Mr. Temporary Speaker, Sir, from the onset, I support the Motion as amended by the Senator for Kisii County, Sen. Onyonka, in the establishment of a 15 member committee that in not more than 90 days, will dig further into the report of CPAC and CPISF and bring out more details that the public does not know at the moment about the counties and governors who have refused to appear before these committees.

First, let me start by advising those governors. You can jump, sleep, run away, postpone, but finally, you must account for the resources that have been deployed to your county government. I am one of the most surprised Senators. Having served as a governor and appeared before some of those governors who are now running away from the Senate. I wonder what has changed. The same questions you used to ask us that time are the same ones we are asking you to account. You cannot run away from the responsibility of accounting for the resources that have been sent to your county for purposes of serving the citizens of that county.

The amended Motion is going to help this Senate and the nation of Kenya understand deeper the role of the Senate in terms of oversight. How do we explain that the national Government has supported more than 19 counties with Kshs250 million for the County Aggregation and Industrial Parks (CAIPs)? You find that a county has paid a contractor who has done only 10 per cent of the work and has been paid 90 per cent of the payment. These are the people telling us not to account.

I am surprised that the Chairperson of the CoG, the Governor of Wajir County, a FCPA fellow, who is supposed to be a member of good standing of ICPAK, can have the audacity to sign a statement of telling governors not to appear to account. What has happened to his oath as an FCPA of ICPAK? Wajir County is one of the counties we visited as the Committee on Health of this Senate. We found TB Manyatta in a very sorry state. We found the waste disposal process where sewerage and household wastes are

disposed in the same place and you want to tell us you do not want this Senate to oversight and check the utilisation of resources?

I want to say this. The 29 governors, let me advise you from a point of experience. You better appear before these committees when the time is still there; when you still have access to those government records. If you have forgotten, I want to remind you. The Archives Act of this country requires that the government keeps government records for 30 years. This Senate will be in existence even after 30 years and we shall still pursue you to account for those resources, whether you will be in Wajir or Uasin Gishu or Samburu. It is embarrassing for the Governor of Samburu to have even stepped in the precincts of the Senate. He became so athletic that I thought he was a pace setter for Kipchoge. It is regrettable that I was not in the House. I would have matched that race and he would be somewhere cooling his heels at the Parliament Police Station.

I say this with a lot of pain. We lose more mothers giving birth in Samburu than any other county in this country.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, on a point of information.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Mandago, do you want to be informed by the hon. Senator from Nandi?

Sen. Mandago: I do not mind because he is a senior member of the House, but he must be reminded that I am two-term governor, so he must inform with that information.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, Sen. Mandago today is on fire. I just wanted to inform Sen. Mandago, that under the Constitution itself, Article 226(5) on Accounts and Audit of Public Entities, if the owner of a public office, including a political office, directs or approves the use of public funds contrary to the law or instructions, the person is liable for any loss arising from that use and shall make good the loss whether the person remains the owner of the office or not.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Mandago, I believe you are informed and that is a constitutional provision.

Sen. Mandago: I was just advising those governors that they are better off making their way to the Senate, responding to the questions that are being asked, and they should not get agitated. If you know how you spent the money; if you know the services you have rendered, what is so difficult in facing a committee and explaining, while you are backed up with a whole technical team from the Department of Finance and the county executives of the respective counties?

Accountability is not optional. We are asking the governors to appear before the Senate and account for the resources. I am very particular with those who were Senators in this House, and we appeared before them. They should be the first ones to be here to account for those resources.

I support the amended Motion and that this committee be given 90 days. I did not agree with the committee of CPAC in giving an extension to some governors who did not appear because of writing one or two flimsy letters. The decision has been made that those must appear, those books and reports must be scrutinised. The Motion gives this House more time to peruse those reports in depth, so that the citizens of this country can understand that the resources the Senate has given to these counties have not been properly utilised.

I noted with a lot of concern the reports from the CoB. I have seen the CoB periodically and a number of times, more often, give us the status of debts in the national Government, but we do not get an equal coverage of the debts and pending bills we have in our counties.

In my own county, I was surprised that they passed on a supplementary budget with a pending bill of Kshs4.5 billion. From the start of this session, this honourable House has sent to Uasin Gishu County more than Kshs45 billion. How then, in a period of three years, do they incur a pending bill of Kshs4.5 billion? In my own county, just in a month ago, there was fanfare in the launch of road maintenance using National Youth Service (NYS) equipment. Two days ago, those NYS have packed their things and they are back to NYS. They are now instructing contractors to do the roads before doing the proper procurement. What was the reason for bringing the NYS? Why has the National Youth Service (NYS) left before completion of the work? When we ask for accountability, governors run around, crying, making noise and portraying Senators as attacking them. We are not, we are performing our duties.

The law is clear that pending bills are a first charge in the next budget. Why do counties owe the Kenya Medical Supplies Authority (KEMSA) money for drugs for more than three or four financial years, when the law is clear that pending bills are a first charge?

We would like to know why the Controller of Budget (CoB) approves a supplementary budget that removes money from ongoing projects. The project then stalls, creates pending bills, yet the CoB continues to approve funds for those counties. We would like to know why the CoB allows counties to make requisitions, release funds for specific suppliers and yet those suppliers are not paid? Suppliers whose payments have not been verified by the CoB are the ones being paid yet, the CoB continues to approve funds for those counties.

We expect the CoB to be as firm with county governments as she is with the national Government. The national Government borrows money. County governments are lucky since they do not take loans. They get disbursements in cash. They do not wait. We expect equal measure to ensure resources are approved and prudently utilised.

Finally, the 15-member committee to be established must go beyond paperwork in procurement. Some counties have perfected documentation. However, on the ground, there are discrepancies between what has been paid or declared and the level of the progress of the projects. We expect this committee to move around, sample counties and get accurate reports to make ensure---

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

Sen. Olekina, proceed.

Sen. Olekina: Thank you, Mr. Speaker, Sir. I rise to support the amendment of the Motion for the following reasons. It is common knowledge that the work of each committee is to carry out tasks as per our Standing Orders. The County Public Accounts Committee (CPAC) and the County Public Investments and Special Funds Committee (CPISFC) have adhered to constitutional thresholds and timelines.

They investigated and mediated between the Auditor-General and county governments. Governors had an opportunity to appear before the committees. They were

given draft management letters and two weeks to respond. They could have provided evidence of communication with the Auditor-General before her opinion. However, what did they do? They boycotted out of pride.

The CPAC and the CPISFC tabled reports. The earlier Motion I drafted saw it fit for the committees to continue implementing the recommendations since we do not have an implementation committee. However, Senators proposed that since the report belongs to the House, why not add another layer of oversight? It is true.

About the recommendations that this Senate normally comes up with, Parliament pronounces itself through Motions and Bills. So, when Parliament has come up with a Motion and pronounced itself, the biggest problem nowadays comes from the issue of implementation. So, the good Senator for Kisii, Sen. Onyonka, saw it fit and said CPAC and CPISFC had already carried out their task and presented a report which is now the property of this House. It can now be commented on by any of the Senators who sit on both sides of the aisle. So, why not extend oversight and create another layer, so that we can track the implementation of those recommendations which were approved by this House? I could not add anything more. That is ingenious. Let us follow through. Have a sit down with EACC and say the Senate had the following recommendations that are based on facts.

There is one thing that EACC would do to this generation and the future generation. Borrowing from the words of Sen. Mandago, the records of a government are kept for 30 years. Therefore, the younger generation who will be tasked to pay loans that we are borrowing domestically and internationally, would be asking questions. The Senate of Kenya came up with some recommendations based on facts laid out by the Auditor-General to demand for accountability. What did EACC do?

When our time is up in this world and I keep on reminding us that power is transient. We are now very powerful. When you sit there, you are very powerful. However, there will come a time when you will not be powerful. When you will be sitting down in your manicured mansion, in your village, the only thing you can say is luxury in your small surrounding that you have been able to work and toil so hard to create for yourself. When you are frail and you have to go to hospital, there will be no road to take you to that hospital. This is because we did not follow up on our recommendations when we were Senators, to make sure that EACC carries out its work, and to come up with a bridge between EACC and ODPP. Currently, these entities are parallel in terms of their thinking. It is either EACC way or the highway. Likewise, it is either the ODPP way or the highway. This will bring insanity when it comes to the issue of accountability.

I want to reiterate that the issues that I raised in my Motion were very clear. We need to track the implementation. We do not have an Implementation Committee. I do not want governors to confuse. Then, they will say they will not go to CPISFC and CPAC, they will go to the *ad hoc*. No. In the *ad hoc* committee, all the other Senators will be sitting there.

We can convert plenary to something which many people confuse and call the Committee of the Whole. This is where the Speaker sits and all Senators sit on one side and all governors sit here or as witnesses. However, practically, there is nothing like that.

The best way is to sit, get these 15 distinguished men and women and give them a clear mandate and tell them what they are following.

Number four of our recommendations and what we hope the Senate will resolve, is those governors who are unable to account for the resources, are running away, hiding and saying that they are being embarrassed. The truth of the matter is that it is their own documents that are an embarrassment.

Fourth, if it is fully implemented and followed by this *ad hoc* committee, we will ensure that those people will not run in 2027 because one of the resolutions that are being sought by the Motion is to fight these people and ensure they are fit under the Integrity and Leadership Act.

Mr. Temporary Speaker, Sir, this is not something simple or easy. Essentially what we are saying is that very soon, we will have billboards in this country with faces of all those governors who are perpetuating impunity, where you put a billboard in the streets of Nairobi, along Mombasa Road, in every county and say your governor is among those who do not believe in accountability and has issues with the fiduciary duty that you have already tasked him with.

This matter is very serious and there are no sideshows. In fact, what my good friend and brother, the distinguished Senator from Nairobi City County and the distinguished Senator from Migori County were doing yesterday is what every citizen in this country should be doing. It was a citizen's arrest. They were not interested in the political theatrics. What they were interested in was accountability.

In fact, my brother really embarrassed me. I expected him to come in and say, all right gentlemen, I have nothing to hide. I want to be open and say this. I spoke to my brother and he said the problem was us. We invited him to two committees at the same time. What was so difficult with him coming in and saying that this is the problem?

Mr. Temporary Speaker, Sir, because I see my time is up and I want my brothers to comment, I support the amended version of my Motion.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Joyce Korir, you may proceed.

Sen. Korir: Mr. Temporary Speaker, Sir, allow me also to support the amendment that has been brought forward by Sen. Onyonka on the CPAC report. The *ad hoc* committee that is going to be formed will assist this House in making sure that the best recommendations that have been made by these two committees are implemented.

It does not mean that the two committees could not do their work diligently, but it is only a way of making sure that we assist Kenyans in terms of answering some questions that have been running through their minds.

There are many issues that have been raised by the report of the Auditor-General. These are issues that have been raised and need answers. Remember, there are a number of questions and recommendations that have been made on the Floor of this House. The latest being the deadline that was made by this House. I think it was proposed by Sen. Ledama Olekina to make sure that the counties clear their pending bills.

As we speak now, within the document that we have now, the pending bills keep increasing, meaning they do not adhere to the resolutions of this House. The only person

to do that is the implementation committee that is going to assist us in making sure that they follow to the letter whatever this House recommends, on whatever findings have been done by other key stakeholders.

It looks funny when you see governors fighting the Senate, the same House that they are relying on to release resources to the county governments. It does not make sense to see them going to the presser to fight with the Senators while speaking about issues that Kenyans are not ready to hear.

I would like to see them going to the presser to challenge the Auditor-General's report. Let them tell Kenyans that these queries raised by the Auditor-General about each and every county are false. Let them challenge the Auditor General with facts because the issues that we are raising here have been talked about severally by these colleagues.

I thank Hon. Mandago and Hon. Roba because they were once governors. They understand that we must do our work diligently and also observe Chapter Six of the Constitution. That is the responsibility of every leader. A number of Kenyans are only looking at the national Government projects, not bearing in mind that the county governments were put in place to make sure that the services they want are implemented within their regions.

I challenge the governors to go to the press and tell us that the wheelbarrow they purchased was not costing that much. I want to see them telling the country that it is not true that they purchased supplements to give some animals as we are alleging. I want to see them arguing about the stalled projects within their various wards.

At the end of the day, we have to allow every arm of this government to play their role. We want the governors to allow the Senators to do their oversight. We also want the governors to do their role in terms of implementation and making sure that they are answerable to this House for their actions and accountable for the resources that they are getting. That is the only way we are going to clear this.

I also challenge the members of the public that it is a high time they highlighted things within their villages. We have the Gen Zs who are fighting day-in and day-out to make sure that the country moves forward. We have been talking about Singapore, we want to see the Gen Zs posting a number of projects within their villages. Let them not just tell us who is going to be elected without telling us the projects or the amount that has gone to their villages. We need to see the monies that has gone to their sub-locations working. These are some of the things that we need the Gen Zs to highlight, so that we can compare whether the Senate is doing the right thing or whether the governors are saying the right thing. We need to play this game collectively.

Mr. Temporary Speaker, Sir, I support the formation of the committee and once the committee is formed, let them move with speed to ensure that the questions raised by the committee are brought forward. This will ensure that before we move forward in terms of allocating the next budget, they are able to fully answer the questions that have been raised by this committee.

Otherwise, I support the formation of the *ad hoc* committee.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Joyce.

Now, Hon. Senators, I see Sen. Eddy rising, Sen. Cherarkey has been seated, Sen. Okiya Omtatah came in and has made a request to speak as well as Prof Kamar. When I

give you the microphone, be mindful of your colleagues, so that they at least say something to the proposed amendments to the Motion.

Sen. Oketch, proceed.

Sen. Oketch Gicheru: We can even extend time if governors think that we are lazy. We can work on this matter until tomorrow or come back to this particular Motion. There is no problem, we need to be exhaustive.

Mr. Temporary Speaker, Sir, let me put the country in perspective of what this amendment is. This amendment says that after CPAC has looked at and examined the reports such as the ones we talked about yesterday in the Senate, we form an *ad hoc* committee that can follow up on the reports of CPAC that have been brought to this House. This is because CPAC is so busy that after tabling the report in this House, it is difficult for them to follow through. The public has been asking us, as Senators, what happens where CPAC has passed reports, they have put them here and then even this House has followed those reports to EACC, ODPP or even DCI and they have not taken action.

That is why this amendment is very important. In Parliament, yesterday I was here telling you the rot that was going on in Migori County on the report of the Financial Year 2024/2025, which my governor, the Governor of Migori County had refused to come and answer to. Let me demonstrate again with the case of Migori County, why it is very important to have this *ad hoc* committee that can follow the implementation on what CPAC has been able to communicate on.

Mr. Temporary Speaker, Sir, in the 2023/2024 Financial Year report, maybe my people do not know, but we handle reports here that add grievous faults on the side of the Governor of Migori County. We passed this report here and nobody has followed through despite the fact I, as a Senator for Migori had done my part, CPAC had done their part on getting the rot in those reports and the House had completed those reports. Nobody has followed up on them. Does the country know that in the 2023/2024 Financial Year reports, this House found that Migori County in the Auditor-General reports had paid Kshs141 million to temporary employees, people who were ghost workers that were not there? They could not approve any letters to these people? Does the country know? Does the country know that Migori County in the 2023/2024 Financial Year report ---

(Sen. Oketch Gicheru's microphone was switched off)

Mr. Temporary Speaker, Sir, this is unfair because it is a Motion---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Eddy, we spoke about this. Your time is up. We will still speak to this. Take your seat.

(Sen. Oketch Gicheru's spoke off record)

Sen. Eddy, take your seat.

Proceed, Sen. Cherarkey.

Sen. Cherarkey: Thank you, Mr. Temporary Speaker. I want to comment on the amended Motion on the implementation of recommendations by the select committees of

CPAC and CPISFC on county public accounts. I have seen the amendment by the Senator for Kisii. From the onset, the power of formation of the committees rests with the Senate. The committees in Parliament are not *Matanga*, *Chama*, pre-wedding or tea party committees.

The committees of Parliament are constitutional. That is why under Article 124 of the Constitution, the committees and Standing Orders have given an opportunity on the issue of ensuring that it is anchored in law. That is why Standing Order No.197 speaks to select committees. That is why I want to question the technicality of formation of these committees; whether the right procedure was followed. This is because Standing Order No.159 demands that we must sit. I have given the basis. That is why the Council of Governors (CoG) does not have any business to direct how committees are formed in this House.

(Applause)

Under Article 124 of the Constitution and Standing Order No.159, it is the discretion of the Senate, through the Senate Business Committee (SBC), to form the committees. It is the Senate which decides which Senator sits in a committee, for example, the distinguished Senator for Migori, Sen. Eddy Oketch - I want him to relax because he is going to be the next Deputy Minority Whip and I am happy Sen. Ledama is mentoring him on how he can become a good leader. It is the business of the House to form committees. That is why Sen. Ledama is our Minority Whip. Why is it not Cherarkey? There is a reason.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, you will hold your thoughts at that point. Honourable Senators, remember we are adjourning today for a period of two weeks and as we embark on our Easter holiday, I wish you all a Happy Easter. Enjoy the short time with your families. We will resume the Motion when the House resumes.

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): Honourable Senators, it is now 6.30 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until Tuesday, 21st April, 2026 at 2.30 p.m.

The Senate rose at 6.31 p.m.