THIRTEENTH PARLIAMENT

THE SENATE

OFFICIAL REPORT

Fifth Session

Thursday, 6th August, 2026 at 2.30 p.m.

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 6th August, 2026

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

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

PRAYER

DETERMINATION OF QUORUM
AT COMMENCEMENT OF SITTING

The Temporary Speaker (Sen. Wakili Sigei): Clerk, confirm whether we have quorum?

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

Very well. We have quorum. So, we will immediately go through the Order Paper. Call the first Order.

PAPERS LAID

The Temporary Speaker (Sen. Wakili Sigei): Senate Majority Leader.

REPORT ON COUNTY FISCAL PERFORMANCE MEASUREMENT INDEX

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Temporary Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Thursday, 6th August, 2026 –

The County Fiscal Performance Measurement Index (CFPMI) Report.

(Sen. (Dr.) Lelegwe Ltumbesi laid the document on the Table)

The Temporary Speaker (Sen. Wakili Sigei): Next is the Chairperson, Standing Committee on Devolution and Intergovernmental Relations, Sen. Abass.

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.*

REPORT ON CONSIDERATION OF THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO.39 OF 2024)

Sen. Abass: Mr. Temporary Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, 6th August, 2026 –

Report of the Standing Committee on Devolution and Intergovernmental Relations on its consideration of the County Governments (Amendment) Bill (Senate Bills No.39 of 2024).

(Sen. Abass laid the document on the Table)

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

NOTICE OF MOTION

NOTING OF REPORT ON COUNTY FISCAL PERFORMANCE MEASUREMENT INDEX

The Temporary Speaker (Sen. Wakili Sigei): Senate Majority Leader.

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Temporary Speaker, Sir, on behalf of the Senate Majority Leader, I beg to give notice of the following Motion –

THAT, the Senate notes the County Fiscal Performance Measurement Index Report laid on the Table of the Senate on Thursday 6th, August, 2026.

The Temporary Speaker (Sen. Wakili Sigei): Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, Statements pursuant to Standing Order 52(1). Seneta wa Kaunti ya Kilifi, Senate Minority Leader.

UFUNZI RASMI WA CHUO CHA UTALII CHA RONALD NGALA

That Statement is dropped in the absence of Sen. Madzayo.

(Statement dropped)

Request for Statement pursuant to Standing Order 53. Proceed, Sen. Edwin Sifuna.

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.*

STATE OF MOUNT ELGON NATIONAL PARK

That Statement is dropped

(Statement dropped)

Sen. Betty Montet.
Sen. Montet, are you reading your Statement?

(Consultations)

Order, hon. Senators. Sen. Montet, you have the Floor.
Proceed.

MUSHROOMING RESIDENTIAL ESTATES
NEAR INDUSTRIAL PLANTS

Sen. Montet Betty: Thank you, Mr. Temporary Speaker, Sir. I rise, pursuant to Standing Order 53(1), to seek a Statement from the Standing Committee on Land, Environment and Natural Resources on a matter of county-wide concern regarding the mushrooming of residential estates in proximity to industrial plants.

The establishment and expansion of residential estates near industrial plants, including developments such as Lukenya County Villas, Maanzoni area, and Kyumbi residential areas, continue to raise serious environmental, public health and safety concerns.

Although these developments help meet the growing demand for housing for employees working in nearby industries, their proximity to industrial facilities exposes residents to dust, gaseous emissions, industrial effluent, excessive noise and other pollutants that threaten human health, homes, schools, healthcare facilities and the environment.

In the Statement, the committee should address the following-

(1) Whether there are existing zoning policies, regulations and planning guidelines governing the establishment of residential estates in proximity to industrial plants, and the extent to which they are implemented and enforced.

(2) The legal and policy frameworks governing the conversion of industrial land to residential use, including mixed or dual-use developments involving industrial and residential activities.

(3) The county spatial plans, integrated development plans and relevant national urban development policies guiding orderly land use and preventing conflicts between industrial and residential developments.

(4) Whether Environmental Impact Assessments (EIAs), Strategic Environmental Assessments (SEAs), and other statutory environmental approvals have been undertaken for such developments, and the measures adopted to mitigate risks arising from emissions, chemical spills, noise pollution, and other environmental hazards.

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.*

(5) The measures adopted to ensure compliance with zoning, environmental, public health and planning laws by estate developers, industries, and relevant regulatory agencies, including enforcement actions, penalties, and remedial measures where violations occur or resident safety is compromised.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Madzayo, earlier on when I called out your Statement, you were absent from the Chamber. However, by virtue of your office, I hereby reinstate and allow you to read the Statement.

The Senate Minority Leader (Sen. Madzayo): I am very grateful, Mr. Temporary Speaker.

With a lot of respect and humility, I do accept that I came a bit late and I am happy that you have decided to restore my statement---

UFUNZI RASMI WA CHUO CHA
UTALII CHA RONALD NGALA

Kwanza, nataka nikushukuru sana kwa kuniruhusu kuleta kauli hii kuhusu kuanza rasmi kwa shughuli za Chuo cha Utalii cha Ronald Ngala katika Kaunti ya Kilifi.

Nimesimama kwa mujibu wa Kanuni ya Kudumu ya 52(1) ya Kanuni za Kudumu za Seneti. Kuanza kwa shughuli za chuo hiki ni hatua muhimu katika kuendeleza sekta za utalii, ukarimu na uchumi samawati.

Chuo hiki kipya kinatarajiwa kupanua fursa za elimu na mafunzo ya kiufundi katika fani za utalii, ukarimu, upishi, masuala ya baharini na taaluma nyingine zinazohusiana. Aidha, kitatoa nafasi za ajira, kuwawezesha vijana kupata ujuzi unaokidhi mahitaji ya soko la ajira na kuchochea maendeleo ya kijamii na kiuchumi katika Kaunti ya Kilifi na Taifa kwa ujumla.

Ninawahimiza wakaazi wa Kaunti ya Kilifi, hususan vijana, kutumia fursa hii kwa kujiunga na courses zinazotolewa chuoni. Aidha, naiomba Serikali, kupitia Wizara ya Utalii na Wanyamapori na kwa kushirikiana na uongozi wa chuo, kuendesha kampeni za uhamasishaji ili wananchi wapate taarifa kuhusu courses zinazotolewa, masharti ya udahili na fursa nyingine zinazopatikana.

Vile vile, naiomba Serikali kuhakikisha kuwa wakaazi wenye sifa kutoka Kaunti ya Kilifi wanapata fursa zinazostahili katika kupata nafasi za masomo, ajira na shughuli nyingine zitakazotokana na uendeshaji wa Chuo hiki, ili jamii inufaike kikamilifu.

Napenda kuipongeza Serikali, Wizara ya Utalii na Wanyamapori na wadau wote waliochangia kukamilika na kuanza kwa shughuli za chuo hiki. Ni matumaini yangu kuwa Chuo kitaendelea kupewa rasilimali na usaidizi unaohitajika ili kiwe kitovu cha ubora katika mafunzo ya utalii na ukarimu, na kichocheo cha maendeleo ya kijamii na kiuchumi katika Kaunti ya Kilifi na Taifa nzima kwa ujumla.

Asante, Mheshimiwa Spika wa Muda.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, I have a Message to read so that that we proceed with the Statements.

Order, Sen. Murgor.

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.*

(Interruption of Statements)

MESSAGE FROM THE NATIONAL ASSEMBLY

PASSAGE BY THE NATIONAL ASSEMBLY OF THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL (SENATE BILLS NO.8 OF 2026).

I wish to report to the Senate that, pursuant to Standing Order 46 (3) and (4), I have received the following Message from the Speaker of the National Assembly regarding the passage, by the National Assembly, of the County Governments Additional Allocations Bill (Senate Bills No.8 of 2026).

The Message, dated Wednesday, 5th August, 2026, was received in the Office of the Clerk of the Senate today, Thursday, 6th August, 2026.

Pursuant to Standing Order 46 (4), I now report the Message –

WHEREAS, the County Governments Additional Allocations Bill (Senate Bills No.8 of 2026) was passed by the Senate on Tuesday, 17th June 2026 and thereafter referred to the National Assembly for consideration pursuant to the provisions of Article 110(4) of the Constitution;

AND WHEREAS, on Tuesday, 4th August 2026 the National Assembly considered and passed the said Bill with amendments, as contained in the Schedule of amendments attached herewith;

NOW THEREFORE, in accordance with the provisions of Article 112(1)(b) of the Constitution and Standing Orders 41(1) and 144 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.

Hon. Senators, Article 112(1)(b) of the Constitution provides that -

"If one House passes an ordinary Bill concerning counties and the second House passes the Bill in an amended form, it shall be referred back to the originating House for reconsideration."

Pursuant to Standing Order No. 210(2), I grant the Standing Committee on Finance and Budget permission to retreat to consider the National Assembly amendments and table its report this afternoon for consideration by the Senate in the course of today's sitting.

Further, I direct the Clerk to prepare and circulate a Supplementary Order Paper to enable the Senate consider the National Assembly amendments.

The House is so guided. Thank you.

I have a further communication to make regarding vising delegation of teachers and students from Eldoret GK High School in Uasin Gishu County.

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION FROM ELDORET G.K. HIGH SCHOOL

Hon. Senators, I wish to acknowledge the presence, in the public gallery, of a visiting delegation of nine teachers and 40 students from Eldoret GK High School in Uasin Gishu County. The delegation is visiting the Senate for an academic exposition.

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.*

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

VISITING DELEGATION FROM ST. FRANCESCO AMANI SCHOOL

I also wish to acknowledge the presence, in the public gallery, of a visiting delegation of 19 teachers and 56 students from St. Francesco Amani School in Nandi County. The delegation is also visiting the Senate for an academic exposition.

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

Thank you.

In the absence of Sen. Mandago, Senator for Uasin Gishu County, Sen. Cherarkey, you have one minute to welcome the students from Uasin Gishu County and Nandi County. Thereafter, proceed to read your Statement pursuant to Standing Order No.53(1).

Sen. Cherarkey: Thank you, Mr. Temporary Speaker, Sir. I warmly welcome the visiting students from Eldoret GK High School in Uasin Gishu County and those from St. Francesco Amani School in Kapsabet Town. For the benefit of Members, including the Senate Minority Leader, Uasin Gishu and Nandi counties are almost one county because we are neighbours.

I encourage the students to remain focused and disciplined. They are lucky to be here to witness one arm of Government. As you know, there are three arms of Government; the Executive, the Judiciary and Parliament. So, feel most welcome. Kapsabet Town is the headquarters of Nandi County. When I retreat to run the county affairs of Nandi, I will be operating from Kapsabet Town. Therefore, feel most welcome. As per the tradition of this House, I would like to meet the students and their teachers after the sitting.

Mr. Temporary Speaker, Sir, with your indulgence, so that the students may benefit from seeing their Senator at work, allow me to read a Statement.

(Resumption of Statements)

INDUSTRIAL ACTION BY CLINICAL
OFFICERS IN NANDI COUNTY

I have a request for a Statement on the industrial action by clinical officers in Nandi County and the state of health care service delivery.

Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Health regarding a matter of county-wide concern regarding the ongoing industrial action by clinical officers in Nandi County.

The ongoing strike has disrupted health care service delivery, including the closure of Kapsabet County Referral Hospital, among others. This raises concern about the realisation of the constitutional right to the highest attainable standard of health, the welfare of healthcare workers and human resource management within Nandi County health sector.

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.*

In the Statement, the committee should address the following-

(1) The status of the industrial action by clinical officers in Nandi County, the underlying causes of the dispute, the implementation status of the 2024 Collective Bargaining Agreement (CBA) and the timelines for resolving the dispute and restoring normal services in Nandi.

(2) Why eligible clinical officers have not been promoted, re-designated or granted study leave in accordance with the approved Career Progression Guidelines and other applicable policies and the measures and timelines for fully implementing these frameworks.

(3) Whether clinical officers are receiving salaries, allowances, medical insurance and other employment benefits in accordance with the Salaries and Remuneration Commission (SRC) advisories, the Collective Bargaining Agreement (CBA) and other applicable laws.

(4) The status of outstanding salary arrears and when they will be settled, including pending promotions and other benefits owed to clinical officers.

(5) The current staffing levels in Nandi County and the vacancies for clinical officers and the measures being undertaken to recruit additional officers through a transparent, competitive and merit-based process.

(6) The status of the supply of essential medicines, laboratory reagents, medical equipment and other supplies in public health facilities in Nandi.

(7) Measures in place to ensure continued provision of health care services during the industrial action/strike and the mechanisms by the County Government of Nandi and the Ministry of Health to ensure timely implementation of negotiated agreements, strengthen labour relations and prevent future industrial disputes across the country.

Thank you.

APPROVAL AND IMPLEMENTATION OF THE MIGORI COUNTY GOVERNMENT BUDGET FOR FINANCIAL YEAR 2026/2027

Sen. Oketch Gicheru: Thank you, Mr. Temporary Speaker, Sir, for this opportunity. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Finance and Budget on a matter of county-wide concern regarding the approval and implementation of the Migori County Government budget for the Financial Year 2026/2027.

Concerns have been raised over compliance with the provisions of Article 201 of the Constitution, the Public Finance Management Act, 2012, the County Governments Act, 2012 and other applicable laws governing public finance management. The concerns particularly relate to budget approval, development expenditure thresholds, treatment of pending bills and adherence to participatory planning frameworks.

In the Statement, the committee should address the following-

(1)The approval of a budget exceeding the estimates submitted by the County Executive, including the source of the additional funds and whether due legal procedures and public participation were followed.

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.*

(2) State whether the county met the statutory requirement of allocating at least 30 per cent of its budget to development expenditure.

(3) The basis for the allocation of Kshs203 million for pending bills and whether it is supported by a verified schedule of beneficiaries and projects.

(4) Whether allocations under the Financing Locally Led Climate Action (FLLoCA) programme complied with the required legal and participatory planning framework.

(5) Whether the enactment of the Migori County Appropriation Act for the Financial Year 2026/2027 complied with the Constitution and statutory requirements.

(6) The measures taken by the Office of the Controller of Budget and other oversight institutions to ensure the county budget complies with the law.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Omogeni and Sen. Kibwana had Statements. In their absence, the particular set of Statements are dropped.

GAPS IN THE REGULATION AND ENFORCEMENT OF PESTICIDE SAFETY IN KENYA

CAPITATION SHORTFALL IN PUBLIC SECONDARY SCHOOLS

PREPAREDNESS TO HOST THE 2026 WOMEN'S AFRICAN NATIONAL VOLLEYBALL CHAMPIONSHIP

(Statements dropped)

Sen. Cherarkey, you have another Statement. As Sen. Cherarkey prepares to read that Statement, Sen. Betty Montet, you have another Statement.

MUSHROOMING OF RESIDENTIAL ESTATES IN PROXIMITY TO INDUSTRIAL PLANTS

(Statement deferred)

Very well, Cherarkey proceed to read your Statement.

PROTECTION OF KENYANS WORKING IN SOUTH SUDAN

Sen. Cherarkey: Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Committee on National Security, Defence and Foreign Relations on a matter of national concern regarding the welfare and protection of Kenyans residing and working in the Republic of South Sudan.

Kenyans residing and working in South Sudan continue to face insecurity, loss of life and property, labour disputes, delayed or unpaid salaries, displacement and limited access to consular and emergency assistance.

In the Statement, the committee should address the following-

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.*

(1) The number of Kenyans currently residing and working in South Sudan, including those who have registered with the Embassy of Kenya in Juba, and the mechanism for maintaining accurate and up-to-date records.

(2) The nature and number of cases involving Kenyans in South Sudan reported to and handled by the Embassy of Kenya from 2023 to date, including cases relating to insecurity, loss of life and property, labour disputes and detention, including the action taken and outcome of each case, including traffic issues.

(3) The number of Kenyans evacuated or repatriated from South Sudan from 2023 to date, including circumstances necessitating such action, the assistance provided and challenges encountered.

(4) The measures implemented under the Kenya Diaspora Policy 2024---

(Loud consultations)

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, let us allow Sen. Cherarkey to be heard in silence. If you must consult, please, do so in a manner that will not disrupt your colleague.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, let me take that one again, Mr. Speaker, Sir.

(4) The measures implemented under the Kenya Diaspora Policy 2024, the Comprehensive Kenya Diaspora Growth Strategy 2024/2027 and other relevant policies to protect Kenyans in South Sudan, the identified gaps and measures taken to address them.

(5) The bilateral agreements between Kenya and South Sudan for the protection of Kenya's citizens, workers, businesses and investment; the extent of their implementation and measures taken to strengthen consular services and emergency response by the Government of Kenya.

STOPPAGE OF LOADING OF TRANSIT OIL PRODUCTS
AT THE KENYA PETROLEUM REFINERIES IN MOMBASA

Sen. Faki: Thank you, Mr. Temporary Speaker, Sir. I rise pursuant to Standing Order No.53 (1) to seek a Statement from the Standing Committee on Energy on a matter of national concern regarding the circular letter issued by the Kenya Pipeline Company, dated 25th May 2026, which stopped the loading of transit oil products at the Kenya Petroleum Refineries in Mombasa, effective 1st July, 2026.

The decision has disrupted businesses, forced transport companies to relocate to Eldoret and threatens both community livelihoods and county revenues. It further raises concerns of monopolistic practices, contrary to the Competition Act, Cap 504.

In the Statement, the committee should address the following-

(1) Whether the decision was subjected to public participation as provided for by Article 232 (1) (d) of the Constitution.

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.*

(2) The role of The Energy and Petroleum Regulatory Authority (EPRA) in approving and overseeing the decision and measures taken to caution affected businesses and communities.

(3) The strategies in place to mitigate the anticipated revenue and employment losses in Mombasa County.

(4) Why the Kenya Pipeline, which was permitted, acted in contravention of the Competition Act, despite it being a private company.

This statement is signed by Sen. Faki, Senator for Mombasa County.

(Sen. Miraj and Sen. Lemaletian consulted loudly)

Order, Sen. Miraj and Sen. Lemaletian.

Proceed, Sen. Sifuna.

Sen. Sifuna: Thank you, Mr. Temporary Speaker, Sir. I have three requests for Statement. I am pleading that you allow me to take three of them at a go. The first one is on the State of Mount Elgon and its National Park.

STATE OF MOUNT ELGON NATIONAL PARK

I rise pursuant to Standing Order No.53 (1) of the Senate Standing Orders, to seek a Statement from the Standing Committee on Land, Environment and Natural Resources on a matter of county concern regarding the State of Mount Elgon and its national pPark.

Despite being a globally acclaimed heritage site and a critical water tower, this ecosystem has suffered great neglect. Persistent logging, illegal encroachment and other illicit activities threaten biodiversity, the sustainability of the Nzoia River, livelihoods downstream and the growth of tourism in Trans Nzoia County. As things stand, this vital resource has not been accorded the management or investment befitting---

(Sen. M. Kajwang' consulted loudly)

The Temporary Speaker (Sen. Wakili Sigei): Sen. M. Kajwang', order in the House.

Sen. Sifuna: As things stand, this vital resource has not been accorded the management or investment befitting its potential as a major national income earner.

In the Statement, the committee should address the following-

(1) The current State of Mount Elgon and its National Park, specifically detailing biodiversity loss over the last 10 years, the extent of deforestation and the exact acreage of the natural resource that remains sustainably protected from encroachment.

(2) The measures currently in place to restore the mountain ecosystem and its dependent rivers.

(3) The Government's strategies to strengthen resource management to directly benefit local communities and enhance Mount Elgon's potential as a premier heritage and tourism site.

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.*

AD VALOREM LEVY ON LANDED CAGED FISH IN KENYA

The second Statement is on the five per cent *ad valorem* levy on landed caged fish in Kenya. This is a matter that arose after Kenyans heard that I had been seconded to the Committee on Agriculture, Livestock and Fisheries, which encompasses the blue economy and fisheries.

I rise pursuant to Standing Order No.53 (1) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries on a matter of nationwide concern regarding the 5 per cent *ad valorem* levy on landed caged fish in Kenya, introduced under the Fisheries Management and Development (Aquaculture) Regulations of 2024.

The Fisheries Management and Development (Aquaculture) Regulations 2024 introduced a 5 per cent *ad valorem* levy on the market value of fish harvested through caged aquaculture in Kenya's public waters, including Lake Victoria.

Stakeholders contend that the levy disproportionately burdens caged fish farmers, particularly small and medium scale producers by increasing production costs, reducing profitability and discouraging investment. They further argue that unlike other food production sectors, the levy applies exclusively to caged aquaculture in public waters, raising concerns about equity, competitiveness and the sector's sustainability.

Homa Bay County produces more than half of Kenya's caged fish. Its farmers are expected to bear the greatest impact with possible adverse effects on employment, household incomes, food security and the blue economy.

In the Statement, the Committee should address the following-

(1) The policy legal and economic justification for imposing a five per cent *ad valorem* levy on landed cage fish under the fisheries management and development regulations of 2024, including the objectives of the levy and the basis for determining the five per cent rate.

(2) Whether the Ministry conducted stakeholder consultations, regulatory impact assessments or socioeconomic analysis before introducing the levy and if so, provide the findings that explain how they inform the final regulations.

(3) The projected revenue from the levy, its intended utilisation and the programmes or services to be funded for the benefit of the aquaculture sector.

(4) The actual and anticipated impact of the levy on the aquaculture sector, including its effects on production costs, profitability, investment, employment, fish prices and the competitiveness of Kenya's cage fish industry.

Mr. Temporary Speaker, Sir, with your permission, there is a last one.

(5) Whether the Government has considered reviewing, suspending or repealing the levy or adopting alternative financing mechanisms to support sustainable fisheries management without unduly burdening cage fish farmers and if not, the reasons for retaining the levy.

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.*

INTERNSHIP PLACEMENT FOR BACHELOR OF SCIENCE IN NURSING GRADUATES FROM THE KIBABII UNIVERSITY, BUNGOMA

Finally, Hon. Temporary Speaker, Sir, I have a Statement on internship placement for Bachelor of Science in Nursing graduates from the Kibabii University in Bungoma.

Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Health regarding the failure to place 47 inaugural Bachelor of Science in Nursing graduates from Kibabii University on mandatory internship.

These graduates successfully completed their studies in 2025, sat for the Nursing Council of Kenya licensing examination and fulfilled all academic and professional requirements. Despite meeting all these criteria, they were omitted from the recent internship postings, while other eligible graduates across the country were placed and no explanation has been forthcoming from the relevant agencies, leaving them frustrated and without immediate recourse.

In the Statement, the committee should address the following-

(1) Whether the Bachelor of Science in Nursing degree course offered at Kibabii University is validly recognised and approved by the Commission for University Education.

(2) The reasons why the 47 graduates from Kibabii University have not been placed on the mandatory internship programme despite fulfilling all the requirements.

(3) The timelines within which these graduates will be placed on internship to enable their full professional registration and future employment.

Thank you, Hon. Temporary Speaker, Sir.

(Sen. Kibwana stood at her place)

The Temporary Speaker (Sen. Wakili Sigei): Order, Sen. Kibwana. Take your seat or the nearest seat.

Thank you.

(Interruption of Statements)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM THE PARLIAMENT OF UGANDA

Hon. Senators, I have a communication to make from the Chair on a visiting delegation from the Parliament of Uganda.

Hon. Senators, I would like to acknowledge the presence in the Speaker's gallery this afternoon of a visiting delegation of Members of Parliament and Secretariat from the Parliament of Uganda. The delegation is in the Senate on a courtesy call to the Senator for Nairobi City County, Senator Edwin Sifuna, MP.

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.*

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

(i) Hon. Betty Nambooze, Member of Parliament, Mukono Municipality;

(ii) Hon. Ivan Kyeyune, Member of Parliament, Nakasongola Constituency;

(iii) Hon. Moses Musanje Lukanga, Member of Parliament, Njeru Municipality;

(iv) Hon. Loluk Fidelis Logwee, Member of Parliament, Nappore West County;

(v) Hon. Kansiime Annah, Women Member of Parliament, Rwampara District;

(vi) Hon. Ibrahim Aisu, Member of Parliament, Palisa County;

(vii) Ms. Mutekanga Jacqueline, Clerk, Committee on PAC and Local Government;

(viii) Ms. Ampeire Ameria, Personal Assistant to Hon. Nambooze.

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

I thank you.

Sen. Sifuna, would you like to say a word of welcome to the delegation, in under one minute?

Sen. Sifuna: Thank you, Hon. Temporary Speaker, Sir. Indeed, on behalf of the Senate, I am very proud to say that I was honoured this morning to receive this delegation from largely the National Unity Platform (NUP) party that is led by Comrade Bobi Wine in Uganda.

The Hon. Betty Nambooze is the Chairperson of the Accountability Committee when it comes to local government in Uganda. I was honored to receive her and her delegation.

We have shared quite a lot. As you know, Hon. Temporary Speaker, Sir, Uganda remains one of our largest export markets. From the latest numbers we have seen, we are doing upwards of US$951 million per year in terms of the exports from Kenya to Uganda.

We also have very close ties. Communities like the Luos, Kalenjins, Teso and many others inhabit both Kenya and Uganda. We share a very close bond as residents of East Africa. I want to take this opportunity to welcome them, not just to Nairobi but to Kenya.

We have very difficult political circumstances in the region, but our hope and prayer is that we, Kenyans and Ugandans, will continue to be brothers and sisters. Their problems are our problems. If there is something that the Coronavirus Disease (COVID-19) pandemic and Ebola has taught us, is that we are all one family. What happens in Uganda matters to us, what happens in Kenya matters to them and what happens in Dar es Salaam matters to all of us.

I take this opportunity to wish them well and I ask them to send my greetings to my brother, Bobi Wine. I know he is in exile in the United States of America. They should tell him that he has friends, though we might not be in a position to affect the affairs of their country. However, there is a dawn that is coming, especially for those of us who believe in democracy, the rule of law and the supremacy of our people.

I thank you, Hon. Temporary Speaker, Sir, and I welcome them to savour all the nice things in Nairobi. They should have a piece of *nyama choma*. I had *luwombo* in

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.*

Kampala, though I am not very welcome there these days. We hope that our people will remain united and that we will offer hope and support to each other.

Sen. Madzayo is also---

(Sen. Madzayo and Sen. Omogeni consulted loudly)

The Temporary Speaker (Sen. Wakili Sigei): Order, Sen. Madzayo and Senator Mogeni.

Conclude, Sen. Sifuna, in welcoming the delegation.

Sen. Sifuna: There are Members of this House who harbour very strong feelings about Uganda, and especially about some of the close relations that we have with the people of Kampala and Uganda in general. I hope that Sen. Madzayo will get an opportunity to express what he is whispering to me. I might get into a lot of trouble. I will stop there.

Thank you, Hon. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Thank you. Once again, the Members of Parliament from Uganda, you are welcome to the Senate of the Republic of Kenya. Enjoy your stay here and you can extend beyond the weekend.

Sen. Omogeni: Thank you, Mr. Temporary Speaker, Sir. Allow me to say this before I read my Statement, I am happy to see my colleagues from the Parliament of Uganda. Last time we had a delegation here, I had the privilege of hosting the delegation for dinner in my house in Nairobi and they were accompanied by Sen. Faki and Sen. Munyi Mundigi. This is a very good cooperation between our two countries. I am happy that, today, my friend Sen. Madzayo, has extended that courtesy and that is how it should be.

(Resumption of Statements)

MOISTURE CONTENT DEDUCTIONS BEING IMPOSED
ON FARMERS BY TEA FACTORIES

Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order 53(1) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries on a matter of national concern regarding moisture content deductions from being imposed on farmers by tea factories.

Mr. Temporary Speaker, Sir, moisture content deductions are reductions in the recorded weight or value of agricultural produce on the basis of alleged excess water content. In a circular dated 9th July, 2026, the Tea Board of Kenya declared the deductions of alleged surface or systematic moisture from green tea delivered by factories to be illegal, fraudulent and a malpractice.

Noting that Section 21 of the Green Leaf Quality Guidelines of 22nd January, 2026 already provides for natural moisture variations through a green leaf to med tea conversion ratio of 20 to 24 per cent, depending on prevailing weather conditions. The

Tea Board, therefore, prohibited such deductions and warned that any factory engaging in the practice would face legal action.

Despite this directive, some fraudulent tea factories, particularly in the counties of Nyamira and Kisii, continue to unlawfully deduct approximately 0.5 kilogrammes from every delivery of green leaf tea, unfairly reducing farmers' earnings and undermining confidence in the tea value chain.

In the Statement, the committee should address the following-

(1) Account by account breakdown of the number of tea factories affected, the tea factories involved, the quantity of green leaf subjected to moisture content deductions, the estimated financial losses that has been incurred by farmers and the period during which the deductions have been made.

(2) Inquire into the regulatory, administrative or disciplinary action taken against the responsible factory management and directors who continue to impose the deductions contrary to Section 21 of the Green Leaf Quality Guidelines.

(3) The measures being undertaken by the Ministry of Agriculture and Livestock Development, the Tea Board of Kenya and other relevant agencies to compensate or reimburse affected farmers for any unlawful deductions and to ensure immediate cessation of the practise in all tea growing regions.

(4) Inquire into the amount of green leaf tea deducted from farmers on account of the weight assigned to an empty green leaf tea collection bag.

(5) Inquire into the long-term policy, regulatory and oversight measures being implemented to strengthen transparency and accountability in the weighing, grading and payment of green leaf, protect tea farmers from unlawful deductions and ensure full compliance with the law by all tea factories and their management.

Mr. Temporary Speaker, Sir, with your permission, I have another statement.

RECRUITMENT PROCESS BY THE TVETA BOARD

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration on the matter of national concern regarding the transparency, fairness and integrity of the recruitment process, particularly in light of reports that the candidate ranked first by the Board of the Technical and Vocational Education and Training Authority (TVETA) was not appointed.

In the Statement, the committee should address the following-

(1) The criteria, justification and legal basis upon which Dr. Wanyeki Paul Machocho was appointed as the Director General of TVETA, notwithstanding that Moriasi Arabu Josia had been recommended by the TVET Board as the top-ranked candidate following a competitive recruitment process.

(2) The Committee should provide a comprehensive account of the recruitment and appointment process, including the number of applicants, the short-listed candidates, the interview and evaluation criteria, the scores attained by each of the short-listed candidates, the recommendations made by the Board, the names submitted to the Head of Public Service and indicate whether the process complied with the Constitution,

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.*

the Technical and Vocational Education and Training Act, the State Corporations Act, the Public Service Commission Act and the applicable Government guidelines governing the appointment of chief executive officers and head of state corporations, giving reasons for any departures from the prescribed procedure.

(3) State whether the appointing authority departed from the recommendations of the Board, and if so, provide the legal and policy justification for appointing a candidate other than the one ranked first, including whether the Board's recommendation was rejected, varied or set aside and if so, under what authority.

(4) Clarify whether any complaints, petitions, appeals or court proceedings were lodged regarding the recruitment or appointment process and if so, provide their status and the measures taken to address the issues raised.

(5) Outline the measures the Ministry responsible for technical and vocational education have put in place to safeguard the independence, transparency, meritocracy and accountability of recruitment process for senior leadership positions in state corporations and to prevent similar concerns from arising in future appointments.

I thank you.

(Sen. M. Kajwang' and Sen. Chimera consulted loudly)

The Temporary Speaker (Sen. Wakili Sigei): Sen. Kajwang', Sen. Abdul and Sen. Chimera, there is a consultation room behind the Chair. If you must consult, retreat to that particular room, which is provided for you.

Sen. Hamida Kibwana, proceed.

PREPAREDNESS TO HOST THE 2026 WOMEN'S AFRICAN NATIONAL VOLLEYBALL CHAMPIONSHIP

Sen. Kibwana: Thank you, Mr. Temporary 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 a nationwide concern regarding Kenya's preparedness to host the 2026 Women's African Nations Volleyball Championship, scheduled to take place in Nairobi from 23rd August to 5th September, 2026 at the Kasarani Indoor Arena and Ulinzi Sports Complex.

Hosting this prestigious continental championship presents Kenya with a unique opportunity to showcase its sporting excellence, strengthen sports tourism and reaffirm its position as a leading sporting nation in Africa. It is, therefore, important that the country is adequately prepared to deliver a successful tournament.

In the Statement, the committee should address the following-

(1) The state of preparedness of the Kasarani Indoor Arena and Ulinzi Sports Complex, including the status of renovation and upgrading works, compliance with international hosting standards and confirmation of the readiness to host the championship.

(2) The funding, technical and logistical support provided to the National Women's Volleyball Team, the Malkia Strikers, including allocations for training camps,

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.*

player welfare, coaching and technical staff, equipment, sports science and medical support and any other preparedness undertaken to enhance the team's competitiveness.

(3) The arrangements to facilitate the successful hosting of the championship, including accommodation, transport, security, medical and emergency services, immigration and accreditation processes, volunteer management and other logistical support to participating teams, officials, media personnel and spectators;

(4) The Government's strategy to marketing, broadcasting and promoting the championship, including partnership with media houses and sponsors, public awareness initiatives, fun engagement programmes and measures to maximise attendance, tourism, investment opportunities, and the overall economic impact of the event.

(5) Finally, the legacy programme to be implemented following the Championship, including measures to promote women's volleyball, strengthen youth talent development, enhance coaching and officiating capacity, improve sports infrastructure, and leverage the championship to support the long-term growth and sustainability of volleyball in Kenya.

GAPS IN THE REGULATION AND ENFORCEMENT OF PESTICIDE SAFETY IN KENYA

The Auditor General released a performance audit report on the regulation of pesticides in Kenya on 31st July, 2026. The report has established that hazardous, expired, counterfeit, and unregistered pesticides continue to circulate in the Kenyan market, exposing consumers, farmers, and the environment to serious harm.

The audit further found that the Pest Control Products Board (PCPB), had only 64 officers, against an approved establishment of 267, constraining inspections, enforcement, scientific surveillance and public education.

The audit also established that although the inspections or premises handling pesticides increased from 6,322 in the Financial Year 2021/2022, to 11,150 in the Financial Year 2024/2025, the increased inspections had not resulted in a corresponding reduction in the sale of illegal products. Seizures of expired, counterfeit and unregistered pesticides increased during the same period, while some businesses continued to operate despite prosecutions and repeated violations.

Further, weaknesses were identified in follow-up inspections and the monitoring of corrective action, with more than half of sampled agro-dealers receiving no follow-up visit with an initial inspection.

In the statement, the committee should address the following-

(1) The findings and recommendations of the Auditor General's performance audit on the regulation of pest control products and the action taken by the Government and the PCPB to implement them.

(2) The current staffing establishment of the PCPB, including the distribution of officers across its regional offices, the reasons only 64 of the approved 267 positions were filled during the audit period and measures to address the staffing deficit.

(3) The reasons the increase in inspections from 6,322 premises in the Financial Year 2021/2022 to 11,150 in the past did not reduce the sale of illegal pesticides, stating

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.*

the quantities and categories of expired, counterfeit, unregistered, and other unauthorized pest control products seized during the audit period and how they were disposed of.

(4) The enforcement action taken against agro-dealers and other businesses found selling illegal pesticides, including prosecutions, convictions, and the suspensions to or revocation of operating certificates and measures to ensure timely follow-up inspection and effective tracking of corrective action by regional offices.

(5) Finally, the measures put in place to strengthen pesticide residue surveillance in food, educate farmers and agro-dealers on authorized pest control products and safe pesticide use, and enhance coordination among relevant agencies to prevent hazardous and unauthorized pesticides from entering the food chain.

Mr. Temporary Speaker, Sir, kindly allow me to read the last one.

CAPITATION SHORTFALL IN PUBLIC
SECONDARY SCHOOLS

Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order 53 (1) to seek a statement from the Standing Committee on Education on a matter of national importance concerning the reports on the Kenya Secondary School Heads Association of Kshs22.5 billion capitation shortfall affecting public secondary schools across the country.

The shortfall has led to delayed and incomplete disbursement of funds, leaving the schools indebted, struggling to meet operational costs and facing uncertainty as learners prepare for their final term and national examinations. There is growing concern that parents may be compelled to shoulder costs meant to be covered by Government capitation, thereby undermining access to affordable education.

In the Statement, the committee should address the following-

(1) The total capitation allocation of the current financial year, the amount disbursed and the outstanding balance.

(2) The reasons for the Kshs22.5 billion shortfall and delays in increasing funds.

(3) The extent of debts incurred by schools due to the funding gap.

(4) Finally, the measures being taken by Government to release outstanding funds promptly, preventing future delays and safeguard parents from increased fees or disruption of learning and administration of national examination.

I thank you, Mr. Temporary Speaker, Sir.

(Loud consultations)

The Temporary Speaker (Sen. Wakili Sigei): Sen. Mandago and your crew of Sen. Kinyua and Sen. Joyce, the restlessness you are exhibiting today is inviting the Speaker to call you to order. If you must consult, I have directed, consult in low tones because the rest of the members would want to concentrate on what is going on in the Chamber. Take note, Sen. Kinyua.

Statements pursuant to Standing Order 57 (1), Senate Majority Leader. Sen. Montet, I had dropped your statement earlier on because when I called out, you were not in the Chamber. Nonetheless, proceed to read your statement. Shortly thereafter, the Leader of Majority will read his statement, pursuant to Standing Order 57 (1).

COSTS INCURRED BY CUSTOMERS FOR REPLACEMENT OF PREPAID ELECTRICITY METERS

Sen. Montet Betty: Mr. Temporary, Speaker, Sir, I rise pursuant to Standing Order 53 (1) 1, to seek a statement from the Standing Committee on Energy on a matter of nationwide concern regarding the costs being imposed on electricity consumers in the country for the replacement of prepaid electricity meters.

According to the Kenya Power and Lighting Company (KPLC), customer service center, faulty prepaid electricity meters should be replaced at a utility provider's cost, particularly where the fault arises from the normal wear or internal failure. However, KPLC is recovering the cost of replacing such meters, both faulty and periodically replaced ones, directly from the prepaid token purchases. These deductions are made without prior disclosure to customers and the charges are not communicated at the time of replacement.

In the statement, the committee should address the following-

(1) Whether there exists a legal framework governing the replacement of prepaid electricity meters, including the protection of customers against undisclosed charges.

(2) Methods employed by the Kenya Power and Lighting Company to recover costs associated with meter replacements and whether these methods comply with the regulatory standards and customer rights.

(3) The justification provided by the KPLC for recovering such costs from prepaid token purchases, particularly in cases where the meter is faulty due to normal wear and tear or failure.

(4) The strategy used by the Kenya Power to apprise customers about geographical coverage, replacement programmes and associated costs, including whether adequate notice and disclosure are provided.

(5) The measures in place to ensure customer protection, transparency in billing and timely resolution of complaints arising from hidden deductions during token purchases.

It is signed by Sen. Betty Montet, Nominated Senator.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Thank you. We will now hear from the Senate Majority Leader represented by Sen. (Dr.) Lelegwe Ltumbesi.

Sen. (Dr.) Lelegwe Ltumbesi, you may proceed.

BUSINESS FOR THE WEEK COMMENCING TUESDAY, 8TH SEPTEMBER, 2026

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Temporary Speaker, Sir, pursuant to Standing Order No.53(1), on behalf of the Senate Majority Leader, I hereby present the business for the week commencing Tuesday, 8th September, 2026.

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.*

I will begin by expressing my gratitude to all Hon. Senators for the tremendous work done during Part IV of this Session. The Senate considered and passed the following business-

Bills

The Heritage and Museums Bill, (Senate Bills No.8 of 2023); the Statutory Instruments (Amendment) Bill (Senate Bills No.10 of 2024); the Environmental Laws (Amendment) Bill, (Senate Bills No.23 of 2024); the Sports (Amendment) (No.2) Bill (Senate Bills No.45 of 2024); the Public Audit (Amendment) Bill (National Assembly Bills No.4 of 2024); the County Hall of Fame (Senate Bills No.18 of 2023); and the County Oversight and Accountability Bill (Senate Bills No.3 of 2024).

Motions

Provision of Integrated Financial Management Information System (IFMIS) Reports for the County Governments to the Senate.

Petitions

Report of the Standing Committee on Justice, Legal Affairs and Human Rights on its consideration of a Petition to the Senate by Mr. Laban Omusundi regarding the enactment of a legal framework to provide for recall of the president or a governor through a citizen initiative; and, Report of the Standing Committee on Health on Petition to the Senate by Mr. Patrick Musilu and others concerning protection and propagation of commercialization of the New Generation *(Muthea)* Anti-Venom in Kenya.

Mr. Temporary Speaker, Sir, I urge Hon. Senators to keep up with the same spirit in Part IV of the Session in order to conclude on business pending in the Senate.

Sorry, Mr. Temporary Speaker, Sir, I take it again.

I urge Hon. Senators to keep up with the same spirit in Part V of the Session in order to conclude on business pending in the Senate.

Mr. Temporary Speaker, Sir, in line with the Speaker's Communication on the Message from the National Assembly on the passage of the County Governments Additional Allocations Bill (Senate Bills No.8 of 2026), later this afternoon, the Senate is set to consider the National Assembly amendments to the Bill. This is a very crucial financial instrument that determines the allocation of additional funds to counties. I, therefore, urge Hon. Senators to remain in the Chamber, so that we can conclude on this matter.

Mr. Temporary Speaker, Sir, the status of legislative business is as follows –

Fifty three Bills are pending conclusion, 37 of which are at Second Reading, 19 are at the Committee of the Whole and one is awaiting First Reading; 18 Motions are pending conclusion; 23 petitions are pending before respective Standing Committees, 18 of which are due for reporting, and 587 Statements pursuant to Standing Order No.53(1) are under consideration by committees.

At the next sitting of the Senate on Tuesday, 8th September, 2026, the tentative business for the day will include business not concluded from today's Order Paper, as well as the business indicated in the Notice Paper.

The tentative business for the Morning Sitting on Wednesday, 9th September, 2026, will include Questions to Cabinet Secretaries as approved by the Senate Business

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.*

Committee (SBC), as well as Motions. The Questions scheduled are those to the following Cabinet Secretaries–

The Ministry of Roads and Transport, and the Ministry of Co-operatives and Micro, Small and Medium Enterprises (MSMEs) Development.

Mr. Temporary Speaker, Sir, the tentative business for the Afternoon Sitting on Wednesday, 9th September, 2026, will include business not concluded from Tuesday's Order Paper, and the following-

Bills in the Committee of the Whole; the Health (Amendment) Bill, (Senate Bills No.12 of 2025); the Sports (Amendment) Bill, (Senate Bills No.33 of 2024); the Agriculture Produce (Minimum Guaranteed Returns) (Senate Bills No.17 of 2025); the National Construction Authority (Amendment) Bill (Senate Bills No.15 of 2025); the Environmental Management and Coordination (Amendment) Bill, (National Assembly Bills No.66 of 2023); the Autism Management Bill (Senate Bills No.19 of 2025); the County Governments Laws (Amendment) Bill (Senate Bills No.14 of 2025); and, the Community Health Promoters Bill (National Assembly Bill No.53 of 2022).

The projected business for Thursday, 10th September, 2026 will include business not concluded on Wednesday, 9th September, 2026, and any other business scheduled by the Senate Business Committee.

In conclusion, as Hon. Senators are aware, the Senate is scheduled to proceed on recess at the rise of the Senate today, Thursday, 6th August, 2026, in accordance with the Senate Calendar. I, therefore, take this opportunity to wish Hon. Members a restful recess as you take time to interact with constituents and reconnect with friends and relatives. I look forward to seeing you in September, with renewed energy for the task that remains ahead.

I thank you, Mr. Temporary Speaker, Sir, and I hereby lay on the Table of the Senate this Statement on behalf of the Senate Majority Leader, Sen. Aaron Cheruiyot, EGH, MP, Senate Majority Leader.

Thank you.

(Sen. (Dr.) Lelegwe Ltumbesi laid the document on the Table)

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

Now, Hon. Senators, you recall that earlier on I made a Communication from the National Assembly with certain directions, including directives to the Committee on Finance and Budget. I will, therefore, reorganise the Order Paper, so that we deal with other issues, including Petitions and Papers.

A Supplementary Order Paper will be circulated. You will equally have it on your gadgets for purposes of that communication from the National Assembly.

Clerk, I will ask you to call out Order No.4.

Sen. (Dr.) Lelegwe Ltumbesi, you may proceed.

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.*

PETITION

REVIEW OF MOUNT NG'IRO FOREST
BOUNDARIES IN SAMBURU COUNTY

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Temporary Speaker, Sir, this is a public Petition on the review of Mount Ng'iro Forest boundaries, human settlement, livelihoods and historical land injustices in Samburu County.

Mr. Temporary Speaker, Sir, I will read the Petition.

"We, the undersigned residents and citizens of Kenya residing within the Mount Ng'iro area of Samburu County, through the office of the Senator for Samburu County, Sen. (Dr.) Lelegwe Ltumbesi, draw the attention of the Senate to the following –

THAT, Mount Ng'iro forest situated within Samburu North Sub-County in Samburu County is a Government-gazetted and recognised national water tower, gazetted in the year 1956 during the colonial administration period;

THAT, the forest occupies approximately 45,193 hectares of land and serves as an important ecological, cultural and environmental resource for the people of Samburu County and the nation at large;

THAT, the forest and the surrounding mountain areas hold deep cultural, spiritual and traditional significance to the Samburu community, including sacred cultural sites such as Kosikosi Shrine, which forms part of the community's heritage and identity.

THAT, the current forest boundary perimeter extends approximately 120 kilometres around the foot of the mountain, with an additional four kilometres cut line established as a protective zone for water catchment areas and valuable tree species.

THAT, the top line area covering approximately 9,797 hectares acts as a buffer zone between human settlement, livestock grazing areas and the protected forest ecosystem.

THAT, the population residing around the Mount Nyiro area has significantly increased over the years and currently comprises approximately-

(a) 41,893 residents

(b) 23,953 heads of cattle

(c) 28,980 goats

(d) 4,654 camels

(e) 3,225 donkeys

(f) An increasing wildlife population competing for the same ecological resources.

THAT, since the gazettement of Mount Nyiro Forest in 1956, the population within the surrounding areas has significantly increased, leading to the establishment and expansion of permanent human settlements and critical public infrastructure along the forest boundaries, including schools, homes, churches, health facilities, administrative offices, roads and electricity infrastructure necessary for socioeconomic development and public service delivery.

THAT, the continued growth of the population and social amenities within the area demonstrate the evolving settlement realities and development needs of the local

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.*

communities, hereby necessitating a balanced review of land use, conservation boundaries and human settlement planning to promote a sustainable ecosystem coexistence between environmental conservation and community livelihoods.

THAT, the growing human population coupled with increased livestock numbers and changing settlement patterns has exerted immense pressure on available settlement land, grazing areas, water access and social infrastructure within the region.

THAT, the residents contend that the gazettement and establishment of Mount Nyiro Forest boundaries in 1956 occurred during colonial administration without adequate public participation, community consultation or informed consent of the indigenous residents who historically occupied and utilised the land.

THAT, the petitioners believe that the continued reliance on colonial era administrative boundaries without periodic review has contributed to land pressure, settlement challenges and recurring conflicts between conservation objectives and community livelihood needs.

THAT, the petitioners are concerned that the failure to review and harmonise the forest boundaries, settlement zones and conservation policies may adversely affect peaceful coexistence, sustainable development, food security, public service expansion, settlement security and socioeconomic livelihoods within the area.

THAT, failure to address the challenging demographic and infrastructural realities surrounding Mount Nyiro Forest may continue to create uncertainty over land use, settlement security, public service expansion and future development planning within the affected area.

THAT, the Constitution of Kenya, 2010 recognises the principles of public participation, equitable development, protection of marginalised communities, historical land injustices, environmental conservation and sustainable utilisation of natural resources under Articles 10, 27, 42, 56, 60, 63, 67, 69 and 174.

THAT, the issues raised in this Petition are not pending before any court of law, tribunal or constitutional body.

THAT, the petitioners have made every effort to have the matters addressed by the Ministry of Environment, Forestry and Climate Change, the National Land Commission and the Ministry of Lands, Housing and Urban Development but no satisfactory response has been received to date.

WHEREFORE, your humble petitioners pray to the Senate-

(1) Inquires into the historical establishment and current status of the Mount Nyiro Forest boundaries and buffer zones;

(2) Facilitate a comprehensive intergovernmental review of existing forest boundaries arrangements, settlement patterns and land utilisation within Mount Nyiro area;

(3) Recommends structural public participation involving residents, conservation agencies, county government, cultural leaders and national government institutions regarding any proposed boundary review or settlement planning;

(4) Recommends an independent environmental and economic impact assessment on the effects of current forest boundaries on human settlement, grazing, water access, livelihoods and public infrastructure;

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.*

(5) Recommends consideration of the four-kilometre cut line area for harmonised community settlement and controlled land use planning, while safeguarding critical water catchment and ecological zones;

(6) Recommends measures to address historical land injustices arising from colonial-era forest gazettement processes that excluded indigenous community participation;

(7) Recommends development of sustainable coexistence of framework balancing environmental conservation, water tower protection, wildlife preservation and infrastructural development and the socio-economic rights of local communities;

(8) Recommends establishment of clear policies for settlement planning, grazing management, infrastructure development and environmental conservation within Mount Nyiro and surrounding areas; and

(9) Make any other recommendation or take any action it deems fit in interest of the environmental sustainability, historical justice, peace, coexistence, infrastructural development and protection of livelihoods in Samburu County.

I thank you.

(Sen. Cheruiyot crossed to the Minority Side and consulted loudly)

The Temporary Speaker (Sen. Wakili Sigei): Senate Majority Leader, take the nearest seat or cross over to your seat.

(Sen. Cheruiyot crossed over to the Majority Side and sat in his place)

Now, Hon. Senators, pursuant to Standing Order No.238(1), I commit the Petition to the Standing Committee on Land, Environment and Natural Resources for consideration. In terms of Standing Order No.238(2)(a), the Committee is required in not more than 60 calendar days from the time of reading the prayer to table its report in the Senate for consideration. The Senate shall thereafter consider the report of the Committee.

I thank you.

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

Clerk, please, call out Order No.5 for Sen. Faki to table the Paper.

PAPER LAID

REPORT ON CONSIDERATION OF THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATION BILL (SENATE BILLS NO.8 OF 2026)

Sen. Faki: Mr. Temporary Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, Thursday, 6th August, 2026-

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.*

Report of the Standing Committee on Finance and Budget on its consideration of the National Assembly amendments to the County Governments Additional Allocations Bill (Senate Bills No.8 of 2026).

I thank you.

(Sen. Faki laid the document on the Table)

The Temporary Speaker (Sen. Wakili Sigei): Clerk, call Order No.8. Hon. Members, please note that we are calling Order No.8 of the Supplementary Order Paper.

Sen. Faki, proceed.

MOTION

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

Sen. Faki: Mr. Temporary Speaker, Sir, I beg I beg to move the following Motion-

THAT, the National Assembly amendments to the County Governments Additional Allocations Bill (Senate Bills No.8 of 2026) be now considered.

Thank you.

The Temporary Speaker (Sen. Wakili Sigei): You need to call a seconder.

Sen. Faki: I call upon Sen. Mungatana to second.

Sen. (Dr.) Mungatana, MGH: Mr. Temporary Speaker, Sir, I thank you for giving me the opportunity to second the report by our Committee on Finance and Budget. In seconding this report, I would like to bring to the attention of the House that we had previously considered and passed the amounts of money that we was going to our counties. However, we are informed that some more money has been made available and our Committee on Finance and Budget has considered those amendments which increase the previous amounts that we had already considered and passed.

So, in seconding this report, I appeal to Honourable Members to be comfortable that what is being amended is to the advantage of counties. We are getting more money for the counties than what had been previously passed.

Mr. Temporary Speaker, Sir, with those few remarks, I beg to second.

Thank you.

The Temporary Speaker (Sen. Wakili Sigei): Honourable Senators, I now proceed to propose the question.

(Question proposed)

(Sen. Wambua stood at the Bar)

You may come in, Sen. Wambua.

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.*

(Sen. Wambua walked into the Chamber and sat in his place)

(Sen. Kisang stood in his place)

Sen. Kisang, take your seat.

Honourable Senators, this being a procedural Motion, we will shortly be proceeding to the Committee of the Whole for consideration. I will, subject of course with your concurrence, proceed to put the question. Once we go to the Committee of the Whole, the House will consider that particular question. I will proceed to put the question.

(Question put and agreed to)

The Ayes have it.

Next Order.

MOTION

NOTING OF REPORT ON THE COUNTY FISCAL PERFORMANCE MEASUREMENT INDEX 2026

The Temporary Speaker (Sen. Wakili Sigei): Majority Leader, you will proceed to move that Motion.

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

> THAT, the Senate notes County Fiscal Performance Measurement Index (CFPMI) Report 2026, laid on the Table of the Senate on, Thursday, 6th August, 2026.

This is a huge and important milestone for the Senate, like I observed this morning when we retreated to the Parliamentary Gardens and made this report formally available to the public.

I wish to point Members to the information which I believe has now been circulated, if I am not wrong, because I was promised that it would be done over lunch hour. The version of this report is in our official platforms. I know that our media people will actually share it with the ladies and gentlemen of the Press because this is a step in the right direction for the Senate.

Many times on the Floor of this House, over the years, Sen. Fatuma Dullo and Sen. M. Kajwang' know that there have been all manner of accusations made against county governments by Senators; this county has done this, this one has done the other, and sometimes it is true, sometimes it is politics.

Since you are political animals, this is what people will sometimes say or allude to in their presentations of matters. Therefore, for a long time, the work of the Senate was relegated to the political arena in terms of a fair assessment of the performance of county

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.*

governments. As such, when a matter is handled at the Senate, people will believe and say, do not worry, those Members were just politicking, because many people believed and were not actually being genuine in their concerns.

On many occasions, people will imagine that maybe you have a political score to pick with your opponent or rather, you are setting up the ground for those that are interested in running to be county governors. Many have used this platform.

We have many governors who are in office today, and some of the things that are happening in their counties are things that they used to complain about during their time on the Floor of this House. There are even legislations that have been proposed by county governors during their time when they were Senators for one reason or the other. Let us say they never saw the light of day.

Nothing, however, prevents you as a county governor from actualising and thinking about--- My good friend, the Governor of Nandi County, for example, when he served in this House, he had a very important legislation that was overwhelmingly supported by Members of this House.

Then, it was referred to as something akin to the County Management Committee that would bring together the county assembly, the county Senator and the county governor. In the proposed legislation, the Senator was the first person in the monitoring and evaluation committee in the performance of the county government.

When the proposal went to the National Assembly those days, given how frosty the relationship was between the two Houses, it never saw the light of day. Subsequently, in 2017, he was elected governor and many times, we joke about it when we meet. Why can you not just go ahead and implement what you had envisioned as a Senator? In any case, nothing prevents you from forming such a committee. Of course, politics being what it is, it is not feasible to many county governors. As you can recall, at this time, many of them barely see eye to eye with the county deputy governors. In fact, Members, I do not know if you keep track. Somebody needs to monitor for us to know how many governors still talk to their deputies. All I can think of from nearly all the counties is that I know fairly well and follow is that Kisumu is a good example. My good friend Owili has remained respectful and they still have a good and cordial relationship with Prof. Peter Anyang'-Nyong'o, the Governor for Kisumu County.

Mr. Temporary Speaker, Sir, that is besides the point. The point and the basis I am laying is that when politics gets in the way, it becomes difficult to have an objective analysis of the performance of a county government and yet, we are duty-bound. If you read Article 96 of the Constitution, the constitutional instrument that sets up this House, it is expected of us, because the body and the spirit of that law together with the latter, makes the assumption that this shall be the House that protects the interests of counties and their governments.

Part of the way in which we protect counties is to make sure that we push them to be effective. We make sure that we demand of them to be efficient in their service delivery. It still troubles me that nearly 15 years after the rollout of devolution, up to this date, when the national Government pledges to roll out a programme to *wananchi*, they tell them that they have the choice to have that managed by the county government or the

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.*

national Government. Ninety percent in my experience I have asked, even the last time we had public participation on the Sugar Bill---

Mr. Temporary Speaker, Sir, remember there was debate about what to do with the sugar levy; do we domicile it at the KRA or leave these resources with the county governments. If you go through the record of the responses that citizens gave back to the Senate and our Committee on Agriculture, Livestock and Fisheries, you could see there is still little appreciation of the capacity of our county governments.

While that is not unusual given that counties are slightly over a decade and they are being compared with a national Government that has been in existence for close to six decades, we are expected constitutionally, and even as leaders rallying up to the needs of their people, to develop frameworks and find ways and means guided by policy in which we can assess and push our county governments to perform better than what we are seeing today.

Today is one of my proudest days on the Floor of this House. As a Senator, as we consider this report, how we have brought it before the House and what the Parliamentary Budget Office (PBO) has led us into, so that it becomes a beginning and over the years, we can refine it and make it even better. I am keen on listening to the thoughts of Members who after a casual perusal of the report, may have an idea or two on how things can be made better from what the PBO officers produced in this inaugural report.

Mr. Temporary Speaker, Sir, we have to appreciate that in the world of intelligentsia, there is no idea that is silly. An idea can only be refined and be made better. I appreciate that the Director of PBO while launching the report this morning, informed us that this is not the opinion of anyone. This is a summation of information that is publicly available and has been published by our various constitutional commissions like the Commission for Revenue Allocation (CRA), the Controller of Budget (COB), the Auditor-General and the various government agencies.

What they have done as the PBO is simply to analyse, assess and say what exactly exists in this report and what needs to be done to ensure that it reflects better on the performance of our county governments. I like the fact that in this report, on all the indices that they have picked, they have ranked the performance of county governments based on each individual index, then finally the cumulative score that a county receives based on the various indices, once they have been put together.

This is a summation of two financial years, 2024/2025 and 2023/2024; two out of the four financial years that the current county governors and administrators have had an opportunity to oversee and manage the affairs of our various counties. It is important for Members to appreciate that while they go through this report, they explain the scoring mechanism, how they appreciated it and how they weighted. It is all featured there, including the items they chose to figure.

The first one is the expenditure on development, which according to Section 107(2) of the Public Finance Management (PFM), at the very least, each county government is expected to spend 30 percent of resources devoted to our counties in shareable revenue be on actual development spent, if I may refine it that way. However, the report that was presented today, which featured five financial years from 2017, gave an average of all the 47 counties.

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.*

You could see that the line was stabilising at 50 percent. This means, on average, in all our counties - this should trouble you, Sen. Mwaruma as a Senator and an aspiring governor - the resources we struggle for here, firstly, the target is 30 percent. Secondly, the report is telling us that only 15 percent which is only 50 percent and is 15 percent of that amount, 50 percent of 30 percent ends up being spent on actual development.

This means, out of the fight that we had here early this year in March and April where we ended up agreeing on Kshs428 billion, only 15 percent of that resource ends up carrying out actual development activities in our counties. That should bother us as a Senate.

Before the end of this term and current Fourth Senate, it is my hope that we will find ways of addressing that gap. This is because, you cannot sit pretty, put on your necktie, smile and call yourself a Senator in the Republic of Kenya while only 15 percent of the shareable revenue ends up serving the people that sent you to this House. We must rise up to the occasion and find a solution to this malady.

The second index they have picked is own-source revenue generation. On account of the Social Health Authority (SHA), every governor now reports huge amounts of own-source revenue. However, if you remove the element of compensation to health facilities from SHA, that is where the reality is. However, many would argue that the reason citizens are going to our hospitals despite the fact that there are private hospitals is because they have made them to be in good condition. That can be debated.

Mr. Temporary Speaker, Sir, that is besides the point. The point I am making is that we need to see the balance of the various own-source revenue channels in our counties so that we do not have a county government reporting Kshs800 million in own-source revenue and yet Kshs700 million of it is compensation from SHA. While that is commendable, we must appreciate SHA. That is why I keep telling many people who remain cynical about the performance of SHA to speak to county governments and health workers and the administrators who run our hospitals. This is in order to compare the experience simply on account of compensation to public health institutions, what used to happen previously and what is happening currently under SHA.

Today is not a conversation about SHA but I felt it is just as important.

There is an index on the performance of own-source revenue together with a chart on page seven, with the lowest county scoring 0.14. You can see on the report that has been launched the counties that have lower scores and those that are performing good on that account.

There is the third index of audit opinion and there was debate on this earlier. One Senator asked how their county could be ranked better in a poll yet they know they received an adverse opinion. It was well explained that own source revenue is only one of the indices that is being considered alongside others, so that on the score of an audit report alone, a county government that had a low score on audit report or an adverse opinion, for example, would score low. Chances are when you put it cumulatively with the other indices, then their overall performance will come up.

The four measured instruments, which are unqualified opinion, qualified opinion, adverse opinion and disclaimer have each been assigned a mark for which when a county governments scores, they will eventually be measured and you will find what is being

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.*

granted in the two financial years. You may pick a county like Mombasa which in the Financial Year 2023/2024 had a qualified opinion. Then in the subsequent year, they had an unqualified opinion. They may have had that for both two arms of the county governments; the executives and the county assemblies. That is also part of the score.

There is also the pending bills obligation which is quite a big debate. Over lunch time, we engaged each other with the Chairperson of the County Public Accounts Committee (CPAC), Sen. Moses Kajwang', who said that there is need to better study pending bills as an index and what it means on the performance of a county government because some of them could be statutory remittances that have not been issued.

Nonetheless, Sen. M. Kajwang', I wish you keenly looked and confirmed to the House if there is any county governor that came to office in September, 2022 who has reduced the pending bills obligations in their county government. Nearly without fail, all have actually doubled. For every county whose books I have followed keenly, you will find a county government that came into office when pending bills were Kshs500 or Kshs600 million but today it is upwards of over Kshs1 billion, including for smaller counties and you wonder what that means.

That is a worrying trend because firstly, it means you do not get competitive and competent contractors bidding for county works. No contractor in their sane mind would want to compete for a job which they know eventually does not matter how well you do it because you are likely not going to be paid, yet we have to provide services to our people. The list of scores for how various counties are performing is provided there from Nyamira at Kshs0.9 billion, Kisii at Kshs1.28 billion, Migori at Kshs2.3 billion and so on and so forth.

As of 30th June, 2025, pending bills obligations in our counties stood at Kshs217.68 billion. Of course, this is such a huge figure but I know nearly half of it or slightly more than half is taken up by Nairobi City County which carries the lion's share of pending bills for reasons that have been explained on the Floor of this House many times.

Why is expenditure on wages and benefits important? This is such an important index to me because it shows prudence in the management of public resources by a county governor. A governor who is excited by launching 200, 300 or 400 young men and women saying they have employed them to be revenue officers or this or the other yet they impact hugely on the wage bill of a county, pushing it beyond the mandatory 35 per cent of Section 107(2) of the Public Finance Management (PFM) Act, is a reckless person. It means they do not appreciate the importance of the sacred responsibility that is before them. As a county governor, you are the Chief Executive Officer (CEO) of that company if we were to reduce to be exactly that.

The unfortunate thing is that when reports were presented before this House towards end of the last financial year, there were counties that were pushing or edging closer to 60 per cent. I have said on the Floor of this House that for such a governor, you need to remove the signpost showing entrance to their office that reads; "You are now entering the office of the Governor" and instead have it read; "You are now entering the office of the Head of Payroll."

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.*

If 60 per cent of the sharable revenue ends up paying county employees who form barely less than 0.05 per cent of the population of the county and they gobble resources because a governor wants to play some petty politics to appear as if they have created employment, it is one of the indices that have been picked here. That is expenditure on wages and benefits.

Members, we must decide because this trend is getting worse by the day. As I speak, nearly 60 to 70 per cent of our counties are on upwards of 50 per cent. That means double digits of breach. That is a serious fiscal breach because it is not just a misdemeanor. You would understand if a county was at 38, 39 or 40 per cent but you will find a county at 45 or 50 per cent. We must make a decision on what to do with such counties.

Sen. Omogeni, you cannot call yourself senior counsel yet you cannot lead us to finding a solution, either legal or otherwise, of how we shall put our county governors to task on that particular score. For a county like Nyamira which is your county, I do not know what the percentage is on this particular index. I am told it is 62 per cent. That means Hon. Nyaribo is not a governor. Basically he is a payroll master. That is not a county government but an employment bureau.

In a county such as Nyamira where I was last week on Friday and chances are I might be there again tomorrow because there is something good I am smelling in that county---

(Sen. Omogeni spoke off record)

Mr. Temporary Speaker, Sir, I know Sen. Omogeni may want to say something but I will not allow him at this point. I was just saying it is interesting to go to Nyamira right now. Previously, there was excitement in the air a few months back but now the reality of Kenyan politics is sinking in and people are becoming more welcoming. That excitement has also gone elsewhere and those people will soon come back to earth. That is the beauty of Kenyan politics.

I do not want to digress because this is such an important report. The point is, for those that are dreaming, it is good to dream, but when you dream, prepare. Do not go to a television station and when you are asked what you will do for Kenyans, you say you will hire people to tell you what to do. Anyway, that is not what we are discussing today.

The other index that is picked in this report is compliance to county assembly ceilings, which is the mandatory seven per cent for county assemblies. We passed the law early this year on separation of accounts of county assemblies and county executives. Part of the reason we did that was particularly to handle these County Fiscal Performance Measurement Index (CFPMI) scores to ensure that once a county government separates books between the assembly and the executive, the county assembly will not start saying they are being harassed on this or the other.

Compliance to the seven per cent is extremely important. This is where perhaps some of our governors can plead on that though they are ranking, for example, number forty-something, it is on their own account alone because this is also part of the weighted indices. That is performance on how a county assembly complies. We will discuss later

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.*

as we seek to improve on this report where we will take it as part of the weight that leads to determination of how a county government scores or you want to separate it so that you handle matters that are purely under the control of a county executive.

That then brings us to the overall ranking on those five items in the CFPMI. That includes development expenditure, own source revenue, wages, pending bills obligation, audit opinion and county assembly expenditure. We have the various scores being issued. Mombasa finished at position 45, Kwale at position five, Kilifi at seven, Tana River at 10, Lamu at eight, Taita Taveta at 36, Garissa at 27, Wajir County at four, and so on and so forth. It is listed in the report. This is for Financial Year 2023/2024. The same is also available in the report for Financial Year 2024/2025.

I do not know if Sen Faki is still in the House because I saw him earlier. While Mombasa County, for example, finished at position 45 in the Financial Year 2023/2024, in 2024/2025, I do not know what miracle the county government did because they finished at position seven. Kwale County appears to have stabilised in the top 10. It was number seven in the previous financial year and number 10 in this particular score.

Therefore, this is an important exercise. I urge the country to reflect on it. This is what the Senate of the Republic of Kenya has thought about in terms of its appreciation of issues. It is my hope that the country will engage with us. This is important because this is science and you cannot argue with it.

Mr. Temporary Speaker, Sir, some governors who know their way around the streets of Nairobi buy pollsters and they end up being ranked highly. Occasionally, you hear that county "X" has the best performing governor but you will never know what they are best at. Many times, what they are best at is paying pollsters. For this one, it is your own result. It is like an exam paper. You have been given the paper, you fill in the answers, the teacher marks and returns the papers and tells you what you scored. You cannot argue because the answers that you gave are there. This is how county governments have been managed in those two financial years. It is my hope that this will generate public interest and that people will read, understand and appreciate what the Senate of the Republic is doing.

Mr. Temporary Speaker, Sir, allow me to register my appreciation to the PBO that is headed by Director Masinde. I am proud of the work of the team that he leads. I am extremely happy. I was in the Commission those days. When we interviewed him for the position of Director of the PBO, he performed exceptionally well. I appreciate the fact that during the time that he has led the directorate, we have received such a groundbreaking report. I also appreciate the gentlemen and ladies that led this team that worked on the report. They are listed here.

When our staffers do good work, we must celebrate them. They include Mr. Joseph Motonu, Dr. Evans Kiganda, who occasionally I saw as I perused and sought opinions and consulted here and there. We also have Amran and Eunice who we continue to celebrate as a House. Those of you who were here last term will recall that during debate on the revenue sharing formula, it was on Amran's laptop that we did all those permutations and today she is still part and parcel of this team. We must celebrate such staffers.

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.*

We also have Abdirahman Gorod; CPA Kennedy Owuoth who is a good friend of mine because we play together in the Bunge FC Team. Others are Mr. Joseph Lekisima and CPA Cyril Mutali. All these are fiscal analysts from the PBO. We celebrate you for your industry. May we have many such reports because that is what Kenyans expect of Parliament, not just coming here to say my governor has done this or the other. Challenge them with results from offices that do not listen to public opinion but produce data which speaks the truth.

Mr. Temporary Speaker, Sir, with those many remarks, I beg to move and request that the Senator for Homa Bay, Sen. Moses Kajwang', to second.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Proceed, Sen. Sen. M. Kajwang'.

Sen. M. Kajwang': Mr. Temporary Speaker, Sir, I wish to second the Motion that the Senate notes the County Fiscal Performance Measurement Index, 2026, laid on the Table of the Senate on Thursday, 6th August, 2026.

I would like to bring to the attention of my colleagues that the key word there is to note. This is not a Motion where we are saying we support or oppose. We are noting the report as was tabled and as was presented earlier.

Let me start by congratulating the Parliamentary Budget Office. It is an office that comprises very competent men and women. I am proud of them because they sit in the CPAC. I have a gentleman called Salat who is very industrious and has never missed any of our meetings. He always gives us the right advice and analysis that makes our work easy. I also congratulate Dr. Masinde and the entire team.

I have been of the view and I tried to move that amendment in the last Senate that this should not just be a PBO. Maybe we should make it a Parliamentary Budget and Audit Office. Unfortunately, it is established under Section 10 of the PFM Act. This is one of the offices in Parliament that are established by statute.

I recall there was a time we went to the United States of America (USA) and had a conversation with the National Conference of State Legislatures (NCSL) to establish how legislatures deal with audit reports and budget matters. We realised that almost every other state legislature had a budget office and an audit office. It has been my view that maybe one day we should expand the mandate of the PBO to go beyond budget and look into audit matters.

Mr. Temporary Speaker, Sir, in the past, we have used data that is probably subjective to rank or rate the performance of counties. There are times when pollsters release their rankings, people tend to think that it is based on political popularity of the governor, rather than on fundamentals that should be used to analyse performance of a county. Sometimes people cast aspersions and say that pollsters have converted that industry into a commercial one, where a governor can procure a favourable ranking. Sometimes we rank governors and counties based on public relations and political smartness of the persons leading them.

Now that we have done the first version of an objective county fiscal performance measurement using a data-driven approach, I want to propose to colleagues that as we perfect this tool and as we go into the next conversation on the formula for revenue sharing, we reinstate the fiscal responsibility index. This is because we now have a means

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.*

of measuring fiscal responsibility. In the first formula, there was a two per cent that was ring-fenced for counties that demonstrated prudence in management of public resources. As we went along, we deleted it.

I was in the famous committee that came up with that formula, that is the committee that was chaired by then Sen. Wetangula and co-chaired by Sen. Sakaja. We came up with a formula that ring-fenced an amount, so that small counties could not lose. It was a good political statement. The verdict is still out whether it was the best and the most prudent statement. With this tool, it will be possible for us to ring-fence even one or two per cent, so that we reward counties that have shown tremendous effort in fiscal responsibility.

This report tells us that the top counties are: number one is Embu, number two is Narok, number three is Wajir, number four is Kitui and number five is Kilifi. This tool also tells us that the bottom five counties in terms of fiscal responsibility are: Kisumu, followed by Kakamega, Busia, Bomet and Nairobi City. I do not know whether evidence on the ground corresponds with this report. I will leave it to Members of the Senate to deal with the report and give their observations.

The Senate Majority Leader has listed the seven parameters that the PBO used - county pending obligations, what you call pending bills or trade payables, development of recurrent expenditure, expenditure on wages and benefits, county assembly spending, budget implementation efficiency, own source revenue and audit opinions.

Let me speak to how we can improve this report. I think it is good because it is a first report. We have made an effort and instead of sitting in a closed, dark room, we have decided to come out and do an objective rating. However, as we go along, I want us to address the issue of the underlying data that we are using to make these assessments.

Hon. Members, if you have the detailed report, not the citizens or the popular version, I will bring your attention to page 80 of that report. One of the parameters is on how counties were ranked by the Auditor-General. The Auditor-General, in financial statements, can give a county an unqualified opinion, a qualified opinion, an adverse opinion or a disclaimer of opinion. This is where the problem begins.

On page 80 of this report, we are told that the following counties have demonstrated a consistent pattern of clean audits and full compliance with performance benchmarks. Also, that each of these counties received an unqualified audit opinion, indicating that their financial statements are free from material misstatements and conform to public sector accounting standards.

The report lists that Kericho County had an adverse opinion but it is listed as one that had an unqualified opinion. The report lists Bomet as having pages and acres of audit opinions. Bungoma, Kitui, Kwale, Trans Nzoia, Turkana and West Pokot were declared a crime scene. The data was not very accurate.

The only county executive that had an unqualified opinion in the last two years was Makueni. These other counties that are listed here have benefited from erroneous data. As a result, on that index, they have scored 100 per cent, a full one. So, we need to check the data set that we are dealing with. This is because if there is a problem with the data, then the results might also be erroneous. We could have done a little bit of peer review. Some of the Members of committees that look at these numbers on a day-to-day

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.*

basis would have probably pointed that out. However, as we said, this is a first report, we can only improve it. At least, we have had the courage to do something.

If you go to the first indicator, counties are ranked on budget implementation performance. However, having looked at the financial statements of all the counties, budget implementation performance is at times affected by late exchequer releases. We have seen cases where a county tells you that they were unable to fulfil their budget because the last disbursement came on the date of closure of the financial year.

I am glad and must commend the National Treasury on this. In the financial year that we closed, counties received their last disbursement, on average, on the 25th June. In the past, counties were receiving their final disbursements, on 1st, 2nd, 3rd, up to July. I must congratulate the National Treasury for reducing that, so that all disbursements come within the financial year. However, it is still a violation of the cash disbursement schedule, which we have passed. I hope that progressively, counties will be getting their money as per the timelines in the disbursement schedule.

So, you might take an entire budget execution report and do not factor in the issue of exchequer releases. Again, there is a disconnect between the reports that the Controller of Budget has and the report of the Auditor- General and we must make sure they tie. In my view, the most authoritative should be the report of the Auditor-General.

If you go to the index, it is expenditure on development. Section 107(2) of the Public Finance Management Act requires county governments to allocate at least 30 per cent of their total budgets to development expenditure. When we wrote the PFM, we included a very curious phrase in between. We said that in the medium term, counties shall allocate at least 30 per cent of their total budgets to development expenditure. I have heard clever governors who have come before my Committee telling me it should be 30 percent but if you go back to the PFM, it says in the medium term and then they ask me to define for them what medium term means.

Of course, we tell them it is as per the medium-term expenditure framework but there are governors who are convinced that is a progressive target. The question is, if you say that county X allocated 30 per cent to development and county Y allocated just five per cent to development, for example, the question is, is development just infrastructure, Capital expenditures (CapEx), brick and mortar or roads? Is health service delivery, Early Childhood Development Education (ECDE), provision of agricultural extension services, development? That is a question that we must ask. This is because if we look at services as constituting development, if we take that kind of framework, then we might realise that the percentages we are talking about could be different. Counties like Kisumu, Nairobi and Mombasa have a service pressure These are generally service-orientated counties. That is why the formula that we had before the current formula was based on service provision.

Another question would be whether we should be measuring performance against budget or performance against revenue. Of course, the PFM Act is clear that it is a percentage of budget not a percentage of revenue.

The third indicator is own source revenue performance. The PBO has done an analysis by comparing own source revenue performance as actual revenue collection against annual targets. As a result, Wajir and Turkana counties have gotten 100 per cent,

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.*

so they are the best in that measure. If you look at the amounts in totality, they are very small. I think this is one of the reasons Embu ranked very highly because it seems to have achieved their budget. So, it is being seen as the best but what is their own source revenue as a percentage of total revenue? That is a better indicator. I hope that PBO are listening so that we can improve this in future. Instead of just comparing actual against budget, counties sometimes under budget or over budget. That is a moving target. It is not scientific. The best indicator is assessing actual own source revenue as a percentage of total revenue.

Even before you do that, you must deduct the Facility Improvement Fund (FIF). Our good neighbour, Kiambu has shown that they have grown their revenue to Kshs5 or 6 billion but 80 per cent of that is from hospitals. The same goes to my county of Homa Bay and several others. So, if you take the numbers in totality and compare them to budget, you might reach the wrong conclusion.

The PBO, in the next cycle, let us take own source revenue as a percentage of total revenue and as a factor of a Gross County Product (GCP). We put this question to the Governor of Murang'a County which is collecting less than Homa Bay County. We told him that if his interventions in agriculture are really working, then we should be seeing an increase in collection. This is because the GCP of Murang'a is higher than that of Homa Bay. So, how come Murang'a is collecting less? I think the governor told us that he was collecting about 0.2 per cent of GCP which is below optimum. So, let us assess own source revenue as a factor of a county's GCP and the county's potential.

In my Committee, Sen. Cherarkey always asks PBO what the own source revenue potential of a county is. Those are better indicators. Again, let us look at the effect of accrual accounting on own source revenue. Nairobi County reported land rates of almost Kshs13 billion. It was not actual money, it was accrued revenue. Due to change of accounting principles, there was Kshs10 billion accrued all of a sudden. Accrued meaning you owe the county, so the county treats it as something that should be collected.

Mr. Temporary Speaker, Sir, looking at the time, I want to be very fast. I have talked about audit opinion; that the data set is flawed. If you look at the popular version on pages nine and 10 and read it alongside the main report on page 80, you will find that Turkana County is said to have an unqualified opinion and yet, the data there indicates that it was qualified. It is only the county assembly that was unqualified. You will find that Kericho is said to be unqualified yet, it was adverse; it is the county assembly that was unqualified. We need to ensure that we have the right data.

Let me come to the second last one which is on pending bills. The most accurate scientific measure of this, which is in the Public Finance Management (PFM) Act and the Regulations is on debt to revenue ratio. The PFM regulation 25(1(d) says that county public debt shall not exceed 20 per cent of total revenue. That is the best indicator. It is not about what percentage of the total pending bills; the universal pending bills a county has is a fairly weak basis of assessment.

Again, we could have looked at the age of the debt. There are some counties such as Kilifi that had a debt of Kshs4 billion which arose from a late exchequer release. There

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.*

are counties that have almost Kshs4 billion in terms of debt that is three years old and there are counties that still have statutory deductions that have not been remitted.

Finally on wages and benefits; perhaps, we need to be looking at the per capita cost rather than just the percentage. We must look at what percentage of wages is paid outside the Integrated Financial Management Information System (IFMIS). We must look at the composition of casuals versus actual employees. We must look at total number of employees against revenue and ensure that we have a proper definition of revenue because we are usually fighting with the Auditor-General and the counties.

Governor Orengo came to our Committee and argued that the denominator should be the budget. We read for him the Act and Regulations and he agreed it should be revenue. However, when it came to revenue, the Auditor-General only considered the County Revenue Fund (CRF) and not the Receiver of Revenue (RoR) and other conditional grants.

On compliance to the county assembly ceiling; the interpretation here is a bit problematic. The regulations require seven per cent or no more than twice the personnel emoluments. However, this Senate has consistently raised the ceilings in the County Allocation Revenue Act (CARA). We have prosecuted that matter and agreed that CARA is an Act of Parliament and so, it is superior to the regulation. As a result, the average allocation to county assemblies right now is between 10 to 11 per cent and not the seven percent.

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

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

When you see a county that is doing seven per cent being ranked number one, a county such as Garissa, Nairobi, Mombasa and Wajir, just know that the county assembly is oppressed. This report can be improved but it is a good starting point because we now know the laggards and the leaders. I believe the next report will be much more comprehensive.

To allow my colleagues to contribute, I wish to second and urge the Senate to note the report that has been moved by the Senate Majority Leader.

Thank you.

(Question proposed)

The Temporary Speaker (Sen. Abdul Haji): Sen. Osotsi, proceed.

Sen. Osotsi: Thank you, Mr. Temporary Speaker, Sir, for this opportunity to make my comments on the report on the County Fiscal Performance Measurement Index (CFPMI).

Just like my colleagues have said, this is an important step. When I joined the Senate, I was of the view that we need to get to a point where we can factually review the performance of our counties and rank them. The Senate had left this work to pollsters and

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.*

all manner of people who are not properly regulated and sometimes, you would get misleading information.

Even the report of the Controller of Budget (CoB) has been doing some form of ranking, particularly on matters to do with budget implementation. Sometimes, this ranking is very subjective because it is only based on one parameter; budget implementation. However, this is a good attempt.

I note that the person who brought this Motion was very careful in drafting it because it is to "note" the report; not to approve. I am saying that because looking at this report and listening to the colleagues who have spoken before me, clearly, this report is work in progress. I encourage the PBO to continue polishing up this report, so that we can have a good report that we can subject to the public. As it is now, with the gaps, I do not think it will be right for the credibility of the Senate to release this report to the public. It is going to be a disaster.

I agree with Sen. M. Kajwang' that the data set used in this report is questionable. Some of the counties that have been ranked to be doing very well on audit performance are actually the worst performing. On that basis of data set alone, I encourage the PBO to review what they have done and submit to us a proper report that we can release to the public without telling them that they have not done a good job. This is a good attempt; what is required is polishing.

As I go through the seven indicators; you realise that there is some polishing that needs to be done. One of the things that I have been very curious about this report is whether there was public participation. It would be very wrong for the Senate, a respected House, to release a report that has not been subjected to public participation. We will be operating unconstitutionally. I expected that this report would have been subjected to stakeholder's engagement. We have stakeholders such as the counties, the CoB, the Commission for Revenue Allocation (CRA) and the general public. They can have views on how measurement of performance of our counties can be done.

Without public participation, I think this report is works in progress. I recommend that once we note this report, it should be taken back to the PBO for panel beating, so that eventually we have a report that is respected; that can even form the basis of our revenue sharing. We can then say counties that are ranking very high, be compensated sufficiently based on the ranking.

If you look at this ranking that has been done, assuming, I am not questioning the data set, some of the counties that are at the bottom are those which are receiving higher shareable revenue. Are we going to continue giving counties which are performing poorly more money or we are going to invest in counties which are performing higher? I would want to encourage that this tool be improved upon, be accepted through stakeholder engagement, and then be used as a variable in our formula for shareable revenue when we revise the formula after five years.

Let me just comment on seven indicators that have been put here. There is an indicator on pending obligations. I think this indicator is very subjective. You cannot say that the pending obligation indicator is going to be the ratio of county pending bills compared to the total counties' pending bills. What has Vihiga got to do with the other counties? You cannot say because Vihiga's pending bills, for example, is Kshs1 billion,

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.*

and the total pending bills is Kshs50 billion, then on the basis of that, you are going to compute the variable for pending bill obligation. I think this should be looked at. It is very subjective, but also gives another picture about the pending bills problem in the counties.

Apart from Lamu, all the other counties are in the red, in the category D score. That tells you how serious the issue of pending bills in our counties is. All our counties have challenges with pending bills. That computation must be reviewed to make it is sensible because it is not making sense.

The variable on audit outcome, to me, having been the Chairperson of the County Public Investments and Special Funds Committee (CPI&SF)--- This is because they have only picked the indicator for county executive reports but there are other reports in the counties. We have entities and special funds in the county.

I think we needed amalgamation of all these reports, so that we can have a bigger picture. This is because there are some counties which may be performing well on the county executive reporting, financial reporting but when you go to entities such water companies, hospitals, municipalities and special funds, you find that there is a huge problem. On that basis alone, I think this needs to be looked at. The data set that has been used is questionable. I know those counties which have been ranked as having a modified opinion. I have looked at their report. Most of them are not on a modified opinion.

There is also another variable which is important when it comes to auditing. Every year in the audit report, the Auditor-General indicates the unresolved audit issues, and many counties are not doing very well in dealing with prior year matters. You find that prior year matters remain unresolved for a long time.

I think that aspect of unresolved prior year matters must, whether you have a modified opinion or you have an adverse opinion, be a key aspect of this indicator. This is because some counties get this audit report; they do nothing about it, they appear before the Senate, the Senate makes a recommendation, and they come the following year with the same issues not having been resolved.

We need to do something so that we ensure that counties, when the Auditor-General or the Senate raise issues, those issues are addressed before the report for the subsequent year. This variable in my considered opinion, is inadequate and is very subjective. Something has to be done to make sense to it.

On the matter of own source revenue, I want to agree with Sen. M. Kajwang. We should not be looking at the targets which have been set by counties. It should be based on the revenue potential. The Commission on Revenue Allocation (CRA) does these reports all the time. If the revenue potential of Vihiga County is Kshs2 billion, and they are only able to collect Kshs350 million, then they are not doing well, but if they collect Kshs350 million and they give themselves a target of Kshs400 million against a potential of Kshs2 billion, that is not a better way of rating performance. It should be based on the potential of every county. I have a problem with this indicator on own source revenue.

The only indicator that has made sense is the indicator on wages and benefits, because this has simply picked on data that is available for the wage bill.

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.*

On the indicator on development expenditure, my county, Vihiga, is rating very badly, on category D. This indicator should also look at project implementation. On paper, you will see the county has spent this amount of money against the budget, so the absorption rate is very high but, on the ground, some of those projects are not there, they are poorly done or not completed. This indicator should also have looked at project assessment and evaluation. As Sen. M. Kajwang' has said, we must also look at services. How do you rate services in that case? There is a lot of work that needs to be done on the indicator of development expenditure. I also expected that this index will consider a very important area of governance. Governance is very important, and I think that is where the problem in our counties is.

If you look at audit reports that are generated by the Office of Auditor-General, quite a number of issues are raised around the issue of compliance to the law, compliance to the standards, and that has a lot to do with governance. This index should find a way of incorporating it, so that we get to know which counties are faring well in terms of governance. For example, the anti-corruption polices and regulations, how they are implemented and complied with would be an important indicator that will add value to this.

On the issue of budget absorption, let us not be lazy the way the Office of the Controller of Budget (CoB) has been, where they rank counties based on budget absorption yet some counties receive money late in the day and they cannot do much. The Government delays releasing money to the counties, then you come and talk of budget absorption and that a certain county did not use money yet counties received money late.

As I speak, some counties have not received their full money but they will still be rated on budget absorption. That is an issue that needs to be looked at. I expect that this index will also rank counties on devolved functions. We want to know how counties are faring in health, water, agriculture, Early Childhood Development Education (ECDE) and all other devolved functions then it will make sense to us.

In essence, as I complete, this report is work in progress. I do not want to say it is a bad report; it is a good attempt. We need to send it back to the PBO to do panel beating - I hope they are listening to us - so that they come back to us with a proper report that has gone through public participation and one that will be respected by county governments. As it is now, if you take this report outside there, I do not think the Senate will have a face. It is still raw and a lot of work needs to be done to make it better.

The indicator on budget implementation efficiency is also worrying because it is based on the actual budget implemented against the total approved budget. That is not how you rank counties because you know what happens there. You can have a project costing a certain amount of money in the budget but they spend a certain amount of money. Expenditure alone is not adequate for you to rate counties. The issue of physical verification of projects is key and must be integrated in this index.

With those few remarks, I request that this report be taken back to the PBO and they should follow the law. They need to engage stakeholders in public participation for their input then come back to us with a complete report that makes sense. That will be an important tool for us to assess the performance of our counties.

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.*

Mr. Temporary Speaker, Sir, I support the Motion because it talks about noting. On the aspect of the Motion, I support, but on the aspect of the substance of the report, this is work in progress. It should be improved further.

I thank you.

The Temporary Speaker (Sen. Abdul Haji): Sen. Osotsi, you meant you have taken note of it.

Hon. Senators, you will indulge me. The Temporary Speaker, Sen. Mumma, is supposed to take over the Chair. Therefore, I will have to skip others so as to allow her to contribute. Thereafter, we will resume the normal flow on the list.

Sen. Mumma, you may proceed.

Sen. Mumma: Thank you, Mr. Temporary Speaker, Sir, and thank you, Members, for indulging me.

I rise first to commend the Senate Secretariat for this report. I am one of those people who find it difficult to see all these opinion polls in the newspapers about the best performing governor or Senator but nobody ever gives us a criteria on how they rank performance.

There is a time Mzalendo Trust Kenya was quoted by some pollster and I asked Mzalendo Trust Kenya the criteria they used to rank performance of Senators. I found that most pollsters do not use real parameters that define the work of a Senator or Governor when awarding marks. I think it is good work in progress that the Senate is thinking of finding a scientific way of scoring performance of counties.

Looking at this report, parameters that have been taken into account to determine rankings that have been provided include the Constitution, the PFM Act and the County Governments Act. The indicators that were factored are seven. That is total budget implementation, development expenditure, own source revenue, county wage and benefits, pending obligations and county assembly expenditure.

The report is a good step but it is not adequate for purposes of the Senate carrying out its oversight job over the counties. Before going out there to pick what the Auditor-General, the Controller of Budget (CoB) and the Kenya National Bureau of Statistics (KNBS) had done, I wish they had circulated the tool they used to collect indicators to different committees for those committees to enhance the tools, for us to properly evaluate whether counties are delivering on their functions.

Why do I say this? Governors and counties can only be evaluated based on how they deliver services on functions that have been assigned to them. Those functions are in the Fourth Schedule of the Constitution. We have given sectoral indicators that would enable us to go granular, to see how they have delivered. However, the overall amalgamation of a development budget misses the point because of our experience in the committees.

I sit in the Committee on Devolution and Intergovernmental Relations. I would like to report that the Urban Areas and Cities Act, which is part of the devolution laws, was not included in these indicators, yet that is one of the laws that is least implemented. For us to score overly based on what has been factored as development budget without going down to see whether county governments appreciate their roles under the Fourth Schedule of the Constitution, we completely miss the point.

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.*

I also sit on the Committee on Education. I would like to inform this Senate that county governments have spent hundreds of millions on bursaries which is not their function but they have neglected implementation of Vocational Training Centres (VTCs) and ECDEs. They have completely ignored the implementation of childcare institutions.

We have found that counties factor in the budget very huge amounts of development funds on Early Childhood Development and Education (ECDE) centers. However, when it comes to implementation, they perform poorly. They redeploy those monies elsewhere. Where do we pick this? If you only pick what was allocated to development in the budget without following up on how it was spent, we completely miss the point.

This Senate should have seen the report state clearly the functions where county governments are doing well in implementation, the functions where they misapplied funds, the functions where they put nothing and the areas where they are doing well in intergovernmental relations.

Again, we have the Intergovernmental Relations Act, 2012, which is part of the devolution laws. The report did not measure how intergovernmental relations, cooperation and collaboration contribute to service delivery in each county. I would also have wanted to see a demarcation between own source revenue and other funds. There should be a granular determination of what comprises own source revenue in each county. I would have wanted to see how conditional grants and additional allocations have been spent.

Even as we speak broadly, I feel this can only be the beginning. The picture given does not help mwananchi measure whether their county is performing. We should look at the sectors. For instance, in health, we should state the performance clearly. Of the 47 counties, we should be able to tell which county has done best, which one has done badly and which one has misapplied. The same should be done in the agriculture, industry and ECDE sectors.

This report is too broad and general to be a true measure of performance. It has some science, but that science is too broad. It cannot explain to mama mboga in Kakamega or Nairobi why they are paying multiple taxes or levies. It cannot explain why the road network in one county is better than another.

I am not trashing the report. It is a good place to begin. However, I wish it could take into account that oversight is carried out by 67 Senators. The tools to define oversight should have been done in a participatory manner. The 67 Senators in their individual capacities and the committees should have given guidance around the functions provided in the Fourth Schedule. That way, we would have a broad and objective criteria to measure performance.

In my experience in committees, I have consistently found out that county governments operate on supplementary budget after supplementary budget. This means that the big budgets they produce are more or less for show. When you look at the details on how they are expending their money, there are many changes on the implementation activities.

It would have been good if this policy guided indicators on how county governments implement functions from developing county policies, strategies, annual

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.*

work plans and following them to the latter. I do not see that in the committees where I sit. I see very little of it. Instead, there is constant changing of implementation parameters. This report should have brought that out and put it in check.

Finally, I am disturbed that they simply picked the county assembly's expenditure and added it to the county. In my view, oversight of the county assembly should be about its deliverables. The deliverables of the county assembly are the laws, policies and guidelines passed, and whether they are passed in a timely manner to facilitate the executive in delivering its functions. When we take a county assembly as a stand-alone parameter and only consider its overall budget, we have not analysed its performance.

The question should be: on the 57 per cent development budget for the County Assembly of Kakamega, how much delivered on its core functions? These include developing county legislation, evaluating accounts and the Auditor-General's reports and passing resolutions to guide the county executive in delivering its mandate in accordance with the law. If we only pick budgets and use them as a parameter, we miss the point.

The county assembly is supposed to oversight the county executive. How do we amalgamate the county assembly's budget with those of the executive? We need to evaluate the county assembly on its oversight role. The Senate must do this as in many cases, we end up performing oversight that should be done by county assemblies. Most assemblies have not delivered on that mandate.

As we note this report, we need to step back and acknowledge that it was not developed with the relevant public participation. We need to consult committees to give their experience from their functions. We should be guided by the Fourth Schedule on every function to determine whether the Senate has been evaluating and oversighting performance in regard to every function given to county governments. If we do that, we will leave an excellent tool for the next Senate to consolidate. It is now the 16th year since devolution. It is embarrassing that the three Senates have never seen parts of the Fourth Schedule that they need to implement.

One wild that comes to mind is co-operatives. The co-operatives are a mandate of county governments. How often do we even look into that? The co-operatives are a people-driven savings tool that has helped many Kenyans. What are we doing as the Senate, having that mandate at the county and having a lot of mismanagement happening around that? Have we ever seriously engaged on what county governments should be doing on co-operatives?

Mr. Temporary Speaker, Sir, I congratulate the team but I ask them to move away from thinking in the silo of fiscal figures and know that the fiscal figures exist to support the delivery of the Fourth Schedule on real services; health, water, agriculture, industry and others. We therefore need to have a tool that will help us help the *mwananchi* to monitor and ensure the county governments are delivering as they are supposed to deliver on their mandates.

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

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

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.*

Madam Temporary Speaker, with these reservations, I still support this. Even as I congratulate Dr. Masinde and his team, if you are listening, I request that you consider the issues that I am talking about. Let us expand on the indices that should measure performance by a county government and in my view, the true performance as we told the Auditor-General in our first meeting at the Senate, we wanted impact evaluation, not just numbers saying so and so spent many numbers.

Madam Temporary Speaker, you will recall in CPAC and the story of one county, I will not mention it. The county had money for one purpose but took that money to do empowerment with the *boda boda* riders. If you are saying that we take that function which was not a function of the county, call it development and cheer on that county for that implementation, we will be cheering them in the wrong direction. We need to cheer performance in the correct direction. Performance in the correct direction means you come up with a budget, strategies and annual plans and you implement that budget in accordance to what you put down.

You do not change the budget two months after you have passed it. You do not bring many supplementary budgets to bring in activities you did not discuss in the County Integrated Development Plans (CIDP) in order to do your own things. That is what is happening around the counties and many counties feel they have the latitude to implement anything on earth, whether it is their mandate or not.

I respectfully suggest that the county governments and the governors are subject to the law. They are supposed to follow the law to the letter.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Cathy. Sen. Cherarkey, proceed.

Sen. Cherarkey: Thank you, Madam Temporary Speaker. I am happy that the drafters of today's Motion have insisted that we just note. I have read the report and I agree with a number of my colleagues who have spoken before me that as a House, we still have a long way to go.

Looking at Article 96 on the role of the Senate on oversight *vis-a-vis* the report that has been given today by the PBO, we still have a long way to go. With tremendous respect to the initiators and the people who came up with this report, this report is good for academic discourse and research. It is not worthy.

It should not be quoted by anybody to mean that we have ranked governors in terms of their performance because the indicators that have been shared there do not in any way relate to the performance of the counties.

Looking at some of these issues, my only concern is under Article 10. There was never public participation on this report where we went to counties and asked the people from Taita Taveta, Nandi, Embu, Murang'a, Nyeri and Nyamira, to ask them what their thinking on the performance of governors was. The only way we will measure governors is in terms of service delivery.

Madam Temporary Speaker, as we talk today, the development in counties, despite Kshs4 trillion that has been devolved for the last 15 years, there is no value that we can see. Therefore, there is no development in our counties. I do not know about other counties but when you come to Nandi, there are many stalled projects that are yet to be completed. A number of them are multi-years.

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.*

We should have been told in this report how many projects are stalled because there are no functional projects, no road has been fixed and no drugs in hospitals. There is an on-going strike by clinical officers and health officers across the country. This is very unfair. In Nandi as we talk, Kapsabet County Referral Hospital and other healthy facilities have been closed down and yet, we are here talking about ranking based on performance that is based on paperwork.

Madam Temporary Speaker, I will be brief so that I can give my colleagues a chance. Today, I saw the CoG purporting to address the nation on the state of devolution. They were arguing that they have registered 6,740 health facilities and yet, they have closed a number of health facilities from Nyamira, Taita, Nandi and even in Marsabit. There is a strike and our health facilities are dysfunctional.

I was ashamed that the CoG was issuing a statement on the state of devolution. They should be telling us how they have killed devolution as the CoG, led by its Chairperson. They said that they have allocated Kshs154.58 billion to the health sector across the counties but there are no health services in our counties.

There are no drugs. In fact, the biggest threat on the effectiveness and functionality of SHA is the counties and the governors. While they are telling us today in their state of devolution address at their offices here in Westlands that they have given over Kshs154 billion to the health sector, there is nothing to write home or smile about. There is a reggae song titled; *There is Nothing to Smile About*. There is nothing to be proud about.

Madam Temporary Speaker, the second issue is on own source revenue. The governors are telling us in their state of devolution address *vis-a-vis* the reports, that their projection is Kshs100.1 billion. That is the money they want to collect as own source revenue in this financial year but all the counties are missing target in own source revenue. Look at Nairobi, it is supposed to collect Kshs63 billion but they are collecting Kshs13 billion. Look at Nandi, they are supposed to be collecting almost a billion but they are collecting less. They are missing their targets. They do not meet the targets in most of the own source revenue. As a member of the Committee on Information, Communication and Technology, we have gone through the counties and we have noted that there is a lot of revenue leakage. From Murang'a, we were with your governor but he could not tell us what he is collecting. Counties like Nandi, Taita Taveta, Nairobi and Nyamira are missing the own source revenue targets.

Madam Temporary Speaker, we have even suggested for some institutions that we allow KRA to partner with counties to seal leakages. However, I would like to confirm that no governor wants a tamper-proof revenue collection system because that is where they eat when there are leakages and duplication of resources. I was shocked on the state of devolution address by the CoG that out of 47 counties, only five counties have complete valuation rolls that should assist them to harness the collection of revenue.

Madam Temporary Speaker, over 13 county governments are yet to have a valuation roll. Almost 42 county governments in this country do not have a complete valuation roll. So, the question, colleagues, is: what basis will they use to collect their revenue? What basis will they use to target their own source of revenue? As we go into the future, 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.*

must agree as a nation to look into devolution, because of the money we give them. Even on wage bill, you will find there are many ghost workers in counties.

You heard the story in Migori where they are called “sangwenyas”, because there are people who are used by governors to intimidate their opponents, to sing for them. They are also called “goons” in some other areas. You saw that Uasin Gishu has almost 600 plus ghost workers. In Nandi, there was a payroll fraud and the Ethics and Anti-Corruption Commission (EACC) investigated.

The biggest threat also to devolution is the failure by the EACC to ensure prosecution upon recommendation on corruption cases that we have in counties. Many Members will tell you here, when you ask the EACC how far is the matter, they tell you "active investigation, case analysis." Active investigation, case analysis, forwarded to the office of the Director of Public Prosecutions without any tangible results. The biggest threat to the functionality, effectiveness and delivery of devolution in this country is corruption. I appeal on the issue of the wage bill. We still have a lot of problems with it. Our counties are now the employment bureaus, where the more you employ on recurrent expenditure, the more it will affect the terms of performance.

Finally, so that I can yield to my colleagues, is on the issue of pending bills and obligations. I am shocked that as we talk today, our counties, as of 30th June, have pending bills of Ksh217.68 billion. Nairobi is leading with Kshs88.01 billion. Nandi has a pending bill of Kshs800 million. Trans Nzoia Kshs2.62 billion. Uasin Gishu has a pending bill of Kshs1.55 billion. Nakuru has a pending bill of Kshs 7.15 billion. Wajir has Kshs4.0 billion as a pending bill. Tana River, Kshs4.5 billion; Mombasa is Kshs3.98 billion. Kisumu, Kshs5.99 billion. Even Elgeyo Marakwet has a pending bill of Kshs110 million. Turkana has a Kshs3.3 billion pending bill.

The reason I am just sampling a few counties is to show that the existence of pending bills of over Kshs217 billion continues to slowly kill our businesses in our counties. The intention and aim of devolution was to ensure our people get jobs and opportunities to supply goods and services to counties, so that they can build their enterprises, but what have we done? We have killed our businessmen in our counties, from Nandi to Murang'a to Nyamira to Taita Taveta to Marsabit to Nyeri to Embu.

I can confirm before this House because I interact with a number of people with pending bills. Most of them were not sick with blood pressure but they are now sick. Most of them were not diabetic, they are diabetic now. They have borrowed money from banks and lending institutions to finance the supply of services and goods to our counties but our counties are not paying them. Governors are paying their political protégés.

In fact, in my county, they are taking up to 20 per cent of the pending bill, so that they can finance their campaigns. Most of the governors are now paying what we call "politically-correct" pending bills for the sake of financing their campaigns.

Even in some cases for financing some of this, including some of this outfit like the impeached deputy president. I am told there are a number of issues when you visit there. It is not about taking the sheep to Wamunyoro. It is not the sheep that you see physically. Most of these governors, allegation has it that when you visit, including your governor, you take a minimum of Kshs10 million. The Governor of Nyandarua, Kshs10 million, and there is a vetting committee.

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.*

The vetting committee being done at Wamunyoro is not vetting on how to condemn but how to steal. When you look at Murang'a, for example, it has a pending bill of Kshs3.3 billion. Murang’a is used as the best in terms of good devolution. I congratulate my brother, Sen. Mwaruma, for being elected as Chairperson of the County Public Investments and Special Funds Committee (CPI&SFC). We need to see municipalities, special funds and water companies which are not part of this report. Murang’a County is said to have good health facilities but there is nothing good about it.

Madam Temporary Speaker, your governor likes reggae songs. He should listen to Morgan Heritage’s song ‘*Nothing to smile about’*. There is nothing to smile about in Murang’a from Gatanga all the way to Kigumo and many other areas.

With those many remarks, so that my colleagues can get a chance, I beg to note that this report is just good for academic discourse and research. It is not good for rating performance. I do not doubt the ability of the PBO, but it is just good for a discussion over a cup of tea.

Sen. Omogeni: Thank you, Madam Temporary Speaker. First, we should not be so brutal to our good officers who have put a lot of energy, effort, even passion in coming up with this report which has given us an opportunity to open and start a conversation.

So, first, I acknowledge and salute our Parliamentary Budget Office who sat down, conceived this idea and have come up with this report. For the very first time, we have in place a formula that is ranking the performance of our governors in a scientific way. I do not know whether Sen. Cherarkey did mathematics up to O level because I know at university, he studied law. When I sat at the garden this afternoon, I saw that the Parliamentary Budget Office had a scientific formula for rating governors.

It is not conclusive that Governor of Embu was the best performing but, at least, we have begun from somewhere. They have given us seven parameters that should guide us in assessing the performance of our governors. So, if it is of some comfort, I want to go on record that I appreciate our Director of the PBO, Dr. Masinde, those officers who have worked with him, including Mr. Motonu and other officers who put in a lot of work in coming up with this report

Having said that, there is no doubt that the formula that has been presented before us can be refined and be made better, so that it gives us a scorecard that can reflect what we see on the ground. In fact, it is good to have people who can come up with a scientific way of assessing the performance of counties.

I find it very interesting that the Chairman of Vision 2060, Prof. Anyang’ Nyongo, is actually ranked number last in this report. You are always invited to dig deeper into what you see. So, this is a good beginning point. It is also good for the women leadership in this country that we have a lady governor, the Governor of Embu, ranked as number one. That is a good conversation.

Having said that, I also want to correct Sen. Cheruiyot, that he is not the one who promoted Dr. Masinde to the position of director. When we joined the Commission, we found Dr. Masinde in the position of deputy director but we promoted him to the position of director.

I want to make the following observations. Other than these seven parameters, it is good to look at audit outcomes. I do not know why we want to look at county assembly

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.*

ceilings as a measurable parameter. This is because we have passed the law that binds our governors. How do you rank me for complying with the law? That is one parameter that we should remove and really improve on others.

Madam Temporary Speaker, when you talk about development and expenditure, we need to dig deeper. Sen. Mwaruma and I sit in the County Public Accounts Committee (CPAC); I am told he has now been promoted to go and be the Chairperson of the CPI&SFC. There are questions that auditors raise that I think, should be a parameter when we try to weigh the performance of governors. There is what we are told to be projects initiated and not completed. They are either abandoned, neglected or they receive funding but no payments are made.

A governor with such projects should not be in office. I can give you an example of my own County of Nyamira. In fact, Nyamira County goes to the next level with what the Auditor-General calls idle projects - projects where public funds have been pumped into but they have never been finalised and people are not receiving value for money.

I can give you an example; Sen. Mwaruma will bear me witness that in Nyamira County, we conceived an idea of having a stadium 10 years ago and Kshs72 million has been paid to the contractor. When I became a Senator, the governor appeared before us and promised to finalise that project in six months. Up to date, that stadium remains incomplete. That is in only one Constituency of Kitutu Masaba; I can give you another example from another constituency.

In West Mugirango Constituency, a very fantastic idea was conceived; that an eye hospital should be constructed, so that patients with eye problems can be attended to by expert doctors in that area. A sum of Kshs17.2 million has been pumped into that project, but to date, there is no value for money. That project is abandoned, with no work ongoing. I mean, that is a parameter we should use to rank governors.

There is another example in Borabu Constituency. A water project was initiated at Raitigo. When you read the presentations from the governor, they are at variance with the findings of the Auditor-General. He will tell you that he initiated water projects in eight wards in Nyamira County; that one is cited as a project in Esise Ward and a total of Kshs30 million has gone into that project.

Sen. Wamatinga, you are a contractor. When you tell us that you have put out 100 cubic metres of a water tank, we should be able to see it. When you tell us that you have two water kiosks serving the people, we should be able to see them. When you tell us that you have laid pipes connecting water to people’s homes, what does that mean in a layman's language? It means that from that 100 cubic water tank, you have connected homes with water. It means that people of Raitigo are no longer going to the river or to those water kiosks to draw water; that water is coming direct to their homes. However, when you go to the ground, that connectivity is not in people's homes.

That is the parameter I will propose to be used by the PBO. Let us audit value for money. Sen. Chute, in this era, when you are talking about construction of Early Childhood and Development Education (ECDE) classes, there should be a minimum standard of how an ECDE class should look like.

Sen. Mwaruma, you were there. Can you imagine, God of heaven, a governor comes to the Senate in Nairobi and tells us that they have constructed an ECDE class in

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.*

Matiero with a stalled project of a pit latrine. In this era and age, how can you be constructing an ECDE class and connect it to a pit latrine? Really? You go to Etono, you find the same thing; that you start constructing a pit latrine at Etono ECDE class, and then you are unable to complete the project. What do you require? Bricks, you dig the pit latrine and cover it with the *mabati*?

Let me ask my governor - Nyamira, does he not understand that with science you do not need to do pit latrines? Senator Wamatinga, do we not have something we call a biodigester? You can construct an ECDE class, have modern toilets for our ECDE children and connect the sanitary facilities to a biodigester or use a soak pit. The facilities that are being enjoyed by the ECDE classes in Nairobi should be the same as an ECDE class in Marsabit. Why should the ECDE children in Marsabit use pit latrines while those in Nairobi are using modern sanitation facilities? That should never be the case.

In Switzerland, the cantons, which you can compare with our own counties, the standard is the same. If you are connecting a tarmac road from one canton to the next, there must be tarmac. If we have tarmac in Nairobi, we should have tarmac connection to the next county of Kiambu, and so on and so forth.

The Temporary Speaker (Sen. Veronica Maina): Sen. Murango, seems to have a point of information. Do you wish to allow him?

Sen. Omogeni: Give me a minute, I will allow him so that I do not lose my thoughts.

I wish Sen. Cheruiyot was here. When I was here Sen. Cheruiyot told me he was in Nyamira, I think last week on Saturday. We welcomed him; the event was very peaceful and he left. Remember I contributed here and said, that we, in Nyamira, are very welcoming. He told me today when he was contributing that he will be in Nyamira tomorrow for an empowerment meeting and we are very excited as Nyamira people. We are welcoming those empowerment meetings.

We used to watch on TV what was happening in Ol Kalou. I used to call my friend, Sen. Wamatinga and I told him, "*Bwana,* bring those empowerments to Nyamira also. I am excited that tomorrow people of Nyamira will receive gas, mattresses and blankets. What else? Our women will receive shoes. What else were they being given? A boat? We want boats to come to Nyamira tomorrow. We are waiting. How much money were they being given in Ol Kalou? Is it Kshs2,000? We are waiting for that empowerment tomorrow. I am telling my people, when the government is coming with this project, turn out in large numbers. We want everybody tomorrow to go home with a gas cooker. We want our women to shine. When they go to church on Saturday, they should wear those new shoes. That is what we are waiting for.

Senator Cheruiyot, you are welcome tomorrow, but do not discriminate against the people of Nyamira. The standard should be the same. What you did in empowerment in Ol Kalou must also be done to our people in Nyamira. The standard must be the same. We cannot allow any discrimination because Article 27 says you treat everybody equally. We are waiting for you.

Madam Temporary Speaker, I can allow Sen. Murango to inform me.

The Temporary Speaker (Sen. Veronica Maina): Senator Murango, do you have information sufficient enough to inform the learned Senator who is a Senior Counsel?

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.*

Sen. (Dr.) Murango: Asante, Mstahiki Bi. Spika wa Muda. Ninajua ni wakili. Ametamba hari katika mambo ya sheria. Kwa sababu ya muda sitamwambia yale niliyotaka kumwambia lakini amesahau godoro. Godoro pia iletwe kule Nyamira.

The Temporary Speaker (Sen. Veronica Maina): You were just reminding him about the mattress?

Sen. Omogeni: I would like the Parliamentary Budget Office to look at another parameter. Imagine, we have been told in this report that through the Road Maintenance Levy Fund (RMLF), governors received a total of Kshs3.6 billion. Out of all this money, not even a coin was used to build even half a kilometre of road in our counties.

(Sen. (Dr.) Murango's mobile phone rang loudly)

The Temporary Speaker (Sen. Veronica Maina): Sen. (Dr.) Murango, that cannot be a ringtone on your phone for Senate proceedings.

Proceed, Sen. Omogeni.

Sen. Omogeni: Madam Temporary Speaker, it does not stop our governors from improving our roads to bitumen standards. We want to see governors tarmacking our roads.

When I came to this Senate, we used to receive Kshs4.2 billion. I have worked so hard and Nyamira County is currently receiving Kshs6.2 billion. Should there not be a corresponding improvement in service delivery? Should the people of Nyamira not see some sustained growth in services? Must the governors always drill a borehole when they receive money and not connect water to homes? Those are the standards I would like the PBO to adopt. When they give us this report, they should also tell us the governors who drilled boreholes and connected water to homes.

As I conclude, Madam Temporary Speaker, I will address the issue of pending bills. We have two levels of government; the national Government and the county governments. How can county governments owe suppliers Kshs226 billion? They budget and spend according to the approved budget from their county assembly.

Countries like Australia have a standard way of making payments. There is clean invoicing and one is paid within 14 days by the devolved units which they call states. Where there is a problem with the documentation, the charter says that one is to be paid in 45 days. In this country, suppliers have been auctioned. Those people offer their assets as security, do the work and they are not paid. Auctioneers then go and knock and they lose their properties. I agree that this is a matter that we should escalate to another level. If you contract somebody to come and do work for you and he has done the work for you, you should pay because you are the government.

There are issues of fiscal responsibility and bank reconciliation. I have seen audit reports telling us that a governor is not able to reconcile the money they received, the bank balances and the money spent. Sen. Chute, how can you fail to reconcile money that has entered your account, what you have paid out and the balance? I have not seen the Director of Public Prosecutions (DPP) take even one governor to court. At times, that discrepancy goes to hundreds of millions.

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.*

I am not a mathematician; I never did maths to the highest level of university but that is a matter that is explainable even to a standard three child. This is because what you receive, spend and the bank balance should tie. We see those reports and we do nothing. I urge the office of the DPP to scale up the fight against corruption, so that governors who receive money and convert it to personal enrichment should pay a very heavy price.

Madam Temporary Speaker, I support this Motion that is inviting us to note the reports with the recommendation that we come up with better parameters going forward, but for now it is a good report. My governor did not make it to the top 10; he did not make it to the top 20 neither did he make it to the top 30. He is number 11 from the bottom.

In the Financial Year 2023/2024, he was number five from the bottom. At least, he has moved up; he is in the bottom 11. I urge him to work harder and take the people of Nyamira County to the top 10. Governor James Orengo is number 18 and the Governor of Trans Nzoia County is number 11. He should work hard and join the well-performing governors, including Embu, where the lady governor is the top.

With those many remarks, Madam Temporary Speaker, I support.

Thank you.

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

Sen. Munyi Mundigi from Embu County, the top county in that report, you may proceed.

Sen. Munyi Mundigi: Asante, Bi Spika wa Muda, kwa kunipa nafasi nichangie mjadala unaoendelea kuhusu utendaji kazi katika kaunti zetu arobaini na saba. Kwanza, nashukuru Kamati ya Ugatuzi na Mahusiano kati ya Serikali za Kaunti na Serikali Kuu na wafanyikazi waliotengeneza ripoti hii inayoonyesha namna kazi ilifanyika. Ingawa watu wengine wanaipinga, naipongeza kwani hii ni mojawapo ya jinsi ya kufanya oversight. Ingekuwa ni Maseneta wameandika ripoti hii, watu wangesema mambo mengi, lakini watu walijitokeza na kufanya kazi inayofaa.

Pili, nashukuru Gavana wa Kaunti ya Embu ambaye ni mwanamke kwa kutuonyesha ushujaa. Mheshimiwa Cecily Mbarire amethibitisha kwamba ile kazi mwanaume anawezaf kufanya hata mwanamke pia anaweza kufanya. Kazi hii haingefanywa na gavana pekee. Pia, ningependa kushukuru wajumbe wa Bunge la Kaunti ya Embu kwa oversight. Nashukuru pia Secretariat na wote ikiwemo Seneta.

Bi. Spika wa Muda, nakumbusha Seneti kwamba miaka kumi baada ya ugatuzi tumekuwa na vita katika Kaunti ya Embu. Mambo ya impeachment yalianza na Kaunti ya Embu. Wakati gavana alichaguliwa pamoja na viongozi, waliitwa pamoja na makanisa na tukakubaliana jinsi ya kubadilisha Kaunti ya Embu. Hatukuaibisha watu wa makanisa na watu wa Kaunti ya Embu. Heko kwa viongozi wa Kaunti ya Embu wakiongozwa na gavana. Hii inaonyesha watu wakipigana, nyumba inaporomoka na tukiwa pamoja, mambo mazuri yanapatikana.

Tukirudi kwa utendaji kazi, Serikali ya Embu imejenga ECDE 300 na kuajiri walimu 100. Nimesikia Seneta Omogeni akiongea kuhusu barabara za lami. Gavana pia ameweka barabara nyingine lami katika Kaunti ya Embu kando na zile za national Government. Nimesikia Seneta mwingine akisema kwamba mambo ya ukulima

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.*

hayajazungumziwa katika ripoti hii. Wakati fertilizer ilitoka Shilingi 7,000 hadi Shilingi 2,500, Kaunti ya Embu ilikuwa ya kwanza kufaidika.

Kuhusu mambo ya kilimo, gavana amejaribu kuhamasisha watu warudi mashambani. Bei ya kahawa ilikuwa Shilingi 60 kwa kilo lakini saa hii ni Shilingi 150. Bei ya majani chai ilikuwa Shilingi 40 kwa kilo lakini sasa ni Shilingi 60. Hata bei ya parachichi imeimarika. Kilimo katika Kaunti ya Embu kinaendelea vizuri. Hata tukiangalia miraa ama muguka, gavana ametuleta pamoja. Hata Rais wa Kenya alitusaidia na gavana wetu alienda Mombasa kwa mazungumzo ya kilimo ya mugukaa au miraa kinaendelea.

Kwa hivyo, gavana wa Kaunti ya Embu amelainisha mambo mengi. Tukija kwa mambo ya hospitali, amejaribu kuikamilisha miradi iliyoachwa na serikali iliyopita. Pia, ameshughulikia mambo ya kuajiri madaktari na wauguzi na promotion zao. Ingawa kuna changamoto ya bajeti kuchelewa, lakini gavana wa Kaunti ya Embu ameungana pamoja na viongozi tubadilishe ili tuone hatuaachwi nyuma kwa safari ya kuenda Singapore. Tulimaliza mambo ya vita ili tufanye kazi nzuri.

Kwa hivyo, kama mambo hayo yote yangewekwa vile hawa maseneta wanasema, hata Kaunti ya Embu ingewekwa mbele, tungekuwa nambari moja.

Bi. Spika wa Muda, kama ni maneno ya maji, gavana alinunua gari la kuchimba *borehole* na saa hizi zinafanya kazi. Ingawa Rome haikujengwa na siku moja, ningeomba watu Kaunti ya Embu waje tusemezane ili tuweze kubadiisha mambo ya Embu tusiwachwe nyuma.

Nikiwa Seneta wa kaunti ya Embu, mambo ya kufanya kazi sio ya vita. Hata kwa mambo ya oversight, primary oversight ni ya MCAs. Na tulisema hakuna mambo ya kusema hakuna nini wala nini lakini ninashukuru gavana. Watu wamekuwa wakisema siangalii kazi vizuri lakini siku ya leo, ninajivunia kuonyesha watu wa Kaunti ya Embu vile nimefanya oversight kwa gavana. Hatukutani naye mara nyingi lakini nikiona makosa kidogo, namwandikia message na anareact. Hiyo ndio imetuwezesha kuwa kaunti ya kwanza kutoka kaunti 47.

Bi. Spika wa Muda, wakati mwingine nitakuwa nambari moja, tukiungana pamoja ndio tuende safari moja. Nikiwa Seneta wa Kaunti ya Embu, Daktari Munyi Mundigi, ninaunga mkono hii riport. Asante.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Mundigi. We can have Sen. (Dr.) Murango.

Sen. (Dr.) Murango): Asante, Bi. Spika wa Muda. Ninajua unafuata sana mambo ya kina mama na mfumo jike na pia unapigania sana kina mama. Leo nimekuwa kortini na kuna mambo yamenifurahisha ambayo yanahusu kina mama. Ni vizuri nipeane maua, mwenye nitampa akiwa hai ambaye ni hakimu mkuu. Huyo mama yuko korti ya Kibera na anaitwa Stella Atembo.

Ni nadra sana kwenda kortini ujisikie ukiwa nyumbani lakini, yule hakimu alijitokeza na akafanya tujisikie tukiwa nyumbani. Sana sana, mambo kama haya watu hawaongei lakini afadhali nikupatie kuku yako ukiwa hai kuliko nilete ng’ombe kwenye matanga. Kwa hivyo, nimesema nimpe maua yake kwa sababu, hakuna mtu anawaongelea sana.

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.*

Bi. Spika wa Muda, ninajua wewe ni wakili na Waswahili walisema; tangawizi kafa bure, mwenye viungo ni manjano. Wengi ni manjano wako juu na pia tuwajali walio chini. Seneta Chimera ameniambia nisiwe mrefu na niwe mzito kwa hoja na mchache wa maneno. Ninafata hivyo kwa sababu ninajua, kuna wenzangu wanaongojea na wanataka kuongea. Naomba nipewe dakika tano, nitakuwa nimemaliza.

Nimesoma hii ripoti iliyoletwa mbele yetu na niko na nakala. Pia, nawapongeze waliokaa chini na kufanya uhasibu ili kuhakikisha kwamba wametupea ripoti ambayo tunaweza soma na kuielewa hata kama haina maelezo mengi yanayofaa kuwa. Kuna vigezo, tukitumia pia, kuja kuwahukumu magavana, tutakuwa tumekosea. Tukimhukumu samaki kwa uwezo wake wa kuruka juu na kupaa aangani kama mwewe, tutakuwa tunamwonea kwa sababu samaki siku zote huishi kwa maji.

Bi. Spika wa Muda, katika fedha ambazo zinatumika moja kwa moja, kwa Kimombo zinaitwa recurrent expenditure. Ukiangalia fedha zinazolipa karo kwa shule zetu kama vile watoto wetu wanaosomea vyuo vya ufundi yaani Technical, Vocational Education and Training (TVETs) na vyuo vingine tofauti, zile fedha katika hesabu hasibu zinachukuliwa kama si pesa za maendeleo.

Pesa ambazo zinanunua madawa na vinukuzi katika ofisi zetu, zile fedha zinachukuliwa kama si maendeleo haswa. Wale watu wanaotumia fedha zao kulisha watoto wetu wa chekechea hazihesabiwi kama maendeleo. Kaunti zingine zilichukua jukumu la kuajiri, ajira ya kudumu, wale walimu wa chekechea wanalipwa mishahara ambayo haijanukuliwa hapa kama maendeleo ilhali, hii ni huduma muhimu inayopewa watu wetu wanaokaa gatuzi zetu. Kwa hivyo, ni vyema wafafanue zaidi. Wamefanya kazi nzuri kwa sababu wameanza tu. Wanafaa kuongeza ladha na viungo kwenye nakala itakayofuata ili tuweze kuona mafanikio mengine ambayo hayajanukuliwa vilivyo katika ripoti tuliyonayo mbele yetu.

Kuna kaunti ambayo inawapa watoto wetu wa shule za chekechea chakula ili waweze kusoma. Hata hivyo, ukiangalia hapa, imeorodheshwa katika nambari isiyofaa. Kaunti yetu ni nambari 23 lakini hatuwapi watoto wetu wa shule za chekechea chakula. Bado tuna wahudumu wa afya ambao hawajapewa kazi ya kuhudumu na wengine wanalalamika. Nadhani sio haki kwa sababu zile fedha pia zimetumika kutoa huduma ambayo inafaa katika kaunti zetu.

Ningependa kusema kuwa tumeanzia mahali ili tuweze kuwajibisha magavana. Tukiendelea hivi kutakuwa na mambo mazuri. Waliofanya hii walifanya kazi nzuri. Tunafaa kuipika tu kidogo ili iive vizuri, tuweke viungo, na kuongeza chumvi ili kuhakikisha ina ladha nzuri kutuwezesha kula na kumeza.

Asante, Bi. Spika wa Muda.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. (Dr.) Murango. Proceed, Sen. Chute.

Sen. Chute: Madam Temporary Speaker, I will take approximately five minutes for the benefit of my fellow Senators. When I was a young man, the district commissioner who took over from the colonial district commissioner in Marsabit was in charge of departments of roads, water, agriculture, health, police, prisons and even courts. District commissioners also acted as magistrates in courts and things used to run smoothly. Devolution began in 2010 and problems started.

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.*

I want to start with own source revenue. Tana River County is collecting the lowest in terms of own source revenue, followed closely by Marsabit County, unfortunately the county I represent. Firstly, they should digitise it. If possible, they should give the role of collection of revenue to an institution such as the Kenya Revenue Authority (KRA).

Community Health Promoters (CHPs) are not being paid. In Marsabit, almost 21 months have passed without them being paid yet we are talking about devolution. Devolution means you can stay in a village but you still get services there in terms of healthcare, roads and all those things. It is time we relooked at the way devolution should work.

There are facilities such as Ngororoi Dispensary in Loiyangalani Ward in Marsabit County. There is a dispensary that was supposedly built but, unfortunately, there is nothing there and the money has been paid. That is our healthcare situation. If you go to hospitals today, we have over 30 ambulances but most of them are in garages here in Nairobi. Is that devolution? We only have three functional ambulances.

On the issue of pending bills in Marsabit County, it stands at Kshs2 billion according to this report. I thank officers who did this report. Although they call it scientific, I do not know what scientific means. They should look at it both scientifically and in real terms. They need to visit counties to ascertain what they are seeing on paper and whether they are there. Most of them are not there. Therefore, we need to look at the issue of pending bills.

In this country today, pending bills stand at Kshs226 billion. I ask our President to borrow this money from somewhere and pay our suppliers and contractors, so that they can start to live like human beings.

On the issue of corruption, I urge the office of the Director of Public Prosecutions to please take action. The office has documents of many counties. Why we wait for 2060? We need to stop corruption and spend our money like the way a company is run. Maybe in 2040, we will be somewhere.

There are counties which do their budgets and after some months, they do a supplementary budget. The report which is here is for the first budget. All the monies that have been earmarked for development have been removed in the first and second supplementary budget. Let officers not look at the documents only. They must visit bigger projects to see if they are there and rank them. Some rankings here are fake. This is because they are giving us documents but we need to look at what is on the ground. So, I think they need to do a lot, although I support the good job that they have done.

In our ECDEs in Marsabit, there is no fencing or toilets. However, in Murang’a, you will see bouncing castles, playing grounds, flowers and beautiful grass. In some counties you do not see those things. If you have to do something, do it well. Instead of 10 ECDEs which are not well done, do five and do them well.

Finally, this report is good. We have started from somewhere but we need to improve on it. If you look at it, there is a ranking when in some page, you will find some counties are number one but on another page, the county which was number one is number 15. So, I think they need to look at what exactly is happening on the ground. This money that goes to counties must be accounted for. If we do not do that and only sign papers or do rankings and all those things, we are not helping this country.

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.*

Specifically, if you ask me, the health sector should revert to the national Government. Counties are getting their main own source revenue from hospitals to the tune of 60 to 70 per cent. They are not collecting taxes or fees. So, I think they can now build hospitals to earn money. In support of this document, we need to have a conversation and see how we can improve on what we have done today.

Thank you, Madam Temporary Speaker.

(Sen. Chimera spoke off the record)

Sen. Maanzo: Thank you very much, Madam Temporary Speaker. Sen. Chimera is pressurizing us yet he does not represent any delegation. He should allow us to do justice to our counties.

The Temporary Speaker (Sen. Veronica Maina): Sen. Maanzo, Sen. Chimera is a specially elected Senator from Kilifi County, in the Republic of Kenya. You do not have any right. He is part of our delegation.

Sen. Maanzo: My apologies.

The Temporary Speaker (Sen. Veronica Maina): Uphold him as such. He is one of the 67 Senators in this Senate.

Sen. Maanzo: I have a lot of respect for him as a colleague and an advocate. However, I request him not to pressurize us, so that the material we have does not disappear. I am sure he represents the 47 counties.

The Temporary Speaker (Sen. Veronica Maina): On that he can comply. Do not pressurize your colleague.

Sen. Maanzo: I am sure he represents the 47 counties and may have something good to say.

Madam Temporary Speaker, this is a very good move that the Senate has done. It is going to make governors work knowing that they will be ranked. They will also know that our work is to take care of devolution and ensure that our counties succeed in what they are meant to do.

When the Committee of Health went around, Makueni County was overall ranked as number eight. That is something very positive bearing in mind that some counties have really performed very badly. One of the very important functions of the counties is health. When our Committee went around the counties, they checked on the medication in hospitals.

I accompanied the committee to Makueni County and one of the challenges we found was that quite a number of ambulances which had been bought had failed because there were new in Kenya. Apparently, they looked very reliable, but unfortunately, they broke down often. However, we realised that the Land Cruisers withstood the bad roads. When an ambulance goes to pick somebody somewhere in a village, the road may not be that good. Therefore, health is a very serious matter and ambulances were a challenge in Makueni and many other counties.

The first thing we need to do to save a life is first aid. When a child is born with complications, their health is everything. You need to be alive to be able to become

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.*

a lawyer, an engineer, construct roads and many other things. Saving lives is a godly job and the health sector has a big challenge.

Recently, the Cabinet Secretary for Health talked of leased equipment that some counties have not made use of. I believe this was part of the criteria of rating. He threatened to recall the medical equipment from the counties that are not using them and take them to counties that are using them. Unfortunately, when the national Government leased this equipment to counties, it was like buying a new car without an engine; it is never going to work. They had very systemic problems; some of them never worked. For those that worked and something went wrong and they needed repairs, they were very expensive to repair.

When it comes to ambulances, I am very surprised that the Government was launching a system of accessing ambulances from almost everywhere in the country but they never bought new ambulances. An ambulance is not going to stop one job to attend to another job.

Nurses are on strike and this is really affecting the whole country and people are dying. Nurses take care of very critical situations such as high blood pressure and sugar levels. Many people die when they have low sugar levels. I know of one old man who just died while looking for treatment; it is a very sad affair. I believe if nurses were not on strike, this old man, who I respect very much, would not have died. He would have been given first aid and checked on what was wrong with him. Unfortunately, since Government hospitals were not operational this week, he tried getting to a private hospital but unfortunately, he passed away.

The issue of health has been one basis of assessment and I believe, many counties including Makueni have a lot of work to do in terms of negotiating and finding a solution to end the strike.

I thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): Sen. Dan Maanzo, you will have 14 more minutes when this Order is next listed in the Order Paper.

ADJOURNMENT

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until Tuesday, 8^{th} September, 2026 at 2.30 p.m. I wish you a very blessed recess until Tuesday, 8^{th} September 2026 at 2.30 p.m.

Thank you.

The Senate rose at 6.30 p.m.

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.*