

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 20th November, 2024

Afternoon Sitting

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

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

PRAYER

DETERMINATION OF QUORUM AT
COMMENCEMENT OF SITTING

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

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

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

(The Quorum Bell was rung)

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

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION FROM THE
COUNTY ASSEMBLY OF TAITA TAVETA

Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon, a visiting delegation from the County Assembly of Taita Taveta. The delegation consists of Members of the Committee on Delegated County Legislation who are undertaking a benchmarking visit to the Senate.

I will request each member of the delegation to rise when called so that they may be acknowledged in the Senate tradition.

1. Hon. Anslem Mwadime Acting Speaker

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2. Hon. Genard Mwandau	Minority Party Leader
3. Hon. Stephen Nzai	Ag. Chairperson of Committees
4. Hon. Joseph Mabishi	Chairperson
5. Hon. Newton Kifuso	Vice-Chairperson
6. Hon. Isaac Matolo	Member of County Assembly
7. Hon. Lilian Mwangoi	Member of County Assembly
8. Hon. Daniel Kimuyu	Member of County Assembly
9. Hon. Azhar Din	Member of County Assembly
10. Mr. Fredrick Mwabili	Legal Officer
11. Ms. Zuhura Rehema	Committee Clerk
12. Mr. Wilfred Musengeti	Hansard Reporter
13. Mr. John Mwakoro	Sergeant at Arms
14. Mr. Benjamin Mwashumbe	ICT Officer
15. Mr. Taman Mwambela	Public Relations Officer;
16. Mr. Kenneth Mucharo	Research Officer
17. Mr. Lawrence Mwakisha	Personal Assistant to the Speaker.

On behalf of the Senate and on my own behalf, I extend a warm welcome to the delegation. I wish them all the best for the remainder of their visit.

I will call upon the Senator for Kakamega, under one minute, to extend a warm welcome.

Sen. Wambua: Sen. Sen. Mwaruma.

The Speaker (Hon. Kingi): The Chair is in charge, Senator for Kitui. Senator Boni, you will extend a warm welcome to the delegation. Thereafter, the Senator for Taita-Taveta will have his day.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker. Allow me to greet the distinguished delegation from Taita-Taveta, ‘mana’. I would like to welcome them on behalf of the institution of the Senate and assure them that they are in a good place. This is the citadel of knowledge as far as parliamentary affairs are concerned. It is our pleasure.

I want to confirm to them that all the money that was supposed to be in the custody of the Governor of Taita-Taveta has gone. The schedule of the release of that money is available from the website of the Office of the Controller of Budget (CoB) and the Office of the National Treasury.

You are welcome, honourable people.

The Speaker (Hon. Kingi): Senator for Taita-Taveta?

Sen. Mwaruma: Asante, Bw. Spika, kwa hii fursa uliyonipa ili nikaribishe Kamati Maalum ya Sheria iliyokabidhiwa ya Bunge la Kaunti ya Taita Taveta. Walikuja jana na leo. Nafikiri wataondoka kesho.

Wamepata fursa nzuri ya kukutana na Kamati Maalum ya Sheria ya Seneti. Najua wamejifunza mengi kwa sababu wamekuja kwa safari ya kujifunza. Karibuni sana Seneti.

Seneti na Bunge za Kaunti zinafanya kazi sawa ambazo ni uangalizi, kutunga sheria na uwakilishaji. Najua tunapeleka pesa nyingi sana kwa gatuzi. Ugatuzi ndio kitu cha maana sana ambacho tulijipatia kwa Katiba ya 2010. Najua wamejifunza mengi kutokana na hii safari yao ya Seneti. Najua wakirudi watatekeleza.

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Pia najua Kamati ya Sheria iliyokabidhiwa nao pia wamejifunza mengi. Kama kuna mambo yatakayohitaji kutunga sheria zaidi za kulinda gatuji, najua Kamati hii ya Seneti itatuelezea.

Bunge la Kaunti ya Taita Taveta lilikuwa liwe mwenyeji wa Seneti Mashinani huu mwaka. Tulikuwa tunashindana na Kaunti ya Busia. Lakini changamoto iliyokuwa pale ni ya nafasi ya Bunge la Kaunti ya Taita Taveta kuwa ndogo. Lakini nafurahia na Kaimu Spika yuko pale ya kwamba Kaunti ya Taita Taveta wameanza kujenga Bunge lingine. Najua katika siku za usoni, wakati tunaangalia kaunti ya kwenda, basi Taita Taveta itakuwa ni mmojawapo za kaunti za kupeleka Seneti Mashinani.

Karibuni sana wawakilishi wa Bunge la Kaunti ya Taita Taveta.

Mkirudi nyumbani, muwasalimie watu wa nyumbani.

Asante, Bw. Spika.

VISITING DELEGATION FROM ELGON VIEW COLLEGE

The Speaker (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence, in the public gallery this afternoon, of visiting students from Elgon View College in Kisii County. The delegation comprises 17 students who are in the Senate for a one-day academic exposition.

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

I will call upon the Senate Majority Leader to, under one minute, extend a word of welcome to the delegation.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, on behalf of my colleagues here in the Senate, I welcome these students of Elgon View College in Kisii County.

Sen. Onyonka was with us early in the morning. I guess he is still trying to make his way back, but as a good neighbour, because Kisii is the immediate county next to us in Kericho, I wish them a good stay here in the Senate.

May they find the knowledge and wisdom that they have come to seek in this House because I know it is present in abundance. I know that we have one of the Members of the delegation, though, in the House. I saw Sen. Okenyuri Esther in the House.

If I have not consumed the full minute. Probably the remainder of the ten seconds can be given to her to welcome them. In any case, between her and Sen. Onyonka, she will understand students better. This is because Sen. Onyonka was a student many years ago unlike Essie who is still a student.

I thank you.

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

Sen. Okenyuri: Thank you, Mr. Speaker, Sir. I thank my senior, Sen. Aaron Cheruiyot and the Senate Majority Leader for donating a few minutes to me. For your information, after my Form Four, I was a student at Elgon View College pursuing

computer systems and application packages for three months as I awaited to join the university. That time we would wait for two years.

Mr. Speaker, Sir, I wish to welcome the students here. Be proud of visiting the Senate. Young people have equally an opportunity to ascend to national leadership and I am a good example you can borrow from. I wish you the very best as you go back. Say hi to the other students. I am very proud of you.

Thank you very much.

The Speaker (Hon. Kingi): Next order. The Chairperson Standing Committee on Labour and Social Welfare.

PAPERS LAID

REPORTS ON CONSIDERATION OF BILLS

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to lay the following papers on the table of the Senate today, Wednesday, 20th of November, 2024.

Report of the Standing Committee on Labour and Social Welfare on its consideration of the Sports Amendment Bill (Senate Bills No. 33 of 2024).

Report of the Standing Committee on Labour and Social Welfare on its consideration of the Public Fundraising Appeals Bill (Senate Bills No. 36 of 2024).

Mr. Speaker, Sir, I beg to lay.

(Sen. Cheruiyot laid the document on the Table)

The Speaker (Hon. Kingi): Next order.

Statement pursuant to Standing Order No.53 (1). The Hon. Sen. Alexander Mundigi.

QUESTIONS AND STATEMENTS

STATEMENTS

POLICE WELFARE DURING TRANSFER AND RETIREMENT

Sen. Munyi Mundigi: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the welfare of police officers during transfers and retirement.

In the statement, the committee should-

(1) State the criteria used by the National Police Service (NPS) in carrying out transfers of police officers, indicating whether during the exercise they consider family dynamics, specifically the school calendar to minimise the disruption of the education of the officers' children.

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(2) Explain any plans in place to ensure payment of transfer allowances to police officers as provided by Sections 4, 5, and 6 of Legal Notice No. 89 of 2015, particularly where the officers are transferred to stations without staff house.

(3) State whether the Ministry has any plans to build staff quarters in all sub-counties for police officers to avoid challenges faced by the officers as they carry out their duties.

(4) Apprise the Senate on the career progressions of police officers and outline strategies in place to ensure the upward movement of each officer before detainment.

(5) State any measures the that Ministry has put in place to offer guidance and counselling to the officers before they retire and to address the challenges faced by the officers after retirement, with a particular focus on the possibility of automating their retirement benefits and reviewing their medical covers.

The Speaker (Hon. Kingi): Sen. Joe Nyutu, you may proceed.

BAN ON EXPORT OF MACADAMIA NUTS

Sen. Joe Nyutu: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1), to seek a statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the ban by the Minister of Agriculture and Livestock Development on macadamia nuts to curb the export of immature nuts.

In the statement, the committee should-

(1) Provide clarity on the criteria used by the Minister of Agriculture and Livestock Development to issue this directive.

(2) State the measures in place to protect farmers from potential losses due to the ban, particularly considering that in most regions, the nuts ripen between April and September with harvest typically occurring from September to November.

(3) Present evidence that the State Department for Agriculture consulted all relevant stakeholders, especially farmers, in making this decision, as envisioned by Article 232(1)(d) of the Constitution, including a clear indication of when these consultations took place.

(4) Outline the steps taken by both the Agriculture and Food Authority (AFA) and the State Department for Agriculture to educate farmers at the county level on proper harvesting and storage practices to ensure the quality of the nuts.

I had two statements; I do not know whether I should read the second one.

The Speaker (Hon. Kingi): Proceed, hon. Senator.

PLIGHT OF KENYA NATIONAL AMPUTEE WOMEN'S FOOTBALL TEAM

Sen. Joe Nyutu: Thank you, Mr. Speaker, Sir. Again, I rise pursuant to Standing Order No.53(1) to request a statement from the Standing Committee on Labour and Social Welfare regarding the circumstances that led to the Kenyan National Amputee Women's Football team being stranded in Frankfurt, Germany on Tuesday, 12th

November 2024 on their way from the World Amputee Football Federation World Cup Games.

In the statement, the committee should-

(1) Outline the logistical and financial arrangements that were put in place by the Ministry to ensure the safe travel and accommodation of the Kenyan national amputee women's football team and from Colombia for the inaugural World Amputee Football Federation (WAF) Women's World Cup;

(2) Investigate claims that the said team was stranded in Frankfurt, Germany on their way back from the event, explaining whether the Ministry has any coordination efforts with other Government bodies such as the Ministry of Foreign Affairs to assist the national teams facing logistical challenges abroad.

(3) State any immediate measures the Ministry will implement to prevent similar incidents for Kenyan athletes in the future, outlining the strategies in place to ensure that any officials who may have contributed to the unfortunate situation that befell the team are held accountable.

(4) Explain specific steps the ministry has taken to support and promote inclusive sports, particularly for teams representing marginalized groups such as the amputees' football team.

I thank you.

The Speaker (Hon. Kingi): Sen. (Prof.) Tom Odhiambo Ojienda, you have the Floor.

HAILSTORM DEVASTATION IN NYAKACH, KISUMU COUNTY

Sen. Chimera: Thank you, Mr. Speaker. I rise on behalf of Sen. (Prof) Tom Odhiambo Ojienda, SC.

I rise pursuant to Standing Order 53(1) to seek a statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the devastation caused by the 40-minute hailstorm that occurred in Nyakatch Sub-county in Kisumu County on the 25th of October 2024, leading to the destruction of crops and livestock.

In the statement, the committee should-

(1) Provide details of the total damage caused by the hailstorm that occurred in Nyakatch Sub-county, Kisumu County on 25th October 2004.

(2) Indicate where the Kisumu County Disaster and Emergency Management Fund can be utilized to compensate individuals who suffered losses due to the hailstorm.

(3) Outline any measures put in place by the County Government to mitigate similar losses and ensure farmers are adequately compensated in the event of such calamities.

The Speaker (Hon. Kingi): Sen. Joyce Korir, you may proceed.

IMPLEMENTATION OF THE NATIONAL TREE PLANTING INITIATIVE

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Sen. Joe Nyutu: Mr. Speaker, Sir, I stand in for Sen. Korir.

I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Lands, Environment and Natural Resources regarding the application of measures to nurture trees planted across the country on the basis that nurturing newly planted trees to maturity helps to enable the delivery of the targeted 15 billion trees in Kenya by 2032.

In the statement, the committee should-

- (1) Highlight the measures in place to ensure the growth to maturity of trees planted under the nationwide trees planting programme and achieve 100 percent survival.
- (2) Detail the figures of the number of trees planted in the past year in contrast with the figures of the number of trees that have survived and are growing.
- (3) State the measures taken to ensure the trees planted in areas within the country experiencing unreliable and insufficient rainfall are nurtured to maturity.
- (4) Detail the actions taken to ensure replanting where trees grown in the past have died off.
- (5) Detail the measures taken to ensure that members of the public are well informed on the kind of species of trees that should be planted in the different regions within Kenya based on variances in weather conditions.
- (6) Explain what has been done to ensure that the Ministry of Environment, Climate Change and Forestry and members of the public maximize rainy seasons to plant trees.

I thank you.

The Speaker (Hon. Kingi): Sen. Karen Nyamu. You may proceed.

RISING CASES OF INSECURITY IN EASTLEIGH, NAIROBI COUNTY

Sen. Nyamu: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on National Security, Defense and Foreign Relations regarding the rising cases of insecurity in Eastleigh in Nairobi County.

Security is a critical component of the national political and development agenda. Crime and violence are increasingly recognized as significant development challenges, particularly in urban areas.

Incidents of crime, robbery, gang violence and gender-based domestic violence undermine both macroeconomic and microeconomic growth, hinder productivity and negatively affect societal and individual well-being.

In recent weeks, several incidents of crime have been reported in the area. However, my attention has been drawn to the most recent case, a viral CCTV footage capturing the moment when a young man identified as Abdrahim Ibrahim was shot and killed by an unknown assailant early Saturday morning on 10th November this year.

In the statement, the committee should-

- (1) Conduct an inquiry into the rise in insecurity within Nairobi County, particularly in Eastleigh and assess any emerging patterns that may help identify the root causes behind these criminal activities.

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(2) Outline the measures in place to address the rising crime rates in Eastleigh and ensure that residents' rights as guaranteed in the Bill of Rights in the Constitution of Kenya are upheld.

(3) Describe the measures taken by the Directorate of Criminal Investigation (DCI) and other law enforcement agencies to investigate the murder of Mr. Abdirahim and bring the responsible individuals to justice.

(4) Outline any plans by the State Department for Internal Security and National Administration to ensure transparency and accountability in the handling of murder cases and detail the steps taken to strengthen the criminal justice system to ensure that perpetrators are held accountable under the law.

I thank you.

The Speaker (Hon. Kingi): Hon. Senators, I will allow a limited intervention to a maximum of 15 minutes, each Senators speaking for three minutes.

Sen. Olekina, proceed.

Sen. Olekina: Thank you, Mr. Speaker, Sir. I rise to contribute on the statement by Sen. Mundigi on the welfare of police officers upon transfer or retirement. Let me appreciate the distinguished Senator for bringing an important issue. When the Standing Committee on National Security, Defence and Foreign Relations will be looking into the statement, it is important for the public to be made aware whether when a police officer is transferred to Turkana, Tana River or West Pokot because of indiscipline or punishment for a certain reason.

It happens abruptly and affects the social setup. I am aware of a situation where a young officer with a young child, three months old, whose wife was breast-feeding, was transferred. I had to intervene; it is imperative that we defend these people. We should be made aware of the procedure taken.

The other issue that is important is on the promotion of these officers. I recently met a traffic officer, who told me that he has been in the lower cadre of a constable for the last 27 years. This person is from Kuria. I feel like it is imperative for us to know. If I sit in one position for 20 years, I stagnate, therefore, so there is no growth whatsoever. I plead with the committee to give us information on what criteria is used to promote police officers from constable, corporal, sergeant to chief. Is it based on academic?

Finally, the issue of transfer is important. Before an officer is transferred, he should be told why they are being transferred.

I thank you.

The Speaker (Hon. Kingi): Sen. (Dr.) Murango, proceed.

Sen. (Dr.) Murango: Asante sana, Bw. Spika. Ningependa kuongea dakika moja kuhusu Taarifa zilizoulizwa na Sen. Mundingi na Sen. Nyutu. Kwanza, polisi ni muhimu sana katika nchi hii ingawa watu wengi wanalalamika na pia nyuki hapigwi busu, polisi pia ni watu.

Ukiangalia polisi wanaohamishwa kutoka mahali pamoja kupelekwa pengine, wako na familia zinazovunjika. Polisi anapochukua mtaji na kuweka katika ujenzi wa nyumba mahali pamoja, halafu anatolewa na kupelekwa mahali pengine anapofaa kulipa kodi, inaleta gharama ya ziada ambayo polisi wengi wameshindwa kukimu.

Ndio maana mara nyingi unaona polisi wengi wakiwa na matatizo ya kiakili. Hilo ni jambo la maana sana. Polisi wanapohamishwa kutoka sehemu moja kupelekwa nyengine, wanafaa kuridhika na mahali wanapopelekwa na wapewe ridhaa ya kukaa mahali pale.

Jambo la pili ni kuhusu Taarifa iliyoulizwa na Seneta wa Kaunti ya Murangá. Katika kikao kilichoisha katika Kamati ya Ukuu, Uvuvi na Uchumi Samawati ambacho mimi ni Mwenyekiti, tulikaa na Waziri na kumwambia kwamba angeongeza makataa ili macadamia iuzwe kwa nchi za ng'ambo. Lakini tangu makataa ilipoisha tarehe mbili, mwezi wa kumi na moja, hakuna jambo limefanyika hadi sasa.

Bw. Spika, wakulima wanafaa waruhusiwe kufuga mbuzi wao mahali wanaona kuna nyasi. Hizi sheria nyingi zinazoletwa zinawahadaa na kuwakandamiza wakulima. Kuna mazao mengi katika nchi hii ambayo hayana sheria, kwa mfano, mahindi na maziwa. Lakini wakulima wa korosha, macadamia na bixa wana sheria kandamizi zinazowazuia wakulima kuuza mazao yao.

Asante sana, Bw. Spika.

The Speaker (Hon. Kingi): Sen. Beatrice Ogola, proceed.

Sen. Ogola: Mr. Speaker, Sir, I thank you for the chance to support the noble Statement by the Senator for Embu County, Sen. Mundigi. A number of times we blame police officers for the many things that are not done rightly. However, do we stop to consider the kind of services that police officers give us? We are able to sleep comfortably because we know there is someone ensuring that we are secure.

As I support the fact that transfers are administrative and every region of this country deserves the service of police officers, the transfer must be done with some humane face. Part of the consideration that is made for all public officers is the situation of their families that includes their spouses and their children.

The National Police Service (NPS) must also attend to other benefits of police officers that are not only limited to their allowances, but their staffing. We must also look at the general well-being of police officers. Mental wellness activities that must be initiated to take care of the police officers. Above all, the medical cover, the staffing and upgrading of police officers based on their levels of education must be taken care of.

Mr. Speaker, Sir, I support the statement.

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

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I support the statement on the issue of police welfare. The police work is sweet and sour like Chinese dish because they sacrifice a lot for the peace and security of the country.

There are issues of medical cover and mental illness. The workstations of police stations are very deplorable. I have personally slept in over 30 police stations across the country and there is nothing to write home about it. As the reggae song says, there is nothing to smile about. The toilets and paint of police station is very deplorable.

I ask the Standing Committee on National Security, Defence and Foreign Relations to look into the welfare, including housing of the police officers. I am happy that the Maraga Report recommended the issue of salaries and personal emoluments. We must look at it.

In conclusion, we must also ask the national Government to include the police in affordable housing programme. When police officers are enjoying their conjugal rights, they are separated by bedsheets to the next room. By the end of the day, if we are not careful, we will be encouraging more police comfortability and abuse to their privacy. I support that the police welfare be looked into.

Let us cap the transfers at three years. When a police officer stays more than three years at a station, they can be transferred. There are many police officers who have stayed beyond three years and are yet to be transferred.

I thank you.

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

Sen. Wafula: Asante, Bw. Spika. Ningependa kuchangia kuhusu macadamia na mimea ambayo hutoa mafuta. Mimi nataraji kwamba Serikali kabla haijaamua ama kukata kauli kuhusiana mmea wowote nchini, lazima washika dau wote wahusishwe katika mchakato mzima.

Haiwezekani kwamba Waziri ama viongozi katika Wizara, wataamka asubuhi na mapema kupitisha sheria ambayo inamgandamiza mkulima wa makandamia nchini. Haiwezi kuwa wanakata kauli kuboresha pesa ambazo mabwenyenye wanapata kuliko kuangalia hali ya maisha ya mkulima wa makandamia nchini.

Mimi na mwenzangu mwenyekiti wa Kamati ya Uchumi samawati, hivi karibuni tutamkaribisha mheshimiwa Waziri kuweka bayana kile kilichosababisha kuwanyima wapandaji ama wakulima wa makandamia nafasi ya kupata kipato kwa jasho lao.

Changamoto nyingine ambayo ipo katika wizara hii ni wakulima wa ngano. Haiwezekani wapatie kibali mabwenyenye kuagiza ngano kutoka nchi ya nje na wakulima wa ngano katika Bonde la Ufa na pembe mbalimbali nchini wako na ngano katika maghala yao. Hii ni hali ambayo sisi kama maseneta hatuwezi kubali. Lazima Serikali iweke Wakenya wakulima mbele pasipo kuweka kiu cha pesa kwa njia ya mkato.

Asante sana, Bw. Spika.

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

Sen. Chute: Thank you, Mr. Speaker. Sir. I want to contribute to Sens. Munyi Mundigi and Nyamu's statement.

I went to Illeret in North Horr Sub County of Marsabit County to the Police station. The way those police officers live is like a house meant for horses and donkeys. Sometimes, I wonder why they are subjected to that kind of situation.

If you go to the industrial area police station today, you will find two families sharing one triangular mabati room, smaller than the uniport. How do they subject police officers with families to such? These houses only have a curtain between them. Imagine your wife and the other police officer have a wife, and there is only a curtain in between. How do they manage? I do not understand. This is terrible.

Sometimes, people condemn police officers. I feel pity for them. If you find a police officer standing in heavy rain controlling traffic, then you will hear, "*Wanachukua kitu kidogo.*" What do you mean?

(Sen. Cherarkey spoke off record)

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(Laughter)

The Speaker (Hon. Kingi): Order, Senator for Nandi, can the Senator for Marsabit be heard in silence?

Sen. Chute: Finally, on the statement by Sen. Nyamu, the young man who was killed comes from Marsabit. I would ask the police officers to do a thorough investigation and arrest the culprit as soon as possible.

Thank you, Mr. Speaker, Sir.

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

Sen. Abass: Thank you, Mr. Speaker, Sir. I want to support the statement from Sen. Munyi Mundigi. The police officers in this country live in a pathetic situation. They are poorly paid, housed and most frustrated professionals. Police officers are supposed to live in the best conditions because they protect all of our lives and security.

As he rightly said, some officers are living in uniports left by the *wazungu*. If you visit some areas in Nairobi, you will be surprised. You cannot imagine how they are living.

One other thing is that transfers are regular. When police officers disagree with their immediate boss, they are taken away to Turkana since they have nobody to protect them; they have no lawyers. Many police officers are now frustrated and even committing suicide.

Young men who are graduates are poorly paid. They stay away from their families for some months because they are transferred to far places. For example, they could be transferred to Turkana and their family is in Wajir or Mandera. As a result of this, many of them have developed a mental illness.

I support the statement that we must look into the conditions of the police officers.

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

Sen. Orwoba: Thank you, Mr. Speaker, Sir. I want to contribute to the statement on the welfare of police officers. Without belabouring the point, the Maraga task force put out a report that had been filed. We are used to writing reports, going to conferences and workshops to drink tea and taking photos. What we should be discussing is how far the implementation of that report is. That report touches on the social welfare, housing and everything we are talking about today in this Senate.

I have heard Sen. Chute talking about housing and how a curtain splits two families. If you look at the suicide and gender-based violence within the police force, whether it is their spouses or the actual police officers, it is rooted in these conditions that we are subjecting them.

Every time I go on social media, it pains me to see people write: "This police officer has done this or that." Yet when we come here, we are talking about the insecurity in Eastleigh. Who do you expect is going to make sure you are safe? It is those same police officers that you keep attacking.

At one point, it is not only the material things, but even the mental health of these police officers. We have to ask ourselves, as a society in this country, if we are constantly

attacking the people who are supposed to offer us safety, how are we expecting them to make sure we are safe in our houses?

I support this statement and push that we are informed about the Maraga task force and the implementation of that particular report that was released.

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

Sen. Nyamu: Thank you, Mr. Speaker, Sir. I want to support the statement by the Senator for Murang'a, Sen. Joe Nyutu, on the amputee football team from Kenya that was stranded in Frankfurt, Germany. I saw the images on social media and could not believe that the team we should be proud of and support was stranded and being helped by wellwishers in Frankfurt, Germany.

I was wondering what programme they travelled on. Was there no facilitation for accommodation and the expenses they needed? I can imagine the preparation they went through in the country so that they could qualify for the world stage. Then, instead of appreciating and honouring them, we neglect them. Is it because of their physical situation?

What is the Ministry doing? We keep saying we have the interest of young people and our sports people at heart. However, the grim image that we paint, even for the ones who would want to engage in sports, is discouraging.

On the statement by Sen. Munyi Mundigi on police welfare, the Maraga report exposed all the rot we are talking about. The promotions and corruption are deeply rooted in the police system. We want to know the steps. I happen to be the chairperson of the Committee on National Security and Foreign Relations.

(Loud consultations)

I am the Vice-Chairperson of the Committee. I am sorry I spoke about my vision. I am patient; slowly, we will get them. I sit on that committee and I am keen.

(Loud consultations)

The Speaker (Hon. Kingi): Order, hon. Senators. May Sen. Nyamu be heard in silence? Senator, proceed.

Sen. Nyamu: I will be keen to know the steps we are taking to ensure we prioritise resources to ensure that we implement that report step by step.

I thank you.

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

Sen. Miraj: Bw. Spika, ningependa kuchangia taarifa iliyoletwa na Sen. Munyi Mundigi wa Kaunti ya Embu. Kwa hakika, ni jambo la kutamausha kuona kwamba hali ya maisha na mazingira ya askari wetu ni ya kusikitisha sana kwa sababu ni mabaya.

Tukirejea nyuma, tumekuwa na azma nzuri. Maseneta wengi wamezungumza kuhusu mazingira wanayoishi askari wetu lakini wanasahau azma ambayo Rais wetu William Samoei Ruto alikuwa nayo wakati wa kampeni inayoendelea kutekelezwa. Kuna swala la nyumba za bei nafuu ambazo zinajengwa kwa minajili ya kuwapa askari mahali pazuri pa kuishi na familia zao.

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Pia ningependa kuchangia taarifa ya Sen. Nyutu kuhusu timu ya *amputees* iliyowakilisha taifa letu katika michezo. Ni jambo la kusikitisha kuwa hawakupewa matayarisho kabambe ya kuliwakilisha taifa letu. Je, ni mikakati gani inayoweza kufanyika kupitia Wizara husika ili kuwawezesha kufanikiwa katika mashindano?

The Speaker (Hon. Kingi): Next is Sen. Essy Okenyuri.

Sen. Okenyuri: Thank you, Mr. Speaker, Sir, for giving me this opportunity. I also wish to comment on two statements. The first one is by Sen. Munyi Mundigi. As a society, we need to value the sacrifice and work being offered by our security officers. It is not just about protecting us, but also about their welfare. Cases of police officers committing suicide or killing their colleagues are on the upper side. We need to look at how our police officers are living.

On Sen. Korirs' statement on tree planting, this is a critical assignment for this administration. A serious assessment needs to be done, so that we do not just place emphasis on tree-planting on that occasion only. We need to ensure that students are also doing the same. Now that students are closing schools, are we going to wait for them to come back so that they also take part in such a critical activity?

We need to take stock of the trees that have been planted: What progress have we made? Have the trees dried up? Who is taking care of the trees? Generally, as Kenyan citizens, we need to have that culture within us, so that we do not just do that only on the tree-planting day. This is a critical statement which needs to be addressed effectively.

The Speaker (Hon. Kingi): Hon. Senators, we have spent the maximum 15 minutes allowed under the Standing Orders. Therefore, we will move to the statement pursuant to Standing Order No.57(1).

Proceed, Senate Majority Leader.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 26TH NOVEMBER, 2024

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I rise pursuant to Standing Order No.57(1) to present the business of the Senate for the week commencing Tuesday, 26th November, 2024.

Ordinarily, Mr. Speaker, Sir, this statement is presented every Thursday. However, as Members are aware, you communicated to the House yesterday that we will have the State of the Nation Address tomorrow, where the President will be addressing both Houses of Parliament in the National Assembly Chamber. It, therefore, follows that this is our last day of sitting in this Chamber this week. Therefore, it is important to brief the House on the business for the coming week.

The status of the legislative business is as follows. We have 54 Bills that are pending conclusion, of which 36 are the Second Reading stage, 17 are the Committee of the Whole stage, while one Bill is awaiting First Reading.

There are 30 Motions that are pending conclusion. There are 26 Petitions that are pending conclusion before the committees, of which 19 are due for reporting by the respective standing committees. We also have 433 statements pursuant to Standing Order

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No.53(1). From the foregoing, it is evident that we need to redouble our efforts to conclude the business before the Senate.

I want to thank hon. Senators for the Divisions that were undertaken yesterday. The mediated version of the Water (Amendment) Bill (National Assembly Bills No.33 of 2023) and the National Rating Bill (National Assembly Bills No.55 of 2022) are being finalised for presentations to His Excellency the President for assent. There is a resolution on the Motion relating to various water service providers which will shortly be dispatched to the relevant Government agencies for action.

The other Bills that were at the Second Reading stage have now been transitioned to the Committee of the Whole and will be scheduled accordingly by the Senate Business Committee (SBC). In the same spirit, I want to urge hon. Senators to be present in the House, so that we conclude the business that is scheduled for Division in today's Order Paper.

On Tuesday, 26th November, 2024, the SBC will consider the business for the week. The tentative business for that week will include a Motion to debate the President's Address to Parliament, pursuant to Article 132(1)(b) and (c) of the Constitution, business not concluded from today's Order Paper, as well as business indicated in the Notice Paper.

The tentative business for the morning sitting of Wednesday, 27th November, 2024, will include the Schedule of Questions to the Cabinet Secretaries, as provided by the SBC, as well as Motions.

As Senators will recall, Cabinet Secretaries who were scheduled to respond to Questions on Wednesday, 13th November, 2024, did not appear. For that reason, the SBC resolved to reschedule the Questions for Wednesday, 27th November, 2024. These include Questions to the Cabinet Secretaries for Health and Tourism and Wildlife.

The business for the afternoon on Wednesday, 27th November, 2024, will include business not concluded in the Order Paper for Tuesday, 26th November, 2024. The Bills which are the Committee of the Whole stage are-

(1) The Street Vendors (Protection of Livelihood) Bill (Senate Bills No.41 of 2023).

(2) The Local Content Bill (Senate Bills No.50 of 2023).

(3) The Early Childhood Education (Amendment) Bill (Senate Bills No.54 of 2023).

(4) The Land (Amendment) Bill (National Assembly Bills No.40 of 2022).

(5) The Energy (Amendment) Bill (Senate Bills No.42 of 2023).

(6) The National Disaster Risk Management Bill (National Assembly Bills No.24 of 2023).

(7) The Co-operative Societies (Amendment) Bill (Senate Bills No.53 of 2023).

(8) The County Governments Election Laws (Amendment) Bill (Senate Bills No.2 of 2024).

(9) The County Public Finance Laws (Amendment) Bill (Senate Bills No.39 of 2023).

(10) The Elections (Amendment) (No.2) Bill (Senate Bills No.29 of 2024).

Bills at the Second Reading stage include-

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- (1) The Heritage and Museums Bill (Senate Bills No.8 of 2023).
- (2) The County Hall of Fame Bill (Senate Bills No.18 of 2023).
- (3) The Public Holidays (Amendment) Bill, (Senate Bills No.31 of 2023).
- (4) The County Assembly Services (Amendment) Bill (Senate Bills No.34 of 2023).
- (5) The Wildlife Conservation and Management (Amendment) Bill (Senate Bills No.46 of 2023).
- (6) The Wildlife Conservation and Management (Amendment) Bill (Senate Bills No.49 of 2023).
- (7) The Narcotic Drugs and Psychotropic Substances (Control) (Amendment) Bill (Senate Bills No.1 of 2024).
- (8) The County Oversight and Accountability Bill (Senate Bills No.3 of 2024).
- (9) The County Civic Education Bill (Senate Bills No.4 of 2024).
- (10) The County Statistics Bill (Senate Bills No.5 of 2024).
- (11) The Statutory Instruments (Amendment) Bill (Senate Bills No.10 of 2024).
- (12) The County Wards (Equitable Development) Bill (Senate Bills No.20 of 2024).
- (13) The Public Finance Management (Amendment) Bill (Senate Bills No.27 of 2024).
- (14) The Creative Economy Support Bill (Senate Bills No.30 of 2024).
- (15) The Livestock Protection and Sustainability Bill (Senate Bills No.32 of 2024).
- (16) The Sports (Amendment) Bill (Senate Bills No.33 of 2024).
- (17) The County Governments (State Officers Removal from Office) Procedure Bill (Senate Bills No.34 of 2024).
- (18) The County Governments (Amendment) Bill (Senate Bills No.39 of 2024).
- (19) The County Library Services Bill (Senate Bills No.40 of 2024).
- (20) The Labour Migration and Management (No.2) Bill (Senate Bills No.42 of 2024).
- (21) The Sports (Amendment) (No.2) Bill (Senate Bills No.45 of 2024).

Mr. Speaker, Sir, although I do not have it in my statement, I have the authority of the Chair and Members who were part of the Mediation Committee on the Division of Revenue. They have since concluded that exercise. Sen. Faki who was a Member of that committee can confirm.

It is important to notify the country that we will prioritise that business on Tuesday, next week, so that we conclude on it. With leave of the House and with your permission, Mr. Speaker, Sir, we may even want to conclude both Second and Third Reading on Tuesday, given how long the country has been waiting for this decision.

I just saw a message on my mobile phone before rising to read this statement. It is from one of the governors who would wish to know how long it will take because many of them would wish to plan for supplementary budgets and the like. It is difficult for counties to make that decision before they know the indicative figure that they are likely to get.

I know that by practice, the minute the Mediation Committee tables their report, even before the passage of the County Allocation of Revenue Bill, which is a subsequent to that Bill, county assemblies will have a rough idea of what to expect and how to plan their finances accordingly.

I know it has taken long, but I am glad that finally, that this mediation exercise has been brought to an end and counties can plan, for the remainder of the financial year with a good mind.

Mr. Speaker, Sir, it is my hope that Members of the Senate Standing Committee on Finance and Budget will also immediately commence on the County Allocation of Revenue Act (CARA) immediately after we are done with Division of Revenue Bill, 2024, so that hopefully before we break for Recess on the 6th of December, we conclude on both Bills. Otherwise, how shall we appear before our electorate if we go before them half the year down the line, without the instruments needed to run and operate the fiscal policies of our county governments?

Mr. Speaker, Sir, I would like to urge Members of the Budget and Finance, like Sen. Faki, the Whip, the Chairperson and the Vice-Chairperson, that they have a plateful. If the House Whips can rally the Members of the House, to be present for conclusion of that extremely critical Business for the functioning of our county governments, it will be important.

Mr. Speaker, Sir, I register my appreciation for the business that we were able to transact yesterday. We legislated for a record four hours, yesterday. Beyond speaking, members of the public need to understand that lawmaking is a process. Yesterday, we were actually in it from about 3 o'clock all the way to 6.30 p.m., doing various stages and various amendments.

We have a similar agenda later this afternoon, should we conclude on some of the Bills that are before us. It is unfortunate that we do not have the requisite number to conclude on the vote. However, that does not stop us from proceeding with the legislative work subject to only Division.

I thank you, Mr. Speaker, Sir, and hereby lay the statement on the Table of the Senate.

(Sen. Cheruiyot laid the document on the Table)

The Speaker (Hon. Kingi): Before I request the Clerk to call the next Order, I have this Communication to make.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM KENYATTA UNIVERSITY

Hon. Senators, I would like to acknowledge the presence in the public gallery this afternoon, of visiting Kenyatta University Student Association (KUSA), 20th Congress Members.

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The delegation comprises 74 students who are in the Senate for a one-day academic exposition.

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

I will allow the Senator for Nairobi City County, under one minute, to extend a word of welcome to the delegation.

Sen. Sifuna: Thank you, Hon. Speaker, Sir. I can already hear objections from behind because apparently the alumnus of Kenyatta University (KU) is seated behind me. However, I want to challenge them that they should move closer to the Speaker as I have done, so that it is easy for you to catch their eye or for them to catch your eye, so that they can also be welcoming delegations. I am sure they can trust me with just welcoming students from KU even if I did not go to KU.

Mr. Speaker, Sir, I would like them to confirm if any of them has received an invitation from the delegation from KU to meet with the students outside because I have received it here. I am sure they have not received it. There is a reason why those students are insisting on meeting the Senator of Nairobi City County.

Mr. Speaker, Sir, let me do what you have asked me to do - to welcome the students from Kenyatta University Students Association and wish them a fruitful visit at Parliament. Today is a good day to visit.

Unfortunately, in the morning, as the Senate Majority Leader has alluded to, there was a bit of a stalemate with the question of Division of Revenue Bill. However, we have reached some sort of way forward, which we will be trying to persuade our colleagues in the House to support, given what we saw there. I know that the Whip is looking at me with a stern look because he might not be very happy with what we have to report.

We will be looking to persuade Olekina. I assure the students from KU that despite Olekina's looks and demeanor, he is an amiable fellow. You can have conversations with him and convince him on a few things, including the Division of Revenue Bill. So, I wish the students well.

I heard that they are in the student leadership. Many here started their politics in student leadership. I hope the students can learn something here. Unfortunately, I would not advise them to follow in the footsteps of Sen. Khalwale, even though he says that he is a former student leader. They can see that they are here. So, we hope that this will be a learning opportunity for them.

I guarantee them that the Senator of Nairobi City County is available for you to shake hands, take photos and exchange ideas outside.

Those who are shouting should join me out there. There are certain responsibilities that come with welcoming delegations here, so that you are not just shouting, but when the rubber meets the road, you behave like the Senator of Nairobi City County.

I thank you, Mr. Speaker, Sir.

(Applause)

The Speaker (Hon. Kingi): Sen. Kajwang', you may also extend a word of welcome, and assume the responsibility.

Sen. M. Kajwang': Thank you, Mr. Speaker, Sir, for the opportunity.

Just like the Senate Majority Leader, I am an alumnus of Moi University, during its days of glory, when it was the second university, just before Kenyatta University was established.

Mr. Speaker, Sir, these are student leaders and I would like to encourage them. I was also a student leader. I was the Secretary-General of the Moi University Students' Organization. I encourage the leaders that they need to build a profile that looks at Kenya as a nation.

We were with the Senate Majority Leader at Moi University recently and we addressed a *kamkunji* where we encouraged the students to desist from district associations such as Nandi Students' Association and Homa Bay Students' Association. We lack patriotism and a nationalist approach to issues in this nation.

I, therefore, would like to encourage the students since I know that they have just gone through their elections. Build a nation and unity amongst the students of Kenyatta University.

Mr. Speaker, Sir, we saw in the news that these students sitting in the gallery might not sit exams because their lecturers are on strike. I would like to encourage the Chairperson of the Senate Standing Committee on Education, my Vice-Captain in Athletics. I know he is able and no longer fearful. You can no longer sell fear to him. Please call the Minister in charge of Education. Sit down with him together the Vice-Chancellors (VCs) of our public universities. We have a serious crisis brewing in our education sector.

Mr. Speaker, Sir, Moi University, the university we went to, is collapsing. Soon, you will have a problem with Sen. Aaron and I because if you try to establish the university we went to, you might find it does not exist. I do not know what that will mean for our academic qualifications.

Similarly, at Kenyatta, Machakos and Jomo Keyatta Universities are problems. Yesterday, lecturers came to Parliament to present Petitions. For the sake of the leaders who have come from Kenyatta University, let this House, before we go on recess, find a day and do an Adjournment Motion, so that we can discuss the crisis in the education sector, not confined to the universities, but even in primary and secondary schools.

Mr. Speaker, Sir, we must press the Government. We must come here in the same numbers that we came in on the impeachment day to press the Government to prioritise the most important social sector, which is education. I would like to assure the students from KU that this House is up to the task. The Chairperson of the Senate Standing Committee on Education is also up to the task.

Chairman Joe Nyutu, when you call the VCs, if you need some firepower, you can call some of us, like Sen. Sifuna and the others, so that we can put the VCs online for the sake of our boys and girls at the universities.

Thank you, Mr. Speaker, Sir.

I welcome the delegation.

The Speaker (Hon. Kingi): Thank you. Hon. Senators, for the convenience of the House, I will rearrange the sequence of today's Order Paper pursuant to standing order 45(2). We will instead handle Order No.15. Thereafter, we will resume normal flow as contained in the Order Paper of the day.

Clerk, proceed to call that Order.

BILL

Second Reading

THE PUBLIC FUNDRAISING APPEALS BILL (SENATE BILLS NO.36 OF 2024)

(Sen. Cheruiyot on 14.11.2024)

(Resumption of debate interrupted on 14.11.2024 – Afternoon Sitting)

The Speaker (Hon. Kingi): Hon. Senators, we had started debate on this Bill and at the interruption of debate, Sen. Karungo had the Floor. I am not seeing Sen. Karungo today. Therefore, the Floor is open for debate.

Sen. (Dr.) James Murango, you had already contributed to this Bill. Sen. Joe Nyutu you may proceed.

Sen. Joe Nyutu, if you need time to reorganise your thoughts, then, Sen. Wakoli. You also want to reorganise your thoughts? Then that is okay. Senator Mundigi?

Sen. Munyi Mundigi: Asante, Bw. Spika, kwa kunipa ruhusu nichangie mjalala utakuako wakati wa siasa. Ninapinga Mswada huu kwa sababu hapa Kenya kila kitu kinafuata demokrasia. Wakati tutapitisha huu Mswada kutakuwa na shida kwa sababu kuna matajiri na masikini. Kila mmoja atakuwa anataka kiti ya ubunge, kaunti au Seneta ili asimame. Unaweza pata watu wengine wamekuwa wagonjwa. Kuna watu wako na pesa, watawasimamia hao wagonjwa ambao hawana pesa.

Kwa hivyo, ninapinga huu Mswada sababu watu watakuwa wanatafuta barua ili waweze kufanya harambee. Kwa sababu nchi ya Kenya ina demokrasia, inapaswa tuwe na uhuru wa kila kitu upande wa siasa. Ule hana pesa atajua vile ataomba pesa kutoka kwa wale wako na pesa na ule anataka kuchangiwa atajua vile atafanya ili tuweze kusaidia wananchi wa Kenya. Tunajua ikija mambo ya siasa, hatuna ubaya na mtu yeyote, aliye na pesa na ule hana na kuchangisha iwe huru.

The Speaker (Hon. Kingi): Sen. Nyutu, you may proceed.

Sen. Joe Nyutu: Thank you, Mr. Speaker, Sir, this is a report of the Standing Committee on Education on a petition to the Senate regarding the discrimination by the Teachers Service Commission (TSC) on payment of hardship and enhanced allowances.

The Speaker (Hon. Kingi): Sen. Nyutu, we are debating the Bill. I called you to contribute to the Bill.

Hon. Senators, for clarity, we are now handling Order No.15, the Public Fundraising Appeals Bill (Senate Bills No. 36 of 2024) which is now on the Floor for debate.

Sen. Mungatana.

Sen. Mungatana, MGH: Asante, Bw. Spika, kwa kunipa nafasi kutoa maoni yangu kuhusu Mswada ambao unahusika na mambo ya harambee. Harambee hapa Kenya zimekuwa na shida. Katika historia ya Kenya, Mzee Jomo Kenyatta aliweka Wakenya wote pamoja kwa mwito wa harambee.

Harambee ni jina liko na msingi wa Kihindi ambao unasema kuvuta pamoja. Ukweli wa mambo, hili lilikuwa wazo nzuri sana na limesaidia watu wengi katika Kenya hii. Shida imekuwa kwamba, kuna wengine wametumia nafasi hiyo vibaya. Ni kweli kuna watu ambao wametumia harambee vibaya.

Kwa mfano, tunasikia wewe ni mheshimiwa ama ni kiongozi wa tabaka fulani, umeenda mahali kuomba mwenyezi Mungu na hukwenda kwa mambo ya harambee, lakini hapo hapo, watu wanajipanga na mara unaanza kuambiwa, kuna shida hii na ile. Kwa hivyo, mheshimiwa au mtu fulani ukiwa unaondoka, ujue kuna haya.

Bw. Spika, ni kweli kwamba, kuna watu ambao wamekuwa wakitumia nafasi hii ya harambee hizi kutekeleza mambo yasiyo ya kisawa na mabaya. Pia wakati mwingine tumesikia tunafanya harambee halafu pesa hizo hazitumiki kwa ile mipangilio harambee hiyo ilifanywa. Harambee inafanyika na watu waliokusanya zile pesa, hawajui ni pesa ngapi zilipatikana na hizo pesa zinatumika namna gani.

Watu wamekuja kuelewa kuwa harambee ni namna fulani ya kusukuma mawazo ya watu kuelekea pale wanataka. Sheria hii inasema kwamba viongozi walio mamlakani na tabaka fulani, wasifanye harambee.

Nimeangalia huu Mswada na nikaangalia watu wetu wa Tana River. Nitasema kwetu sisi Tana River, watu wetu wanaotuita harambee, wanatuita kwa sababu ya shida. Kama wewe ni kiongozi na sio lazima uwe ni mheshimiwa, kuna walimu, madaktari na wafanyi biashara mashuhuri ambao pengine mwenyezi Mungu amewafungulia neema zake.

Sasa watu wakiwa na shida, pengine mtu amepata ajali, mtoto au bibi yuko hospitali, ama pengine ni ugonjwa na watu hawana bima. Wamezoea kwamba, kifo kikikupata, unatafuta familia yako. Familia yako inaona hiyo pesa wamekusanya haitoshi na mazishi yako bei ghali. Hii ni kwa sababu, ni lazima watu wale, mwili utolewe kutoka *mortuary* uletwe, watu walale usiku. Kule kwetu, watu wanaimba nyimbo usiku mzima, halafu asubuhi, ndio watu wanaenda kanisani.

Bw. Spika, ukiniambia mimi kama Seneta wa Tana River ya kwamba, leo nipige kura ama nizungumzie Mswada ambao unasema nisisaidie watu wangu, siwezi kubaliana na wewe kabisa. Ninaomba Bunge letu hili la Seneti tuwache mambo yawe wazi. Ikiwa wewe unaona hutaki kufanya harambee, basi usifanye harambee. Ikiwa unaona wewe unaona mtu amekufa na watu wana shida pale na unaweza saidia, wasaidie. Unaweza kufanya harambee ya wagonjwa, wasaidie. Watoto wamekwama shule, bursary ndio hizi hazipatikani, msaidie kwa njia ya harambee. Watoto wengine wanaambiwa waende shule kwanza ndio wapate bursary.

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Tafadhali, kama mtu amepata nafasi na Mwenyezi Mungu amemubariki hata kama ni kwa uchache, yeye ni mwalimu mkuu mahali, mfanyabiashara, District Officer (DO), District Commissioner (DC) ama yeye ni Mbunge wa kaunti, Seneta, Bunge la Taifa au Waziri; kwa nini tuwafungie baraka zao?

Sisi tunafundishwa katika Biblia ya kwamba mtu anayetoa anabarikiwa. Kwa hivyo, kama kuna nafasi ya kupata baraka zile za Mwenyezi Mungu, kwa nini tusizipate?

Bw. Spika, mimi naomba sana tusipitishie sheria ambazo ziko kinyume na matakwa ya wananchi wetu. Sijui hapa mjini kuko namna gani. Pengine hapa mjini watu wako na pesa. Pengine hawataki kufanya harambee. Lakini sisi tunaishi na hizi shida. Wabunge wetu wa kaunti kule wanasema, “Mheshimiwa nisaidie. Nimezidiwa.” Sasa kama Mbunge wa Bunge la Kaunti anakuambia umsaidie, halafu unakataa eti tumepitisha sheria, wananchi hawataikubali sheria hii kwa sababu wananchi ndio wanatuambia tuwasaidie. Sio jambo la uwongo ama ujanja.

Wale tunaenda kwa kaunti zetu, tunapata kuwa nyumba nyingi watu wako na shida. Watu hata chakula hawana. Umeenda kutafuta chakula huko na umevamiwa na nyati ama umeumwa na mamba huko mtoni halafu mtu anakuambia eti kuna sheria inasema huwezi kwenda kwa Member of the County Assembly (MCA) ama Mbunge wako umuombe msaada. Mimi sioni kama hii sheria itatusaidia. Haisemi mambo ya wananchi.

Nataka kueleza hivi. Kuna sheria ambazo tumepitisha hapa Kenya ambazo baadaye tumekuja kujuta. Kuna sheria ambazo zinasukumwa na watu fulani kama hizi NGOs. Wanasukuma sheria fulani eti tufanye hivi ndivyo dunia inavyoenda. Halafu hizo sheria haziambatani na matakwa ya wananchi waliotuchagua hapa. Halafu baadaye kidogo unaona sheria hizo zinaanza kutupiga kule mashinani.

Hakuna haja kupitisha sheria ambayo itasema kama mtu ako na nafasi ya kusaidia na mwenzake amekuja ameweka mchango, hatuwezi kumsaidia. Kwa hivyo, huu Mswada kama ni kuipitisha lazima ufanyiwe marekebisho ya kuwapa watu nafasi. Iwapo kuna pingamizi yoyote au shida yoyote, irekebishwe.

Lakini kusema ya kwamba eti Maseneta, Mawaziri, walimu, naibu kamishina wa kaunti, madaktari na wengineo, kwa sababu umeajiriwa na Serikali, huwezi kushiriki katika harambee usaidie wananchi wako, mimi sioni kama hilo ni wazo nzuri.

Ninaomba Seneti tuangalie huu Mswada, tujadili vizuri na tuuelewe. Tusije tukapitisha sheria ambayo ukirudi nyumbani, unaenda kutandikwa nayo.

Kwa hayo mengi, *in principle*, mimi siukubali huu Mswada. Nataka Mswada ambao utatupatia nafasi wale wanaoweza kutoa watoe wapate baraka zao; wale ambao hawana uwezo, Mungu atawasaidia waendeleo nazo. Lakini kuzuia mtu, mimi sipo hapo.

Bw. Spika, asante kwa nafasi hii ya kueleza mawazo yangu.

Sen. Onyonka: Bw. Spika, nimemsikia ndugu yangu, Sen. Mungatana, akizungumza na nikajiuliza, yeye anaishi nchi gani? Huu Mswada haujaletwa hapa ili kumkataza mwananchi wa kawaida ama kiongozi ambaye ana pesa ya kutoa, asaidie mahali palipo na ugumu.

Lengo la huu Mswada ni kuhakikisha ya kwamba wale viongozi ambao wamekuwa wakiiba rasilimali za wananchi, halafu unaenda kwa matanga ili kuonyesha watu masikini kuwa wewe unaweza kulipa shilingi 200,000 kumzika mtu aliyefariki

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lakini wakati ulipokuwa kiongozi, haukuzungumzia vile atakavyotibiwa kwa hospitali ambazo hazina madawa.

Sheria tunayotaka kubadilisha ni kutoa ufisadi tunaposaidia watu masikini kwa sababu wakati tunasaidia wao, tunajifanya kuwa tunawasaidia lakini hatusuluhishi zile shida ambazo nchi yetu iko nazo.

Kwa hivyo, ndugu zangu wale mko hapa, nakubaliana na nyinyi ya kwamba mnaweza kufanya *amendment* kwa Mswada huu. Lakini naomba niwaambie hivi: Sisi ndio tumeharibu uongozi wa nchi yetu. Sisi ndio wafisadi wakubwa na sisi ndio wanafiki wakubwa.” Barabara zetu ni mbaya. Hospitali zetu hazina madawa. Hakuna maji katika nyumba zetu. Halafu ukisikia mtu ni mgonjwa unasema tumia huyu jamaa pesa, basi anakufa na tutamzika.

Ningependa kuwauliza nyinyi viongozi hapa huu Mswada uendelee vivyo hivyo ili tutoe ufisadi dhidi ya kusaidia mtu maskini. Ukitoa pesa kwa kanisa au kwa mchango, tumia mpesa na useme hizo pesa ulizitoa wapi ambayo umenitolea kwa sababu nimefariki; wakati nilipokuwa mgonjwa, hakukuwa na madawa.

Asante, Bw. Spika.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. Taking over from where the Senator of Kisii has left, I want to remind colleagues that this is our baby. When we rose to respond to the disaster of the Gen Zs, one of the things that we resolved upon in this House in that great debate that we had never seen before, was to address the displeasure of the young people on how we spend all our time showing off opulence, choppers and vehicles that cost over Kshs51 million. The youths because they are better educated than what our generation was at their time, they are able to relate your income with what you contribute in harambee.

So, we said let us regulate this. I want to urge colleagues, let us read this Bill. The intention of this Bill is not to abolish harambees. The intention is to sanitize, make it decent and make sure that we do not hide in harambees to practice corruption.

How can you accept the fact that you are taking your ill-gotten money to a funeral of a mass accident like the one we had in Ikolomani at Iguhu, River Lukose. You take those millions and yet the reason the accident took place is the bad state of the roads. If we had a dual carriage from Nairobi to Kakamega, Busia and Uganda, the accidents that take place on these roads would be reduced by over 80 per cent.

Sen. Mungatana, thank you very much for your passion, but the point is do not give us money which you have stolen, which would have fixed the roads and those bad roads have caused us to die. Do not bring us that money. Allow the police to come after you, so that you can be brought to book.

Sen. Mungatana, MGH: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): What is your point of order, Sen. Mungatana?

Sen. Mungatana, MGH: Mr. Speaker, Sir, did you hear the Senator for Kakamega, my very good honourable friend, say that “do not bring us the money that you have stolen?” If you get something and you want to help, is it a presumption that the people who are helping like teachers, doctors and the poor prosperous farmers are thieves? People in my county are dying of hunger.

Sen. (Dr.) Khalwale my good friend, please, stop playing to the gallery and address the issues. I do not think that is a correct statement.

The Speaker (Hon. Kingi): Hon. Sen. Mungatana, I do not think that Sen. (Dr.) Khalwale meant that.

Indeed, if you remember, during the debate on the State of the Nation, none other than the Hon. Senators were of the view - and after listening - that there could be dirty money that is making its way into the harambees.

Therefore, it is important to bring transparency to the harambees; it is decent to do some accountability in the way we do these harambees. Out of that concern, this House is going to resolve that action is taken. One of them is basically to legislate and bring sanity to the harambee space.

So, yes, there is that general perception that not everybody who contributes to harambee is a thief, but as you know from my use of a Kiswahili saying, "*Samaki mmoja akioza, bahari nzima imeoza.*"

This particular piece of legislation is to address that particular one, if and when there are 1,000 wonderful people. At least this particular person who we are not sure of his sources of funds, such funds should not make its way into the hands of the public. That is why this law is proposed.

I do not think that the Hon. Senator for Kakamega County had an ill motive in saying that some of these monies are dirty. That money could have fixed a bad road. If at all it ended up in the wrong hands, it is that money that is coming at the tail-end to bury that victim of that very bad road; that came as a result of the money that had been stolen.

So, it is that space that we are trying to clean up. There are good people who will bring their hard-earned money and those questionable amounts that still find a way. Therefore, to make sure that we have good money in this harambee ecosystem, the proposed law is just to sanitise that space.

Sen. (Dr.) Khalwale, you may proceed.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I would not have put it better. I truly thank you.

This Bill is not a joke. There is still money meant for drugs in hospitals and thanks to that shortage, patients die and they come to bury us. They steal money meant to fix our roads, they go ahead and buy four-wheel drives that can avoid potholes. They buy choppers, courtesy of those bad roads, when we die, they come to show us. We do not want that money.

In Tana River County, I have had the choice and pleasure, for six years, to practice medicine, in the former Coast Province. I know what poverty has done, not just at the Coast, but in the entire country. So, they steal money meant to improve the productivity of the lands at the coast, so that they allow the people of Tana River County to come to them through harambees, begging for food. Through this law, we do not want that kind of money.

This law has been very well-thought through. When you read through it, it is not casual. Let me respond, for example, to the concerns of the Senator for Tana River County on this Bill. We have Part III, which speaks to fundraising appeals. Clause 8 says-

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“The provisions of this Part shall not apply to a private fundraising appeal where the solicitation is made from members of the beneficiary’s nuclear family or relatives and does not extend to members of the public.”

This Bill will allow us to sit as a family in Malinya and a family in Idakho and do our fundraising. What they are against is public fundraising. The law has gone further in Clause 9 to create a distinction between public and private fundraising. It is the public fundraising that we want to control.

I, therefore, wish to appeal to colleagues; let us go through this proposal with a tooth comb, so that we can refine it for it to be better. Are you saying this thing is a joke? A few days ago, you saw none other than the Catholic Bishops in Kenya speak to this issue. In fact, in an unprecedented action. Archbishop Philip Anyolo, who for the information of this House is a man born in Shinyalu and he is the Archbishop here in Nairobi, has done the unthinkable. He has returned the money to politicians.

Mr. Speaker, Sir, when we are doing something that does not appeal to the public and knowing that Catholics control over 50 per cent of the Christians; they have permeated all our villages in country. They could possibly be the voice of the poor who we pretend to be assisting, when thieves are using that opportunity to sanitize money that they have stolen from our coffers, they may not accept our money.

We must address it so that on Sunday, when I go to church, when all our other politicians go to church, including the Head of State, he can comfortably make his contribution without any worries as to the interpretation.

This law has gone further. In Clause 11, they have put exemptions, and the exemptions are here. If you go to Clause 11, they tell you that money or property collected by or under the authority of a recognized representative of a religious association is exempted. It means once the law is through, we can then go to Archbishop Anyolo and give him our contribution to help the church be constructed.

I would be the last person to fight the harambee spirit because if it had not been for the Kshs100 in 1976, which Mwilista Lihalang’ang’a gave me as a contribution to my harambee, I would not have finished my education in Musingu High School.

Musingu High School, one of the top schools in this country. It was started by the spirit of harambee. Shiywe Hospital, which I have upgraded from a dispensary, was started by a harambee drive. Therefore, harambee is good. However, if unregulated, people will use it to sanitise the money they steal from us.

I conclude by acknowledging that this is indeed a difficult decision to make. Someone who will not take trouble to read this Bill will think we are against charitable activity. No!

One of the charitable organisations I belong to where I am a director, Touch Africa was started by the late Michael Kijana Wamalwa because he believed in touching people. We want to touch people, but with honour and not when taking advantage of them.

Mr. Speaker, Sir, I support this Bill strongly. I propose that at the right time, we will come with proposals to amend it, so as to make it better.

I thank you.

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

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Sen. Olekina: Mr. Speaker, Sir, I have no beef with people coming together to help one individual improve their status of living. I grew up in a society where we encouraged the harambee movement. However, I believe that the pace we are now taking in regulating fundraisings is completely ill-advised. I say so, because I have taken some time to read through the Public Fundraising Appeals Bill (Senate Bills No.36 of 2024). I do not support the proposals made in this Bill.

We are a country that should be working hard to ensure that every citizen has access to free health care. We should be working so hard to ensure that every young child born from the bundus of Narok or Turkana are able to get access to quality and free education as well as health care. Regulating this kind of fundraising is making sure that we are condemning this generation into poverty. I completely detest that approach. I have listened to the Majority Whip talking about how he could not have finished school without harambee. That is very true to all of us. However, are we going to stagnate and stay there for the rest of our generation or are we going to do things differently?

Earlier on in the morning session, the Cabinet Secretary for Lands, Public Works, Housing and Urban Development made a statement that Narok County, with six sub-counties, will be entitled to a minimum of 220 houses per sub-county. That makes it about 1,320 houses for Narok County. When I stood to enquire further on that, she said that it is just the beginning.

Mr. Speaker, Sir, I invite my colleagues to discuss how we will make sure that the State take responsibility of those who have not been given an opportunity to get where we are. When you require us to profile individuals carrying out fundraising activities, I then conclude that we are contented with being poor and widening the gap between the rich and the poor.

You cannot say that you will maintain an annual register of persons licensed by it to conduct a public fundraising appeal under this Act. You go further to say that you will have a Cabinet Secretary who will authorize. You even go further to say that in each county, you will have a CECM who keep a register. We are completely losing our trajectory in terms of development in this country.

If the Sponsor of this Bill was telling us to regulate charitable organisations so that they can spell out their mission and goals, we would regulate them and allow them to carry out fundraising. In America, where I spent almost 20 years of my life, we had non-profit and charitable organisations. Are we saying we want to profile and keep a list of individuals? I wish we were talking about keeping a list of charitable organisations.

Mr. Speaker, Sir, we need to change and find out when the rains started beating us to a point where we are paying for primary school education when we had made progress during the period when the late President, His Excellency Mwai Kibaki came into power. Children would easily go to school for free. If you ask any of these Members seated here to show you their phones, you will find a harambee invitation to pay school fees or a person to go to hospital.

This Bill says that this is an Act of Parliament to provide a framework for regulations in the conduct of public fundraising appeals to promote transparency and accountability in carrying out of fundraising appeals and foster great philanthropy. I detest this.

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How do you foster great philanthropy when everybody in this country knows that the only people who can come up with money are politicians? Are you not encouraging corruption then? Are you not encouraging an issue where you are elected to office because of how much you can give instead of meritocracy?

We need to focus on developing this nation. We need to come up with policies that will ensure that we narrow this gap between the rich and the poor; those who have and those who have none.

We made progress by introducing a new Constitution. We now have counties. We now have to change the way we make legislation. I long for the time that we will be sitting here and talking about the residents of Tana River County who have decided that every child in that county will go to school for free. That the money they are taxed will be directed there. However, if we are regulating fundraising and then in the same law, say you are excluding family fundraising activities---

I beseech all of us to move away from this kind of legislation. We are over-legislating.

(Applause)

Let us sit down and see how we will make sure that we develop policies that will ensure that in future, a granddaughter of the Majority Whip or the Senate Majority Leader will go to school, not having to worry about harambees.

(Sen. Cherarkey spoke off record)

Yes. The Senate Majority Leader keeps on telling us about harambees, which is pushing us back. We were profiled as a less developed country. We went up to a medium developing country. We have now gone to a point where we have developed nations.

I am sure my good brother, the Chairperson of the Committee on County Public Accounts (CPAC) will tell you that when they went to the Conference of the Parties (COP29), our Presidents did not even go. So, it was just a room full of individuals who have dreams, but cannot implement them.

They were just talking about giving Africa US\$1.3 trillion, just because we spent US\$3 trillion in promoting warfare among countries. It is a talk show. I want to plead with the sponsor of this Bill. My good brother, my good friend and the Senate Majority Leader, amend this Bill to regulate charitable organisations. I will support him 100 per cent on that.

Number two, let us ensure that we have registered these charitable organisations or non-profit making organisations. If they are supported by an entity outside the country, whatever is imported here is not taxed again at the airport. I am sure the Majority Leader has received so many phone calls from NGOs saying that they received books as donations, but they are being asked to pay taxes.

Mr. Speaker, Sir, to save this Bill, let us not limit it to individuals. Let us come up with the proper regulations for charitable organisations. Let us persuade each county to say their biggest problem. Recently, I saw a gazette notice where the Cabinet Secretary in

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charge of Foreign Affairs has decided to give immunity status to one charitable organisation called the Melinda Gates Foundation.

One word caught my attention when it came to the reason for giving that immunity. This is a charity organisation that has been set up to fight poverty. This is why we are giving them immunity. This immunity only extends to expatriates who come and work in this country. However, Kenyans who would have been co-opted to work in that company would not be immune. Come on.

Why are we creating these different classes? Why are we profiling people? So, I want to support and plead with the Majority Leader because he is one young man who is intelligent and has managed to change a lot of things. During the Committee of the Whole Stage, let us change the proposed legislation. Let us strictly regulate charitable organisations.

Once we regulate those charitable organisations, the role of counties can now come in. We all know our counties. We all know the status of our counties. We are informed by Sessional Paper No.10 of 1965 and the current situations of our Division of Revenue Bill, our County Allocation of Revenue Act (CARA), how money is divided, the debate that we have on a daily basis of how we divide revenue, whether by the size of the land or by the number of people who are there. We are also informed by the Kenya Bureau of Statistics, which tells us about the poverty in our counties.

Why can we not ensure that charitable organisations set up to work in every county are helped, assisted and registered based on the circumstances of each county?

There will be no interest in you supporting a charitable organisation that is coming to Narok to count wild animals. What for? But if you tell me that you will go to West Pokot and ensure that you are funding a charitable organisation that brings people together for cohesion and makes sure that it supports education, I will be among the first ones to say, "Let us go for it."

In conclusion, I would like to see this Bill become law. However, let us make it so that it does not profile people or keep us stagnating. Let us now think like these developed nations that want to sponsor this charity organisation.

As I wind up, many of these charity organisations will raise a billion dollars and say they will fight poverty in Africa. They will speak for Kenya and give Kenya US\$200 million. I will tell you a fact that you can check. By the time that money lands in Kenya, 80 per cent has gone into administration. Only 20 per cent is what ends up fighting poverty.

I am quite versed in this area. I want to support the Majority Leader in regulating charitable organisations. We want to make it easy for people to improve their standards of living. If today I want to go to Senator Kipsang's home and support a local church there, should I be regulated to do so?

Thank you, Mr. Speaker, Sir.

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

Sen. Chimera: Asante, Bw. Spika kwa kunipa fursa hii ili niweke kauli yangu kwa Mswada huu. Nimesikiza michango ya viongozi wenzangu juu ya Mswada huu. Nimeona ni kama tunakingana kimawazo. Kuna wale ambao wamelichukulia suala lote

hili kimakosa na wakaona sababu kuu, ambayo ni kwa nini sheria hii imefika katika Bunge letu la Seneti. Ni kutokana na msukumo wa vijana wetu Gen Z.

Nawaunga mkono kwa sababu awali tuliona viongozi, baadhi ya watu katika nyadhifa mbalimbali katika uongozi nchini walikuwa mstari wa mbele kufanya Harambee ambazo nizakutishia.

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

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

Kutishia kwa kiwango ambacho wanatoa katika harambee zile kwani ni cha juu. Viongozi wengi ukiangalia mshahara ambao tunapokea kama maseneta, wabunge, magavana, makatibu na mawaziri hailingani na kiwango ambacho wanatoa katika harambee hizi. Ndiposa mori ama hasira ikawajaa Gen Z na wakasukuma kwamba lazima kuwe na sheria ya kudhibiti harambee hizi.

Bi. Spika wa Muda, ningependa kukueleza kuwa hatua hii ya kupitisha sheria ya kudhibiti harambee, wazungu husema ni *knee-jerk reaction*. Kwamba ni magoti juu kama ninavyoelezewa hapa nyuma. Haitoi suluhu ya tatizo hili.

Leo hii mimi ni Seneta maalum. Ninawakilisha vijana na natokea Kaunti ya Kwale. Kila kukicha simu yangu ya rununu, simu ya mke wangu ya rununu, simu ya *personal assistant* na hata wazazi wangu hupata jumbe za kwamba kuna mchango mahali. Kwamba kuna mgonjwa anahitaji matibabu. Mimi kama kiongozi ambaye nimeteuliwa, sijapigiwa kura ama kutaja kuwa nataka kuwania nyadhifa yoyote katika kaunti yangu ya Kwale.

Lakini kwa sababu wananchi wa Kwale na wa Kenya kwa ujumla wana taabu, shida na kutamani kupata msaada kutoka kwa viongozi wao unapata jumbe zile za kukualika katika harambee mbalimbali, kuchangia karo ama ujenzi.

Pale eneo Bunge la Kinango mahali panaitwa Kwa Kadogo kuna jamii imenifuata mara nyingi wakiomba msaada wa kutengeneza choo cha umma, ambacho ni jukumu la serikali ya kaunti. Lakini serikali ya kaunti haiwezi kufanya kila kitu kwa sababu ya uhaba wa fedha na mipangilio.

Kwa mfano, ikiwa wananchi wetu wanahitaji choo cha umma cha shilingi 70,000 au 100,000 na wamemfuata kiongozi wao aweze kuongoza shughuli ya harambee ili mradi ufanyike na jamii nzima isaidike kijumla, sio tu kwa leo, kesho wala mtondogoo bali kwa siku nyingi zijazo, sioni makosa.

Bi. Spika wa Muda, ni kinaya kuwa sheria hii inampa mtu binafsi ambaye ni Waziri wa Serikali kuu na serikali ya kaunti nguvu kupita kiasi katika hali ya kudhibiti suala la harambee. Tusiwe Bunge la kutunga sheria ambazo zitatufinya sisi kama viongozi. Lazima tuketi na kuulizana wapi kuna shida.

Ikiwa tunafanya harambee nyingi kwa sababu ya ugonjwa, basi Serikali, kama serikali zilizopita, inafaa kufanya juhudi za kutafuta suluhu na kuhakikisha kwamba kila Mkenya anaweza kupata matibabu bila dhiki ya kuuza mali yake au kufanya harambee.

Nataka nishukuru Serikali kwa ule mfumo wake---

Sen. Cherarkey: On a point of order!

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The Temporary Speaker (Sen. Veronica Maina): What is your point of order, Sen. Cherarkey? I do not know why you are testing your card on the Dispatch Box.

Sen. Cherarkey: Madam Temporary Speaker, it is not functional. I wish the new commissioner was around, so that we launch a formal complaint to him.

Madam Temporary Speaker, I am rising under Standing Order No.105 on accuracy of facts and also Article 96 of the Constitution of Kenya. If you heard the humble submissions by our brother-in-law as Nandi County, Sen. Chimera has asserted that there are other forces forcing the Parliament of Kenya to do legislative interventions. Under the Constitution, it is our inherent right as legislators.

Could he be ruled out of order for implying that we get orders from other people? Even the visitors in the gallery might imagine that we legislate based on knee-jerk reactions. Is it in order?

The Temporary Speaker (Sen. Veronica Maina): Senator, before I give you a chance to respond to that point of order, let me make a communication.

(Interruption of debate on Bill)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM IKOLOMANI
CONSTITUENCY, KAKAMEGA COUNTY

Hon. Senators, I would like to acknowledge the presence in the public gallery this afternoon, of a visiting Community Based Organisation (CBO) known as Shisere Tosha from Ikolomani Constituency in Kakamega County. The delegation is in the Senate on a courtesy call to Hon. Rachel Ameso Amolo, Commissioner of the Parliamentary Service Commission.

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

I thank you.

(Applause)

I want to give this opportunity to the Senator for Kakamega County, Sen. (Dr.) Khalwale, to welcome the delegation to Senate.

Sen. (Dr.) Khalwale: Madam Temporary Speaker, allow me to welcome the young women from Ikolomani. I have special words of thanks to Hon. Rachel Ameso, who is the host of this CBO.

Hon. Rachel Ameso is one of our commissioners of the Parliamentary Service Commission (PSC). I am aware that the commissioner purposes to become the women representative of Kakamega---

(Sen. Abass crossed the Floor)

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without bowing to the Chair)

The Temporary Speaker (Sen. Veronica Maina): Sen. Abass, is that the normal courtesy you are supposed to show? Could you show some courtesy?

(Sen. Abass walked to the Bar and bowed to the Chair)

Sen. (Dr.) Khalwale: Madam Temporary Speaker, I want to wish her well.

As I welcome these great women, allow me also to congratulate the Member of County Assembly (MCA) of Idakho North, Mama Gladys Omukongolo. I am sure she is in the delegation. What a coincidence that the group is in the House today, when the hospital that I upgraded from a dispensary to a maternity health centre, has the same name and it was started courtesy of harambee by Seth Lugonzo?

I, therefore, thank you for coming. If you finish quickly, I would like to meet you behind the tent, so that *khukhole amakhuba aka abedakho bakholanga nobele nololi mcheni. Murio muno okhwitsa.*

I thank you.

The Temporary Speaker (Sen. Veronica Maina): Sen. (Dr.) Khalwale, that language is not parliamentary. We did not understand the language you used, but we will not use more time. However, you are cautioned to use parliamentary language that is understood.

The Temporary Speaker (Sen. Veronica Maina): What is it, Sen. Wakoli? You may resume your seat, Sen. (Dr.) Khalwale.

(Sen. (Dr.) Khalwale sat at his place)

Sen. Wafula: Madam Temporary Speaker, what my good doctor and bullfighter said is that we welcome and we will do what we always do to guests and honourable people from our community. On behalf of Bungoma County, I also welcome my mothers in the House.

I thank you.

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

Sen. Chimera, you can proceed to clarify what you meant based on the point of order raised by Sen. Cherarkey.

(Resumption of debate on Bill)

Sen. Chimera: Bi. Spika wa Muda, nafikiri ndugu yangu kutoka Nandi alikuwa anazungumza kuhusu mshtuko wa goti kuashiria kwamba tunaleta sheria kwa sababu ya kile kijulikanacho kwa Kimombo kama *knee-jerk reaction*. Sikumaanisha kwamba kuna msukumo kutoka sehemu mbalimbali. Hata hivyo, ikumbukwe kuwa vijana wetu walipiga kelele kuhusu taswira yote ya masuala ya harambee ndiposa tunaona sheria hii imefika Bungeni leo.

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Sikusema kwa kukusudia vibaya. Nilikuwa naweka wazi tu kwamba kuna msukumo uliofanya Mswada huu kufika hapa. Kuniradhi kama imeeleweka, naomba kuendelea na mchango wangu.

The Temporary Speaker (Sen. Veronica Maina): You can proceed.

Sen. Chimera: Asante, Bi. Spika wa Muda. Napinga vikali Mswada huu. Kipengele cha 13 (1) na (2) kinasema kwamba mtu yeyote anayefanya kazi katika ofisi ya umma haruhusiwi kujihusisha kamwe na shughuli za harambee. Vile vile, mtu yeyote anayewania kugombea kiti chochote miaka mitatu kabla ya uchaguzi mkuu haruhusiwi kufanya harambee. Ni kinaya kwa sababu shughuli yote ya uongozi ni kuweza kusaidia jamii yako.

Mtu asikueleze eti kwa sababu kuna hundi kutoka National Government-Constituencies Development Fund (NG-CDF), National Government Affirmative Action Fund (NGAAF), ama gavana atakuwa na fedha kutokana na Mswada ambao tumepitisha leo, nafikiri takriban milioni 387---

Naipongeza Kamati ya Mediation kwa kufanya vile. Haimaanishi kuwa ukipewa pesa hizo na una jukumu la kutoa *bursary*, basi huwezi kwenda kwenye mfuko wako kibinafsi ili kusaidia jamii yako. Nafikiri huo si uongozi halisi.

Sisi wapwani tunasema kuwa kuna kutoa sadaka kwa Mwenyezi Mungu. Ukitoa, haimaanishi wewe ni tajiri. Kuna msemu unaosema; kutoa ni moyo wala si utajiri. Ukichanga, unakuwa umeunda sadaka yako kwa Mwenyezi Mungu kwa sababu kuna maisha ya dunia na ahera.

Sioni haja ya kuweka sheria kumdhhibiti kiongozi kama vile Sen. Mungatana ambaye yuko tayari kusaidia watu wa Tana River. Sisemi kuwa yeye ni tajiri. Mimi nimeteuliwa na niko tayari kusaidia watu wa Kwale katika michango, iwe ni harambee kuhusu mambo ya afya au kujenga kanisa.

Wikendi hii, nitaenda Lunga Lunga Catholic Church kufanya mchango ambao wamenialika kwa sababu mimi ni mkristo mkatoliki na nina imani. Bibilia inasema kwamba, tukija pamoja, Yesu yu ndani yetu na kwamba, ni jukumu langu kama kiongozi kujenga hekalu la Mwenyezi Mungu.

Vile vile, nimealikwa katika harambee Guro kujenga kituo cha afya, ambayo siyo jukumu langu. Kwa sababu mimi ni kiongozi, siwezi sema kuwa siwezi ingawaje sina fedha ya kufanya huo mchango. Lakini kuna marafiki ambao wameenda shule, ni wafanyi biashara, Mwenyezi Mungu amewabariki na wapo na nia ya kuregesha mkono katika jamii zao.

Bi. Spika wa Muda, sio sawa kuleta sheria ya kudhibiti mtu ambaye yuko tayari kutoa. Nimesema kutoa ni moyo wala sio utajiri.

Napinga vikali Mswada huo.

Shukrani na Mungu awabariki.

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

Sen. Eddie Oketch, please, proceed.

Sen. Oketch Gicheru: Thank you, Madam Temporary Speaker, for giving me this opportunity to give a few thoughts on this Bill that has been moved by the Senate Majority Leader.

Essentially, this Bill seeks to curb or regulate fundraising. However, the Senate Majority Leader has been greatly misunderstood. I listened to the Senate Minority Whip describing the intent of this Bill as that of being able to overly deal with any kind of donations or charitable deeds, especially in terms of money.

I do not think that is what the Senate Majority Leader seeks to cure here because I do not think that the idea of this Bill is to attack, for instance, the charitable or non-profit organizations that we have in the country.

I think the Senate Majority Leader is seeking to cure problems that we have seen of public leaders using the platforms of fundraising as a way of basically capturing the people and insincerely taking control of public discourse. That is a fundamental problem. To that extent, the Senate Majority Leader is right, because Chapter 6, Article 73 of the Constitution, which is what I think is the crust of the problem that the Senate Majority Leader seeks to solve, talks about responsibility of leadership.

Madam Temporary Speaker, we have seen lack of responsibility by leadership where the political leadership, to be specific, has been irresponsible on issues of fundraising in the sense that the amounts of money that we see going to fundraising, cannot be explained by any means possible by the political class. This is the reality that the public is getting tired of that kind of behaviour.

Secondly, we are seeing a pseudo-control where, when a politician contributes in different platforms or institutions, they take control of that institution completely. This is a reality that we must face as a country.

This is why the Senate Majority Leader has come with this particular Bill. That is the reason I am taking you back to Article 73, under Chapter 6 of the Constitution, that talks about responsibility of leadership.

It says –

“(1) Authority assigned to a state officer,

(a) is a public trust to be exercised in a manner that-

(i) is consistent with the purposes and objects of this Constitution;

(ii) demonstrates respect for the people;

(iii) brings honour to the nation and dignity to the office; and

(iv) promotes public confidence in the integrity of the office

Madam Temporary Speaker, people have lost trust in public officers, particularly led by politicians. Politicians who will do harambees in different places have also lost respect for the people.

In addition, the manner in which the acts of harambees are being exercised do not bring honour to the nation, integrity and dignity to the offices that we have.

Madam, Speaker, what does this mean? If you read further that Article, sub-article (b), says-

“Authority assigned to a state officer-

(b) vests in the state officer the responsibility to serve the people, rather than the power to rule over them.”

The political class are ruling over our people because of these harambee. They are not serving our people. So, this is a serious conversation that the Senate Majority Leader has brought in the House that must be addressed.

The question is: Is this the right way to respond to this problem that we are facing in the country? This is what I want to appeal to the Senate Majority Leader. It is not the right way to respond to this problem because he is trying to legislate bad behaviour.

Madam Temporary Speaker, you cannot legislate politician's bad behaviour of using the fundraising platform to control, rule, disrespect and take advantage of the people. This Bill is basically indicting the Ethics and Anti-Corruption Commission (EACC). We established a constitutionally allowed institution to deal with the misbehaviours of public officers and state officers under EACC.

This Bill basically tells us that the EACC has completely failed in doing its work. Instead of sponsoring this Bill, I want to encourage the Senate Majority Leader that, together we can work on rethinking the EACC in terms of the way it can deal with matters of Chapter 6 of the constitution, because that is where the rot is coming from. You cannot legislate fundraising in the country because Kenyans come from communities. From the family, to the community, tribe, county and to the nation, we know what fundraising goes to do.

Madam Temporary Speaker, for the purpose of this conversation, I would like to enumerate them. We have four fundamental areas where our people find themselves in situations that they did not wish to find themselves in, where they are forced to fundraise for.

The first one is education. There are schools in Nyatike Sub-County, Masangora in Kuria West Sub-County, Kuria East, there are schools in Rongo, where I come from, that children sit under the parents' table to be learn and when they go to school, they sit under the tree to be educated.

What is wrong when that community comes together as a community, in the event that the Government has not built a school there to build those schools? What is the problem with that? Are you telling me that if people do not come from well-to-do families, they cannot reach out to their neighbours who are well-off to help them build those schools? All the schools in this country have been built as a function of fundraising. We cannot kill that.

Still on the issue of education, the other problem is that of school fee. I assure you that, that 70 per cent of the young people who have passed primary school, cannot afford to go to school despite the fact that we have NG-CDF to supplement their school fee.

Madam Temporary Speaker, I take this time to share my story with you and I am not doing this for the sake of gimmicks. In the year 2005, having been adopted by a Kikuyu family in 2004 and lived with eight families, I was meant to join Friends School Kamusinga in 2006, since I did my exams in 2005. Since I could not afford school fees, remember, the former President, Hon. Kibaki, had tried to do what we are doing now, by Executive power. President Kibaki had put an Executive Order that banned public solicitation of funds in 2003 and 2004.

When I passed to go to Friends School Kamusinga, I did not have money. However, the issue of fundraising had been banned by the Kibaki administration. It meant that I had to go to the District Commissioner (DC) to get a proforma to raise money. For three months, I could not get the DC to write for me a proforma to solicit funds.

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Madam Temporary Speaker, when I eventually got the proforma, I was only able to raise Kshs800 after three months. I missed the first term because I could not raise money and I could not get through to the District Commissioner's (DC) office.

I joined the Friends School Kamusinga in second term when all my peers had gone through first term. Even then, it was through that act of having a proforma that I met one gentleman, Kennedy Okong'o, a lawyer in town, who wrote for me a cheque that enabled me go to school and become a Senator today in this House.

Then today you are saying that for children like me who might not have been aggressive enough to get to a DC have to now go to a Cabinet Secretary or a CECM in the county to get a fundraising document in order to go and raise money. Where are we going as a country?

Secondly, the area that people are facing a lot of problems in is in the medical issues. It might look simple for people here who have medical cover to think that medical issues in this country are easy. However, we have people in this country who are held as prisoners of hospitals because they cannot pay Kshs30,000 to get out of hospital. So, the moment you say that for them to raise money and leave hospitals or get medical attention, they should look for a CECM, form a committee and look for people who are well off, what shall we be doing to our country? Let us legislate the bad manners of politicians and let the EACC do its job.

Madam Temporary Speaker, we also have another area that people do not understand - the burden of funerals in this country. As a political class, that is another area I have gotten many requests from. Someone has suffered and died in a hospital. Then they get imprisoned in mortuary and yet they are dead because their families cannot afford a fee of Kshs30,000 or Kshs10,000. Sometimes it is as little as Kshs5,000, but a family cannot get their person out of a mortuary.

What is wrong with that person reaching out to a neighbour or to me who is a little bit privileged to help out and lend a hand to get this person out of a mortuary?

These are real issues. They are not stories and they are in our communities. I know that the bone of contention that has been there is the issue of church and mosques. The political class have used pulpits and mosques to do political campaigns and make it difficult for the nourishment of our people in terms of spirituality.

I do not support the idea that we should ban fundraising for churches or mosques. This is because the role that mosques and churches play in terms of the moral compass of our community, their value might not be quantifiable, but it is untold especially on the impact they have on our community. Let the churches self-regulate with regard to controlling the bad manners of a few politicians. It is not all of them, but a few politicians who have the bad manners of using those platforms for bravado and ego-setting for their political nourishment instead of their spiritual nourishment.

Madam Temporary Speaker, we cannot ban the political class, the public officer, the state officer, the private individual or the corporate individual from raising money to grow churches, mosques and houses of worship; when these places help to contribute in supplementing the government's effort in building our moral capacity in this country.

If you want to build a strong home, you must constantly build three things in a human being. That is why, even in the creation, there is Holy Trinity. That is why we were created in threes.

The first thing you must feed in a human being is the mind. That is why we have got an education system. Once you have fed the mind of a human being, there is still no peace if you do not feed the heart of a human being. That is where the churches and the mosques come in. A peaceful heart with an educated mind is never peaceful unless you also feed the stomach of this human being. That is when you get a complete human being.

Madam Temporary Speaker, any moment you take away any of those segments in the society, you cannot make it. We, as a Government, and as a political class can only feed the stomach. Educational institutions can only feed the brain. Where do we leave the hearts of our people? It is to the churches and the mosques and we cannot allow any law that makes it impossible to build those churches and mosques.

In this Bill, we have also seen a provision that says if you want to do fundraising, you must first do it in your family. I come from a family where the first name that has been heard in this country in our family and in the entire generation and which Aaron Cheruiyot knows is Eddie Oketch. This is because my grandfather, Kawisa died a long time ago in some village in Nyakune, near the Gogo Falls that nobody knows. This means that it has an impact on the well-being of my entire community and family.

Madam Temporary Speaker, you are putting me in a position where if I want to fundraise, I can only do it with my family and not with the family of Mungatana, whom I now know and I can invite to support me here and there. This is discriminatory and making people to be in their own cocoons of successful families, the haves versus have-nots. We cannot allow that in our country.

Lastly, there is the issue of regulators. You are talking about regulations being done by cabinet secretaries. In law it looks easy, but in practice, how will this cabinet secretary regulate the President and make sure that the President abides by the requirements of this law? It is not possible. The President cannot be regulated by a person he supervises and he is his boss.

Madam Temporary Speaker, this Bill says that at the county level, the CECM in charge of planning and social development will regulate fundraising. How will this person regulate the governor and yet our governors have so much ego that you cannot even tell them something in a funeral or in a function? It will mean that some political class will have more power to take advantage of fundraising further than the other political class that do not have that power.

Madam Temporary Speaker, it will be a business for the higher political class to do what they want with fundraising and leave those people who are 'smaller.' In fact, you are giving the most powerful political people a tool to harass their opponents and other people with this Bill. This is a good and a well-intended Bill to cure the problems of our leadership under Article 17 of the Constitution, but it is not a solution. It is legislating the behaviour of bad politics and the bad manners of politicians that cannot be cured by this Bill.

Madam Temporary Speaker, let us sit as a House and come up with a legislation that will help us rethink the entire EACC and make sure that it does its job or disband it and come with a more functional anti-corruption institution that can deal with corrupt leaders.

With that, I reject this Bill in its entirety.

I thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): Thank you, hon. Eddy. Sen. Abass Sheikh Mohamed.

Sen. Abass: Thank you, Madam Temporary Speaker. I also join my colleagues in saying that this Bill will not help any Kenyan. The spirit of harambee has been the fundamental cornerstone for this country with regard to development. It is only after the Constituencies Development Fund (CDF) and the other funds came in when the country's economy improved that people want to change the spirit of brotherhood.

Harambees or fundraisers have created cohesion in this country. Most of the poor people came up and most of the students today as well as many of our professionals went for scholarships outside the country through harambees. Fundraisers and harambees have created love among the communities. It is only through sharing with the poor that we love one another.

Madam Temporary Speaker, today, we cannot throw away the brotherhood that harambees have created. Almost 70 percent of people in this country are below the poverty line. They cannot even afford two meals in a day or pay school fees.

Initially, the Government said there was free education. However, we are not seeing any free education today. Even the primary schools, children have been told to go and bring money. Mothers cannot even afford it. They sell chickens and all these things.

I started working with the Government way back in the 1980s. By the time I started the job, the harambee was actually at its peak. There was no school infrastructure. Children were learning under trees. At times, the chiefs used to collect animals or money from within the villages. Sometimes they were using excessive force.

There was a bit of corruption. The classroom that I went to in class one, was built with harambee. Therefore, I cannot support and say that *harambee* should be stopped or should be monitored. That cannot work for us.

Through fundraising, many Kenyans have sought medical treatment outside this country. There are many medical conditions these days. Many people are sick. Medical services and hospitals have been so commercialised. If somebody stays in an ICU or HDU for about three nights, the cost becomes unbelievably high.

It is through harambees that we can save people and dead bodies from mortuaries because they are held in custody until money is paid. I will say that the corrupt are not the poor people. Corruption comes from the highest echelons; the top people who are stealing money; the people who have the money. About 90 per cent of Kenyans cannot even access money. They survive on harambees and goodwill for their friends and the next of kin.

So, if anybody wants to stop corruption by stopping harambees, I think that is very wrong. What I will say is that those who steal; pay give more in harambees, so that

this money come back to the public. If you say that there are no harambees, then those who stole, the corrupt will keep the money in the banks or even overseas.

I think we should encourage more harambees, so that at least they pay back and help the people that they have stolen from. What we are talking about here is kind of pretense. Some of my colleagues here are saying that, “Oh, harambee will do this. Harambee causes corruption. Corruption is not coming from the grassroots; it comes from the top-down. It is starting from top institutions.

I think harambees should not be controlled. If you want somebody to stop corruption, let this House bring a Bill that will seriously deal with the corrupt people like in China. Even if you will kill somebody or jail somebody for 100 years so that somebody can face the consequences of their stealing.

Mr. Temporary Speaker, Sir, stopping harambees just because somebody has stolen and wants to claim his money, will not stop corruption.

With those few remarks, I oppose the Bill.

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

Sen. William Kipkemoi Kisang.

Sen. Kisang: Thank you, Madam Temporary Speaker. I believe the intent of the Bill, originally, was not bad. We had issues in June. Out of the conversation we had about the State of the Nation debate, this Bill is a result of what happened at the time. I want to report to you that some of us went to school because of harambees.

If you get somebody who is 45 years and above who is in this House, and even outside there, there used to be two types of schools. There were schools done by the Government and there were some harambee secondary schools.

Most of our public schools now in the rural set-up were called harambee secondary schools. Some of our national schools were built by the community through harambee. Our parents sold cows, goats, sheep and all types of things to ensure that these schools were built.

I hope with the debate that is going on, the Senate Majority Leader will rethink this Bill. We cannot do as a country without harambee. Most of our churches also were built through harambees. Some were done by missionaries who came to the country early, maybe 1950s, 1960s and 1970s. These missionaries got their resources because of harambees in their own country. They raised maybe from charity organisations and from those who were philanthropic enough to contribute. Then the resources came to Kenya, came to Africa. Our churches and mosques were built as a result of harambee.

My colleagues have talked about school fees. Most people went to school because of harambee. I remember I almost missed going to Form 1 because my parents did not have anything. However, because of the community, they sat and said, this is a young man, a young boy who did very well. He was top of his school and then they decided to contribute. At that time our school fees were Kshs1,540. It was not easy to get Kshs1,500 in 1982. If it was not easy to get Kshs1,500, how about now, when those joining Form 1, are expected to pay Kshs60,000?

So, what I am saying as a leader and as a legislator, we will not agree to legislate harambees in our country. If we do, many people will be locked out of schools and

colleges. NG- CDF has been there since 2004, but it has not been able to sponsor all the students across the country.

That is why one of the Senators the other day said that can we collapse all these bursaries from NG-CDF, bursary from county government, bursary by Women Representatives and from the Ministry, we put in one kitty, so that we have free education from Early Childhood Development Education (ECDE) up to university.

The only way we can agree to regulate fundraising is if we say completely now from nursery to university, education is completely free. We will know those from less fortunate, less privileged families can have an education, which is an equalizer.

On the state of health in the country, you know in the village, most of our dispensaries, most of our health centres have no medicine. Without medicine, most of our people who get sick will go to private hospitals in the counties. When they go even to the public, they are expected to pay. When they are expected to pay and they do not have anything, many of them have lost even their pieces of land because of selling it to take their kinsmen and women to hospital. Therefore, because of medical expenses and education, we will support harambees.

Clause 14 of the Bill says-

“A person shall not conduct a public fundraising appeal unless the person has applied for and obtained a permit in accordance with the proficiency of this law.”

You can imagine that if you have a sick person, the person requires to be discharged from the hospital, you need to apply within 14 days. Where will you get this County Executive Committee Member (CECM)? If we were not able to get the District County Commissioner (DCC) who was just within the District, but now this is a CECM in charge of a county, or a Cabinet Secretary in charge of the country? It is not possible.

One of the clauses here say that if you intend to seek public office three years before elections, you should not conduct any fundraising. How would you know? You know, seeking a seat is sometimes a calling. The community can approach you to vie for a seat six months before the election. What will happen if you have conducted a fundraiser before? It means you will be locked out. The community will lose a leader who would have come to assist the people.

Madam Temporary Speaker, check the fines given. If you conduct a fundraiser without a valid permit, then you can pay a fine of Kshs5 million. How will you pay a fine of Kshs5 million when you are looking for resources to release somebody from the hospital or to take a child to the hospital or school?

When the time comes to vote, we will reject this Bill so that we can ensure that we continue supporting our people. This is a social call; a social rally to ensure that our people are assisted.

With those few remarks, I beg to oppose.

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

I do not see any other Senator interested in contributing to this Bill and so, I will call upon the Mover to reply.

The Senate Majority Leader (Sen. Cheruiyot): Madam Temporary Speaker, I have been here for the two days that this Bill has been on the Floor of the House, listening to colleague Senators speak about a very live topic in our country, presently.

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You will recall what happened last weekend. For the very first time, we were told that the Archbishop Philip Anyolo had returned donations made to his church. From quotas close to the conversation, I have seen the Governor of Nairobi City County saying that he is still awaiting his donation back.

I saw him say somewhere that when he inquired because they had said they had returned the donations; he was told that the “fundi” had already cut the material for the choir uniforms because the donation was for uniforms for the choir. So, these are the challenges.

These are very live conversations even in the country. Yesterday, I shared something on my Twitter page, and of course, the know-it-all who lives in that space and who never accepts to be corrected for anything did not believe what I said.

Today this afternoon, I tabled the report from the Standing Committee on Labour and Social Affairs, where I stated that over 90 per cent of the respondents that sent in memoranda with regard to this Bill opposed it.

Just like many colleagues here, a good number have opposed it; it is almost split evenly in the House. There are those in support of the Bill and those that oppose it in principle.

Madam Temporary Speaker, we live in an interesting country. If you follow the conversation online, it is like there are two Kenyans. There is a Kenyan online. There is a Kenya, the Republic, where you and I come from. The villages where Sen. Mungatana and Sen. Lomenen come from.

There are certain conversations that if you follow in the Twitter and Facebook space, the kind of things that I said there, most of the time do not exist or are not practical in the real world and the people that we represent in this House.

For every village that I have visited in the last few months since this conversation began, many pastors have spoken to me. I gave the example of the African Inland Church (AIC) Ziwani, where I was two weeks ago. I was somewhere in Kipkelion West in my County of Kericho this week. The pastors continued to tell me, “please, Senate Majority Leader, you have a very bad Bill that wants stop harambees.”

Like many of the colleagues that have spoken this afternoon, they are entirely misinformed. So, there are two issues; first, there is misinformation generally, because this Bill does not ban harambees. It only stops you and I, public and state officers, from presiding over. Otherwise, harambees are permitted.

I saw a statement from Archbishop Jackson Olesapit and another from the Catholic Bishops telling us that the church wants to put a stop to this. That is not what preachers tell us in the villages where we come from, including in the parishes of the Catholic Church.

Even as I hear what is being said by the Catholic Bishops here in Nairobi, in my own office in the village and our counties. Many of these Members here will tell you that they have cards of pending harambee invitations from the same churches, including the Catholic and Anglican churches.

That is why I say that it is like there are two worlds in this country. Some space in the air, called “online”, where you are chasing unseen things, and people compete for

attention and applause. There is also the real world in the villages where we come from, where people tell us different things.

As a legislator, sometimes it is difficult to know which world to react to because of the kind of instructions and the things that I see being said in the online space.

I want to believe that the reason Sen. Mungatana spoke the way he did about this particular Bill, perhaps is a brief that he has from the people he represented in this House. These are men and women from Tana River who voted for him. They are saying, Senator, this is what we expect. However, I am sure you are also bombarded by messages and X conversations of people telling you, “stop this. We do not want it to exist.”

Our work, as legislators, is increasingly becoming difficult. If you are not careful as a legislator and I warned my colleagues sometimes back here, you can easily chase air in the names of TikTok likes and followership online and miss the real conversation that happens back in the villages.

At the end of the day, a legislator is a representative of the people. You must find ways in which you capture the views of the people on whose behalf you vote in this House, and they include those that are in the online space and those that are offline.

I have listened to the comments of colleagues about this Bill which are very interesting. Some propose a total rejection. Others such as Sen. Olekina propose that do not just ban harambees, but also look into charitable organizations that run activities in the country to ensure that they do this in strict compliance with our laws. He says in the contributions ensure that they receive from donors abroad, the same is shared for the intended purpose of those who are making those donations.

There are those who agree that we need to stop public and state officers from participating in fundraisers for the sole reason that it is one of the avenues through which we can demonetize our politics and reduce the influence of money in our politics. Like the good Bible says, the love of money is the root to evil. Many times, when money is not prudently used, it can be used for bad things in our society.

I will propose that in such a time as this where you have a report of the Bill, you have Members who have a divided opinion before eventually putting this to a vote; it would be good to consult further and listen to whether there is a way that the Bill can be enriched, or do we lose the overall intention?

Some have taken issue, for example, with the fact that we are proposing committees through which you do not *per se* regulate, but a reporting mechanism where the County Executive Committee Members (CECMs) in our counties and the Cabinet Secretary for Finance and Economic Planning can receive reports of some of these public fundraisings appeals.

This is important and I would not wish that we lose that even in this conversation. How many times have you been invited to a fundraising where months later, if you try to go and check whether that money was used for the intended purpose, you cannot establish whether that happened or not?

Maybe the mechanism that has been proposed needs to be refined. It is at this time that many people are beginning to speak on this topic and asking for more time to make their contribution.

Madam Temporary Speaker, maybe with the leave of your Office, it will be an opportune time to provide time for people to either think through and share the amendments before eventually taking a vote on this Bill, including calling for submissions from members of the public.

I said this yesterday in my tweet, and this is accurate information. The report that is before the House bears me witness. There is no religious organization that sent in a memorandum on this Bill, and that is quite curious.

I see people speaking very strongly. I had expected to see the Catholic and Anglican churches that have spoken publicly in support of this Bill, to send in memorandum in support. There are also others that have spoken in opposition to the Bill. As legislators, that will enrich our work to benefit from their perspective.

Madam Temporary Speaker, this is an interesting conversation that the country needs to have before the conclusion and the final determination of what to do with this Bill. As the Senate Majority Leader, I will be writing to the Speaker seeking for additional time for consideration of additional views and give legislators time to reflect and perhaps seek more opinion from their own people.

Sen. Mungatana, it will be good for you to ask the people in Tana River County, including the young people that perhaps at the time where this conversation began, said they do not want to see politicians making donations in churches. Let us not lose track of history. This conversation began at the height of the so-called Generation Z protest. It will be important to listen to them over this weekend, especially as they speak in a large gathering at your village back in Garsen. They should speak and instruct you in the presence of the rest of the voters. You will also hear the feedback from the rest of the voters before you cast your vote.

Madam Temporary Speaker, this conversation is about trying to reduce the influence of money in our politics. Let us not pretend. Harambees form part and parcel of our body politic. The kind of contributions people make has an influence in the determination of whether to vote for a candidate or not. It may not be the only determinant, but many of the times, it has been used as a yardstick to gauge your abilities and prowess of marshalling resources and people use it as a determinant.

If we are not careful and do not put a check on this space of fundraisers, in another two or three cycles of Parliament, you will have these Houses filled up with wash-wash characters. It is increasingly becoming difficult to campaign on issues. How many times do Members of this House go out to campaign, and before they address a gathering, people do not want to listen. They tell you they have heard those stories before. They are already queuing and asking you to finish and sort them out. That they know what they will do at the ballot.

We, therefore, have to be intentional. It is not on fundraisers, but includes the overall influence of money as a mobilising tool and determining factor in who gets elected into Parliament and positions of leadership. We have campaign financing laws, but how effective are they? Sen. Mungatana, do you remember when you were running for the last election? We were supposed by law to open an account, through which you channel your campaign finances and manage it, then file returns to the Independent Electoral and Boundaries Commission (IEBC).

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How many politicians observed that? It is until there is intention on us as legislature to show that we will go out of our way to reduce the influence of money in our politics, it will be difficult for us to fight corruption, which is the biggest evil that our society continues to haggle and fight about.

This is not just about the political class. In fact, many of the beneficiaries of corrupt practices is those in public offices that are not necessarily political appointees, though people imagine that it is the political class. They are the ones who run tenders and do many of the Government projects. Perhaps what gets to the political class is a small fraction as compared to what remains with the rest of society out there.

Madam Temporary Speaker, with those very many remarks, I beg that we take time to reflect as a House before taking a vote on this issue. I have noted that there are Members who have raised serious concerns about how to address certain issues. I will be notifying the Speaker on the same. Luckily, I have Standing Order No.66 (3) that allows the request for putting of a question until a later date.

In the intervening period, we could take that opportunity to either consult further or listen to more memoranda from members of the public with regards to this Bill. I will inform the Speaker of this request by way of a letter so that we can make a decision on this issue.

With those many remarks, I beg to reply. I request that in accordance to Standing Order No.66 (3), we defer the putting of the question until a later date when all these other things that I have mentioned have happened.

I thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Senate Majority Leader. That request is granted. We defer the putting of the question. You can dispatch that communication on the request to receive more memorandum and views on this Bill to the Speaker's office.

(Putting of the Question on the Bill deferred)

I will now reorganize the Order Paper. I request the Clerk to call out Order No.16.

BILL

Second Reading

THE COUNTY ASSEMBLIES PENSIONS SCHEME BILL (SENATE BILL NO. 14 OF 2024)

The Temporary Speaker (Sen. Veronica Maina): Proceed, Senate Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Madam Temporary Speaker. I beg to move that the County Assemblies Pensions Scheme Bill (Senate Bill No.14 of 2024) be now read a Second Time.

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This is an important Bill. I appreciate what the Senate has done in the last few weeks, especially with regards to our brothers and sisters who serve in our constituent assemblies in the counties.

Remember that we have already passed legislation in this House that grants financial autonomy to our county assemblies. That Bill is presently on its way to the National Assembly for consideration. One of the biggest requests that the county assemblies have made to this House as an elder brother in the devolution family is to ensure that we grant them the freedom with which they do their responsibilities.

The second and most important thing is that the Bill is looking into the welfare of MCAs. At the beginning of this term, there is a conversation we had about the salaries of MCAs. The Salaries and Remuneration Commission (SRC) drastically reduced remuneration for MCAs and put it at a figure that shocked the country, especially those that know what officers in public service like elected officials, have to go through. It left many of our county assemblies in very difficult financial situations.

I do not know whether that has contributed to the many wrangles that we continue to see between our county assemblies with the executive. In fact, in my three terms of being a Senator, I have never seen a time where there is extreme wrangles between county assemblies and the executive as this time. There are many reasons for that. I do not want to speculate. However, I highly suspect that the fact that the welfare of the MCAs has not been sufficiently addressed since the onset of devolution has a thing to do with it. The MCAs look at those that serve in the first term. If you find that your predecessor, who served before you when salaries were better and there was consistent flow of money to our county governments, but ever since they left office, they are living in abject poverty, chances are that during your time of service, you will also be plodding.

Every politician lives with the practical reality of knowing that one day they will be no longer in service. It may be in the next election or the subsequent one, but one day, they will cease holding the power and the influence of public office. Therefore, they need to be assured of their future, especially knowing the fact that in this country, once you have served as an elected official, it is extremely difficult to secure employment elsewhere. Very few people will trust you.

If you appear before an interview panel and you say that you were a Member of Parliament previously, chances are high that they will reject your request for employment. This passes and holds for the Member of County Assembly (MCA). Therefore, it is not a waste of valuable legislative time to process this Bill with regard to the pension of our MCAs.

The principle object of this Bill is to establish the county assembly's pension scheme, which is for all MCAs, to provide for the establishment of the scheme's board of trustees, and to provide for the scheme's management and administration.

The Bill proposes that the scheme offer lump sum payments as provident, periodic payments as pension, and income drawdowns. The proposed scheme will transition all MCAs into one universal scheme for all 47 county governments. It will also be open to other public officers and any other person who this particular board may approve.

Madam Temporary Speaker, when the Committee on Devolution and Intergovernmental Relations return their verdict on this particular Bill – earlier on, I asked Sen. Abbas, who is the Chairperson of this Committee, and I have had the opportunity to listen to County Assembly's Forum, who shared their views and input on this particular Bill.

It will be important to note what their contributions would have been and how they intend the Bill to be improved. However, this is the basis upon which we are beginning this conversation on the need to ensure that MCAs just like we who serve in the national legislature, have some form of pension.

Let it be known because I know how the Kenyan media operates. I would not be shocked if tomorrow morning, I woke up to a screaming headline that says, "The Senate Majority Leader moves a Bill to give pension to MCAs." Then people will begin the usual conversation that is misinformed most of the time in our public spaces.

This is not about raiding the public coffers. It is about setting up a pension scheme that perhaps, and just like ours, will be contributory. We are deducting money during our time of service here in this House. Eventually, when you retire and you reach the proper age, you will earn a pension depending on how much you have contributed over the years.

This is why the Members that have served longer enjoy more resources because it is actually a contributory scheme and not a raid on the public coffers as many would imagine.

The establishment of this scheme is paramount as it will provide financial security for the MCAs upon retirement and ensure that they transition out of service with dignity and stability.

I have explained how we undermine devolution by having people serve in offices where they know that my only usefulness to this society is when I am in office. Sometimes, even in their decision-making because they have no guaranteed security in the future, people tend to make decisions that are short-sighted because they have no absolute plan for the future.

If you are certain that there is already a scheme set out for you where in future, once you retire or once you exit from that particular office; there is a decent salary that can keep you going. How many times do you meet former MCAs who struggle even with basic things as basic as school fees and even food to eat?

My phone is full of messages from people that I know from across the country who previously served as either councillors or MCAs. They gave service to this country. However, we have not organised ourselves in a way that you equally enjoy a pension once your days here are done or in public service.

Without a pension scheme, Members and staff of our county assemblies face challenges in meeting their needs, leading to financial vulnerability. Therefore, this Bill establishes the county assembly pension scheme, which will cushion MCAs from financial strain post-retirement.

For this reason, the importance of this Bill can never be gainsaid. There are various parts of the Bill, from part one to part five. Part One of the Bill, which comprises clauses one to five, contains the preliminary matters, which are the title, interpretation of

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terms, applicable clauses, and organisation of state officer who shall join and the scope of the Bill, which is to the extent and range of those who may access services of this particular scheme.

Part II of the Bill comprises clauses six to 21, which provide for the establishment of the scheme. It establishes the County Retirement Scheme Fund and its board of trustees. It provides the procedure for the appointment of the trustees and the necessary qualifications. We do not want any person who has the opportunity to arise and claim that they should be allowed the chance to run these schemes. We need qualified people.

Madam Temporary Speaker, it provides that the trustees function and have powers and set tenures to three years, renewable ones based on their performance. Part Three of the Bill, comprising clauses 22 to 37, contains the provisions on the administration of the scheme and provides for the appointment of the fund managers and the custodian. It also sets out their functions, including those of the administrator, who is the CEO.

Further, the part provides for membership of the scheme without a sponsor, thus vesting benefits, withdrawal from the retirement savings account, and retirement from the service, among other things.

It sets out the prohibited payments from the scheme, which are the usual statutory requirements of any pension scheme. For those who follow how pension schemes operate, this is nothing new.

Part Four of the Bill, which is Clauses 38 to 44, provides for the establishment and management of the county assembly's pension scheme fund, which contains financial provisions.

It provides information on how surplus funds may be invested and sets out the requirements for the board to have a reserve account. A basic provision to ensure that for whatever reason, when members call upon the opportunity to draw from this fund, they have something that secures their future. It is important to ensure that our MCAs actually, just like the rest of all of us who work in one place or the other, have financial stability upon their retirement.

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

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

You know, Madam Temporary Speaker--- Sorry, Mr. Temporary Speaker, Sir. I have noted that change in Chair. I was pretty much surprised to address Madam Temporary Speaker, only to notice she was behind me walking by.

It is assumed what a contribution to poverty is – where, when they say poverty is a vicious cycle, how many times actually people contribute to their poverty by ensuring that they do not join any pension scheme, and eventually upon their retirement, they have to rely on members of the public or members of their family to sustain their life.

This should be the way. I hope that, eventually, we can get to a point where all public servants, and not just us, Members of Parliament, make contributions away from the national scheme of the National Social Security Fund (NSSF). I know every

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employed adult in the Republic contributes to NSSF. However, over and above, there are many other pension schemes that people contribute to and hope that in their retirement in future, they can draw from.

I hope that, eventually, we can have all our public servants have a fund set out for them so that you do not have to go through what public servants go through, like police and teachers, by queuing at Bima House for you to get your file approved. Most of the time, this is money that has been deducted from them, and I know we have combined that particular space with the set-up of some institutions that have a big, confusing name. I do not know how practical it is. That is not what we are proposing for the MCAs.

This is just one, purely for MCAs. Part Five of the Bill, which is clauses 45 to 53, sets out the general provisions, including the Board's duty of care, protection of trustees and scheme employees from personal liabilities, offences, and penalty clauses, and the usual conversations about how to manage a scheme and how they conduct their businesses.

I wish to state that this is a very important Bill and I urge Senators to support it so that our brothers and sisters in our county assemblies can have a more reliable pension scheme system upon their retirement from public office. They can also live a decent life like they lived during the days as they toiled and served members of the public.

With those very many remarks, I beg to move and request the Senator for Tana River, Sen. Mungatana, to second this Bill. I thank you.

Sen. Mungatana, MGH: Thank you, Mr. Temporary Speaker, Sir, for giving me the Floor. I want to really thank Sen. Cheruiyot, our Senate Majority Leader, for moving this Bill in a very eloquent way and expressing how important this Bill is. I am one of the older Members in this House. A part of my political journey, I served the Republic of Kenya as an elected Member of Garsen.

Thereafter, I was out of office because I stood unsuccessfully twice for the position of Governor of Tana River County and later on, I came back to this House. The people of Tana River County brought me to the Senate.

I can speak with authority about what it means to be in office and what it means to be out of office. I am not telling stories. I am telling you the truth from my personal experience. I was running a law firm which sustained me for 10 years and continues to do so to date.

Mr. Temporary Speaker, Sir, there are colleagues we served with in that Parliament and when they left, like the Majority Leader said, they could not find employment.

What is provided for even in our scheme, as Senators and Members of Parliament, is if you have served for two terms consecutively. If you have not and you did only one term, you have a problem. If you have served but did not make much contribution or do not have another source of income, you have a problem.

Mr. Temporary Speaker, Sir, what I am talking about is real. We need to support Members of the County Assemblies (MCAs) who serve and finish their terms and are not re-elected by the people back to office.

It is true that when you are out of office, you face the reality that you cannot be employed. You have to have your own self-employment or business. Many of the MCAs

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who finish their terms and are not re-elected back do not have businesses or professional training. They are not engineers, lawyers, or doctors. They do not have something to fall back to in terms of their sustainable income. It has been a problem.

Back in Tana River County, when you meet the old MCAs and members of the former Tana River County Council, you feel bad because you want to help them but you can only do so much. This Bill is critical and it must be supported by the people of Kenya and by this Senate.

I say this because of the people who have given service to this nation and taken their time. Some even left their careers to come and offer service to the people who elected them yet afterwards, they have difficulties in going back to their careers. It is practical and I keep going back to this; that after having served 10 years as an MP, you go back to your practice and you find your old clients have moved on because when you took up public office, you did not have time to give them all the attention they required. So, they have moved on to other practitioners of the law.

If you are an engineer or a consultant in a certain field, say, economics, if you left the National Assembly, the Senate or the County Assembly and you go back, you will find your clients have left. It is like beginning afresh. You will find you are competing with much younger people who have gone into the field. There is need for us to plan ahead for our MCAs.

There is need for us to give them dignity when they retire from active politics or when they lose their position as MCAs. For MPs, we have done something and many MCAs have asked this question, what about us?

Therefore, it is a good law that we have brought before this House that people will now know that when they are in these positions, they will be saving some money through some deductions in their salaries. When they retire, that money will become available for them for purposes of their existence, even as they supplement from whatever other business they do.

This is critical. I know of a particular retired councillor who had a home and was married. When the term ended, he stayed with his wife. Financial difficulties came and they separated because he could not manage his family affairs any more. He had to even sell the house that he had built to somebody else. This man started living at the mercy of brothers and sisters, who used at some point to look upon him as their leader.

We need this kind of planning for our MCAs. We do not want them to be in the position that the former councillors have been subjected to. We do not want them to be in the same position like former MPs, what they used to be subjected to before we had our provident scheme.

Serving the public is serving the public, whether you are an MCA, a Member of the National Assembly, a Senator, a governor, or a President.

When you look at the law that we formulated for Presidents and former Presidents, you will see that a retired President continues to draw 75 per cent of the salary that he used to earn when in active service. Whichever way you look at it, that man or woman would be entitled to a decent life when they retire. When you come to MCAs, that has not been looked into at all.

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When you come to Members of the National Assembly and the Senate, the amounts are not comparable to what the presidents or former presidents are getting. So, since all these categories of public servants are doing the same work, of serving the public, it is good for them to have a decent retirement package.

Mr. Temporary Speaker, Sir, when you look at the formulation of this law, you would see that they have created the trustees who are supposed to manage all the 47 counties. The money is going to be in one place, and trustees are going to be chosen. Good qualifications have been given.

However, in this country, we have had many problems when it comes to funds. Anything you see written a 'fund', such as the National Government Constituencies Development Fund (NG-CDF), Local Authorities Pensions Trust (LAPTRUST) Fund, and anything that is ending up with the word 'fund', has problems.

There are problems because the structures of our laws seem to be a copy and paste. New ideas are not being put to create checks and balances. Even in Savings and Credit Cooperative Organizations (SACCOs), you will see the same problem.

When you hear of a SACCO, unless, there is good management, there will be a problem. In fact, there are some people who, once a SACCO is established, will try to get into the management or into a cooperative so that they can misappropriate funds. They will try even to get into this so that they can misappropriate these funds from the Members of the County Assembly (MCAs).

I would like to tell all the MCAs and the umbrella organizations for Members of the County Assembly who are listening to me, that, this law is available for you to study and look at. We would want to hear a lot from all the 47 counties when we go into public participation. For instance, on how do we tighten the bolts and nuts? How do we make it impossible for someone with ill intention from getting money from your fund? How do we manage this asset that we are creating? This is because all of you are going to be deducted and this money is going to be in one place. The temptation for the devil is going to be high because the money will be a lot. The truth of the matter is, if this law is not tightened, and is going to be like other laws, then we are going into a rough ride.

You have seen many people complaining that they are not getting their pension on time, or my father or wife, or husband, who was a member of this Fund has passed away, and he has not gotten anything. I am therefore appealing to Members of the County Assemblies to really take time. If I were you listening to Sen. Mungatana today, I would quickly run to the umbrella organization and ask for a meeting that would authorize the hiring of lawyers to just look at how you can improve this law so that nobody is going to play around with this money or fund that you are creating.

I think time has come. Perhaps, time is now, that, people like the administrator, who is the Chief Executive Officer (CEO) of this Fund, must also put a bond, property or some cash in an account that, if money goes missing, then this Fund will have a *lien* on the money that you have put as a bond.

Mr. Temporary Speaker, Sir, it is not an outrageous requirement. It happens. Most people who are living on rental properties, like we used to, pay a deposit. That deposit says, in the event that the house is in disrepair, I will access that money to put that house in order so that the next tenant who is taking over the responsibility of tenantry would

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be entering a house which does not have dents, the doors are broken, the toilet is leaking, and the taps are not working.

So, we need to have serious Chief Executive Officers (CEOs), people who are going to be vetted, not just by the Ethics and Anti-Corruption Commission (EACC), not just a certificate of good conduct, but people who would even put their own property and are willing to put down a title deed that is going to stand as a *lien*. They are willing to deposit a cash bond in a bank, that, if money is misappropriated, that Fund can access the security bond immediately to recover the amount lost. That way, we will have people who are serious about the jobs they are given.

If possible, serious jail terms should be discussed on these people who are taking responsibility, the administrator and the entire structure.

I am urging the Members of the County Assemblies to take time, because there is a way that we can enrich this law. Let us not say, excellent, we now are creating a fund that will help us to survive when we get out of office, and then we leave it there. You will be the first person who would be crying in the streets if you go there and you find your money has been eaten and the person is still sitting there, there is no fund, or they deliberately misinvested.

Mr. Temporary Speaker, Sir, billions of shillings will be raised through this Fund. We need to have duty of care which must be exercised at a very high level. We do not get to hear that they have put all the money that they are collecting in some long-term investment hence when the money is required to start sorting out the people who need it, the retirees, they are told that there is no money to give to them.

Mr. Temporary Speaker, Sir, as I second this Bill, I would like to tell Members of the County Assemblies that we are passing this law for you. I know some of the 47 Speakers and MCAs are listening to me. We are passing this law because for many years, every time since I was elected here as a Member of the Senate, we have seen a lot of delegations from County Assemblies, people discussing the point that when we finish here, what happens to us? Now the law is with you.

Do not sit there and the law is passed and it is not satisfactory, and then you are the first person to complain. I am asking that this law be improved so that it can encompass Information Technology (IT) in it,

Mr. Temporary Speaker, Sir, a lot of payments nowadays are done through M-Pesa and bank transfers. Many of the MCAs would be able to transact easily if these provisions are made inside here so that you do not have to come all the way from Tana River County to collect your pension in Nairobi. This Fund will be operationalized from Nairobi for all the 47 counties. So, you do not want a law that allows for you to travel, if you are from Garissa or Isiolo counties, all the way to Nairobi just to come and collect a few shillings. So, this law, I believe, if it is improved, will serve the purpose for which it was created.

Mr. Temporary Speaker, Sir, as I come to conclude my submissions, I want to state that when you look at the provisions which are at the end of this Bill that we are creating, these are called the saving and transition provision.

Mr. Temporary Speaker, Sir, it is proposing that Members and staff of county assemblies who are members of the Local Authorities Provident (LAP) Fund and the

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LAP Trust Umbrella Retirement Fund shall be transitioned into the scheme within six months upon the commencement of this Act. Right now, we have left the National Hospital Insurance Fund (NHIF) and Kenya is transitioning to the Social Health Insurance Fund (SHIF) and the Social Health Authority (SHA).

Mr. Temporary Speaker, Sir, there has been a lot of uncertainties because when we were writing the law, the savings and transition provisions were not clear. It is not enough to say that within six months, you will be automatic members of the other side. What happens to those contributions within that period of time? What happens to the people who are working in the other provident funds? Will they be absorbed? This whole part on savings and transition is only three clauses.

Mr. Temporary Speaker, Sir, I am inviting, again, the eventual consumer of this law, the county assemblies and CAF to look at the proper transition clauses that can be put in here. If you are listening to me, it would be useful to have clarity on every issue surrounding the provident funds you are already serving in.

For example, there is an obvious clause here, that the provident funds you are already serving in should produce statements within the six months. These statements should be transitioned and the automatic operationalization of your accounts should be transitioned. If new accounts have been created, what is the process? Can these accounts be linked to your phone number and how are we going there? It should be that detailed so that you do not get problems. Right now, we are hearing about the NHIF, the SHIF and SHA. We do not want this kind of untidiness when we are transitioning from existing provident funds to this new one which is going to accommodate everyone.

Mr. Temporary Speaker, Sir, I second this Bill very strongly. I believe it is a way of helping the many Members of county assemblies who have served in this Republic and in Tana River County. This is so that when their term is over, they can live a decent life. I fully support this Bill. I urge every colleague who will stand here because we are the senior brothers in the devolution family; and because we are the ones who work with our brothers in the county assemblies, because we care and have seen what they have gone through, I urge that every Senator who will speak to this Bill will support it.

I urge all of us to speak with one voice. If there is any divergent opinion, it should be to add to this Bill. I also pray that at the time of moving amendments, we should have close collaboration with CAF. They should invite their lawyers so that we can do a very thorough job. It should not be a law that is copy and paste. We should not just look at what other provident funds are doing and then copy paste because we do not want to apply our minds in it.

Mr. Temporary Speaker, Sir, with those remarks, I fully support this Bill and I beg to second. I thank you.

(Question proposed)

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, I notice that we have Members ready to contribute to this Bill. It is open for debate. I will invite Sen. Beatrice Ogola Akinyi.

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Sen. Ogola: Thank you, Mr. Temporary Speaker, Sir. I sincerely thank the Mover of the Bill, the Senate Majority Leader and Senator for Kericho County, Sen. Cheruiyot. Of all the Bills that he has moved, I think this one stands out for me. Probably because of the background that I carry into the Senate.

Having worked at the County Government, having worked as a CECM for several years, and having worked closely with the County Assembly of Homa Bay, which represents all the Assemblies that we have in the 47 County Governments, I have first-hand experience with the lives and the livelihood of the Hon. MCAs.

I served as a CECM and, of course, was overseen by my committees in the county assembly. I had an everyday working relationship with the Members of the MCAs.

The county assemblies are real core stake of the devolution family. They perform the primary oversight of all the works and all the funds that are given to the county government. It is worth noting that as a Senate, we cannot struggle to give over Kshs385 billion to county governments.

Then the Houses that oversight this money which are county assemblies, as stated, do not get concerned about their lives after they are through with their work. It is based on that that I rise to support the County Assemblies Pension Scheme Bill 2024.

These are parliamentarians at the county level. They are the first-line legislators that are closer to our people in the counties. In the wards, they live daily with members of the public. They can sort out most of their problems. They can listen to all the challenges that our people have, ranging from social challenges to economic challenges that our people have.

All of us, as representatives of the people, know most of the problems that the MCAs deal with. Above all, MCAs have their lives. They have families. They have children to look after and they have their children. Above that, in the African set-up, it looks like every other person becomes your child when you are a leader.

They deal with the normal problems that other families deal with; ranging from school fees to so many commitments that we have in our communities to sickness, to deaths that are all over in our communities.

Mr. Temporary Speaker, Sir, just as the Bill states, this Bill is for the social security of the MCAs, from their savings made, from all the years they will have served as MCAs. So, we must get a Bill that addresses the management of this Fund.

I support this because the Bill sets out rules and regulations and regulations for this scheme. This is important because these rules and regulations will protect the benefits of these members.

Other benefits are run in county assemblies. I remember in the Homa Bay County Assembly where I come from, there was a hue and cry from some staff when one term was over.

These members of staff were people who were working on contract for five years. They had been instructed about certain savings they were making and when the term ended, they knew some benefits were accrued to them.

For a long time, when the term began, these members of staff of the Homa Bay County Assembly were chasing these benefits. It was a situation where one has planned

with some money. When the year begins, you know you are going to get some money, and this money is not forthcoming.

I support this Bill because the rules and regulations are directly spelt out and this will enhance the management of this Fund.

As I have said the MCAs are closer to our people and so there is a need for some savings for them. The life span of a politician sometimes is never very clear. As the Mover of the Motion says, one time you are here, the next time you may not know the environment in which you will operate.

Even as I stand here, I am a nominated Senator. I am looking forward to being elected in a post in the next election. However, what happens if that does not work out? It is based on those misgivings that we, as a Senate, that looks at the interest of the county, it would be important that we establish a pension scheme that will take care of any eventuality of all MCAs.

We have worked with these Members and seen the lives that some of them are leading when they lose their seats after every five years. I can testify to you that having worked at the first term of devolution; when that term ended, I saw some MCAs who were leading very miserable lives. Some of them came around to the offices of the executive looking for work and looking support.

I happen to have been lucky to serve in the second term as CECM too. We saw these MCAs move from one office to the other, looking for survival. That was and is expected because they have basic needs to meet.

So, I congratulate the Senate Majority Leader for this wise move. That as Senators would be able to establish a scheme that will take care of our MCAs.

Mr. Temporary Speaker, Sir, in the past, I have seen some Members of the Senate become MCAs. As leaders, we need to have a vision on how a number of us are going to survive when out of work.

The other reason I support this Bill is that the salaries of the MCAs are already very low against the expectations that are laid out for them. We have mentioned here that a review was done by the Salaries and Remuneration Commission (SRC), which placed the speakers of county assemblies at a higher level than the MCAs. Of course, that is laudable. However, the speaker has no mandate with the public.

It is the MCAs that solve the daily issues of our people on the ground at the wards level. The MCAs have low benefits and salaries. Their car and mortgage is already low. We must ensure that a saving is inculcated in the county assemblies, where they would be able to save some money that will cushion them when they leave or retire from their county assemblies or when they lose their seats.

I also have a reason to support this Bill because it spells out the establishment of a board of trustees. The Bill is so elaborate on who will form the members of the board of trustees. However, whoever becomes a member of that Board may not matter so much because they will be taking care of the interests of the county assembly.

I want to stress on the fact that this board must be guided by what is spelled out in Chapter Six of the Constitution of this Republic, which talks about leadership, integrity, honesty, accountability and the values that are enshrined in our Constitution. Why would

this be important? There are values that are expected from us as spelt out in chapter six of the Constitution.

The board of trustees will be dealing with monies that the MCAs shall have voluntarily saved over the years. It is very painful that an officer will have saved money from their salary, but someone mismanages it and finally it does not benefit the MCAs.

There have been similar practices in other professions. I am a teacher by profession. I remember my father, who was also a teacher, saved money in a pension scheme for the teachers of the then greater Southern Nyanza. I remember an investment was made to build a very expensive house in Homa Bay County called Sonyaco Plaza. However, at some point, because of mismanagement, teachers were suffering. Their children were dropping out of school and yet they had saved for this pension scheme.

Mr. Temporary Speaker, Sir, I would like the issue of integrity to be emphasised. Finally, access to their contributions when they retire from the county assemblies must be made easier. Then, the reason for their saving and value for money is met by the families.

Lastly, I want to caution that whoever will be managing these funds should exercise prudent management. The board of trustees should not be too ambitious and overinvest in some of these funds because, in the end, that has also hurt other schemes.

I support this Bill. Once it is passed, may the MCAs invest more in this scheme. By doing so, they will be investing in their future and that of their children.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Ogola, you were doing well until Sen. Eddy distracted you. I hope that the disruption did not take away your contributions and that you decided to conclude your contribution.

Sen. (Dr.) Murango, proceed.

Sen. (Dr.) Murango: Asante sana, Bw. Spika wa Muda. Kwanza, ningependa kumshukuru Kiongozi wa Walio Wengi kwa sababu ya wazo nzuri. Mswada huu ni wa maana sana.

Katika maisha yangu ya awali nimekuwa mwakilishi wa wadi na pia nilikuwa Kiongozi wa wengi katika Kaunti ya Kirinyaga. Kwa hivyo, naelewa masaibu yanayowafikia mawakilishi wadi ama MCAs ambao ni mengi.

Kama kuna viongozi ambao wanachukuliwa kwa urahisi, mashinani wako na watu kila siku, wanaobeba mizigo, ambao inafaa wasaidiwe ni wawakilishi wadi ambao ni MCA. Mimi nilihudumu kwa kipindi cha miaka tano; kuanzia mwaka wa 2017 hadi 2022. Katika kile kipindi bado nilikuwa na marafiki wengi. Kulikuwa MCA kutoka Tebere na wengine ambao walikuwa.

Tunapongea hivi sasa, kuna MCA wawili; mmoja wa Baragwi anaitwa David Mathenge, kijana mtanashati na mwingine ambaye anaitwa David Wangui ambaye ametoka Mutira. Hawa ni mojawapo wa wawakilishi wadi ambao hivi sasa wako katika muhula wa tatu.

Wanapomalizia muhula huu watakuwa wamehudumia wananchi kwa miaka kumi na tano. Lakini uchungu ni kwamba baada ya kazi ngumu ya kuhudumia wananchi, viongozi wale wataenda nyumbani mikono tupu bila kuwekeza pesa zozote katika idara yoyote ya kuhakikisha kwamba watapata fedha ya uzeeni. Hakuna kitu kibaya kama mtu ambaye amehudumia Wakenya, amefanya kazi na anapoenda nyumba anaenda mikono mitupu. Mswahili anasema mikono mikavu hailambwi.

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Baadhi ya wale madiwani ama *councillors* ambao wako Kirinyaga mpaka siku ya leo, baada ya Mswada uliopitishwa Bungeni ili walipwe pesa zao za uzeeni. Wengi wameaga dunia na shida nyingi za kiafya. Hawakuweza kujikimu ama kujitunza kwa sababu hawakulipwa pesa zao za uzeeni.

Hata kama tunasukuma walipwe pesa zao, leo hii nasimama hapa kusema kuwa wazo hili ni nzuri kuhakikisha kwamba viongozi wetu baada ya kustaafu ama kukamilisha vipindi vyao vya huduma kwa wananchi hawapitii shida ambazo wengi wanapitia.

Bw. Spika wa Muda, leo hii mimi kama Seneta nahudumu kwa kipindi cha miaka mitano. Nikibahatika kurudi katika Bunge hili, nitakuwa nimehudumu kwa miaka 10. Hiyo inamaanisha kuwa nitakuwa napata pensheni kwa miaka ambayo nitaishi.

Kuna pesa ambazo zinakatwa kwa mshahara wangu. Nikihudumu kwa kipindi cha miaka mitato, nitapewa *gratuity* wakati naenda nyumbani. Mfumo wa kuhakikisha kuwa watu wanapata pensheni au pesa za uzeeni ni mzuri zaidi.

Kumekuwa na masikitiko makubwa. Tumekuwa tukichangia waliokuwa madiwani. Kuna mwingine ambaye alikuwa ameajiriwa kama mfanyikazi wa nyumbani ilhali alikuwa kiongozi aliyekuwa anahudumia wananchi.

Mswada huu unapendekeza kuundwa kwa bodi ambayo itaangalia maslahi yao kwa kutenga pesa za uzeeni. Wengi wa watakaowekwa pale watakuwa wawakilishi wa wadi ambao wataweza kufanya uamuzi utakaowapa faida wenzao.

Ni nadra sana kupata mtu ambaye aliwania kiti cha useneta kwenda kuwania uwakilishi wa wadi. Shida wanazokumbana nazo waliomaliza hatamu ya uongozi zitatatuliwa na Mswada ulio mbele yetu.

Bw. Spika wa Muda, kuna jumbe fupi tunazopata kutoka kwa *MCAs* katika maeneo tofauti ya kaunti ambazo ni muhimu. Mwakilishi wa wadi anajua kila mtu. Kazi wanayofanya inaweza kufananishwa na ile ya machifu. Kukiwa na harambee kwa ajili ya ugonjwa au nyumba kuchomeka, wao ndio wa kwanza kualikwa. Wengi hutumia magari yao kama ambulensi kukiwa na wagonjwa.

Najua tunaangalia maslahi yao kwa mambo ya pesa za uzeeni. Tunapozingatia maslahi yao, ni vizuri pia kuangazia *Ward Fund* ambayo walifaa kupewa. Wengi wanaoishia kuwa maskini ni wale ambao wanatumia pesa zao kusaidia wengine.

Kwa nini wanasaidia na kuna pesa ya afya ambayo imetengwa? Hivi karibuni tutapitisha sheria ya kuhakikisha pesa zinaenda kwenye kaunti zetu ili kuhakikisha kuna dawa katika hospitali na barabara na shule za chekechea zinajengwa.

Pesa wanazotoa wawakilishi wa wadi kila siku ni kuwezesha huduma kupatikana. Kwa hivyo, naunga mkono. Nawaambia *MCAs* wote katika nchi hii kwamba sisi kama Seneti tunawajali. Hii ni dalili kuwa tunawajali na tutaendelea kuwajali vivyo hivyo.

Wao pia wanafaa kuchunga rasilimali katika kaunti zetu ili kusiwe na wizi ndiposa huduma ziwafikie wananchi. Hiyo itahakikisha kuwa fedha tunazopitisha hapa zinamfikia mwananchi.

Kwa hayo mengi, Bw. Spika wa Muda, naunga mkono kuwa tuwe na bodi maalum ya kushughulikia pesa za uzeeni ambazo *MCAs* watakuwa wanapata.

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until Thursday, 21st November, 2024, at 2.30 p.m. in the National Assembly Chamber.

The Senate rose at 6.30 p.m.