

PARLIAMENT OF KENYA**THE SENATE****THE HANSARD****Wednesday, 21st May, 2025****Afternoon Sitting**

*The House met at 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 the Speaker)

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

(The Quorum Bell was rung)

The Speaker (Hon. Kingi): Hon. Senators, we do have quorum now. So, we will start the afternoon's business.

Clerk, proceed to call the first Order.

COMMUNICATIONS FROM THE CHAIR**EXPULSION OF SEN. GLORIA ORWOBA FROM UDA PARTY**

The Speaker (Hon. Kingi): Hon. Senators, on Monday, 19th May, 2025, by a letter dated 19th May, 2025, Ref: UDA/1/SEN/05/2025, the Secretary-General of the United Democratic Alliance (UDA) Party wrote to the Speaker of the Senate, notifying the Speaker of the Senate that Nominated Sen. Gloria Orwoba has been expelled from the Party. By the same letter, the Secretary-General of UDA further notified the Speaker of the Senate that the said Nominated Senator ceased to be a UDA nominee to the Senate.

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In the same letter, the Secretary-General also requested the Speaker of the Senate to issue a declaration of vacancy of the seat being held by Sen. Gloria Orwoba.

Hon. Senators, on 21st May, 2025, I also received a letter Ref: RPP/FRP/015 VOL. VI (36), dated 20th May, 2025 from the Registrar of Political Parties communicating the decision of the Disciplinary Committee of the UDA on the expulsion of Sen. Gloria Orwoba from the UDA Party. Attached to the letter was a copy of the disciplinary committee's decision and ratification by the National Executive Committee of UDA.

Accordingly, vide a Special Issue of the Kenya Gazette No.97, dated 21st May, 2025, containing Gazette Notice No.6461, I have communicated the occurrence of a vacancy in a Member of the Senate elected through a party list. The Gazette Notice notifies the general public that pursuant to Article 103(1)(e)(i) of the Constitution and Section 37 of the Elections Act, the seat of the Member of the Senate elected under Article 98(1)(b) of the Constitution and held by Sen. Gloria Orwoba, has become vacant with effect from today, Wednesday, 21st May, 2025.

Hon. Senators, pursuant to the provisions of Article 101(2) of the Constitution and Sections 16(3) and 37 of the Elections Act, I have notified the Independent Electoral and Boundaries Commission (IEBC) and the political party concerned of the vacancy arising in the office of a Member of the Senate elected under Article 98(1)(b) of the Constitution.

The Senate is accordingly notified.

Thank you.

Hon. Senators, I have further communications to make.

SENATORS' BREAKFAST MEETING TO DISCUSS THE REPORT
ON THE FOURTH BASIS FOR ALLOCATING THE SHARE
OF NATIONAL REVENUE

The Speaker (Hon. Kingi): Hon. Senators, as you will recall, the Motion on the consideration of the Report of the Standing Committee on Finance and Budget on the Fourth Basis for allocating the share of national revenue among counties was scheduled for consideration on 8th May, 2025.

However, before the Motion was moved, several Senators rose on points of order, highlighting the need for more time to interrogate the contents of the Report and gain a better understanding of the recommendation by the Committee. Consequently, following consultation with the Chairperson of the Standing Committee on Finance and Budget, it was agreed that the Motion be deferred and rescheduled for debate on Thursday, 22nd May, 2025, to provide Senators with sufficient time to familiarize themselves with the contents of the Report.

Hon. Senators, in this regard, the Standing Committee on Finance and Budget has organized a breakfast meeting for Hon. Senators. The purpose of this meeting is to apprise Senators on the contents of the Report, facilitate consultation and consensus building on the way forward regarding the matter. The breakfast meeting is scheduled to

be held in the Senate Chamber, Main Parliament Buildings on Thursday, 22nd May, 2025, at 9.00 a.m., that is, tomorrow.

I thank you.

THE 2025 NATIONAL PRAYER BREAKFAST

The Speaker (Hon. Kingi): Hon. Senators, as you are aware, the National Prayer Breakfast is an annual event in the Calendar of Parliament. It is an interdenominational prayer meeting sponsored by Members from both Houses of Parliament.

The event is coordinated by an Organizing Committee which has been working closely with the Kenya National Prayer Breakfast Coordination Team. The Organizing Committee is co-chaired by Sen. Daniel Maanzo, MP and Hon. Samuel Chepkonga, MP, of the National Assembly.

The National Prayer Breakfast has been instrumental in fostering national healing, reconciliation and understanding on the challenges that face our country. The event will undoubtedly continue to be a uniting forum for our national ethos.

Hon. Senators, this year's National Prayer Breakfast is scheduled to be held on Wednesday, 28th May, 2025 at the Safari Park Hotel in Nairobi, from 7.00 a.m. The theme for the event is "Rise and Rebuild."

I, therefore, take this opportunity to invite all Senators to the 22nd Edition of the National Prayer Breakfast. Further details relating to the event will be given through the Office of the Clerk of the Senate.

VISITING DELEGATION FROM KIJABE GIRLS HIGH SCHOOL IN KIAMBU COUNTY

The Speaker (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon of visiting teachers and students from Kijabe Girls High School in Kiambu County. The delegation comprises six teachers and 126 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 my own behalf, I wish them a fruitful visit.

I will call upon the Majority Leader to extend a word of welcome to the delegation under one minute. You may proceed, Majority Leader. Let the delegation be properly acknowledged and celebrated by the Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Speaker, Sir, as a punishment for interrupting a very solemn moment when students visit our institution, I will be requesting that we move the House that Sen. (Dr.) Khalwale be compelled to meet with the students and buy them lunch. Otherwise, I welcome these students that have joined us this afternoon to follow proceedings here in the Senate. Welcome to the Senate of the Republic of Kenya. I hope that you have a full value for the time that you have taken.

There is nothing much that has happened yet, but like I always say, things always boil from zero to 100 in a span of a second in this House. So, do not be in a hurry. Enjoy the debate. Get to interact with the Members, those who will have the time to. I wish you well in your studies.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): What is your point of clarification, Sen. (Dr.) Khalwale?

Sen. (Dr.) Khalwale: I sit on the Senate Committee on Finance and Budget and in our last sitting, the Vice Chairperson who was chairing then, advised us that during tomorrow's breakfast meeting, one of the leaders of the Republic will address the Senate.

The clarification I seek is that in that meeting, I was in the minority. I would prefer that if such a thing should take place, it should be pursuant to Standing Order No.29. If it is indeed true, why are we not pursuing Standing Order No.29? Instead, we are allowing this dignitary to sneak into this very important meeting for discussing the formula for sharing revenue.

The Speaker (Hon. Kingi): Sen. Boni, indeed, it has been indicated to me by both the Majority Leader and the Minority Leader that the former Hon. Prime Minister and Party Leader for the Orange Democratic Movement (ODM) will be coming for purposes of consulting with Members of the Senate on the Division Allocation Formula (DAF).

He is not coming pursuant to the Standing Order that you have just invoked. He is coming in a consultative forum, where we will sit to hear his thoughts and thereafter, we will also put our heads together as the House behind a closed door to deliberate and try to see if we can hammer consensus on this formula. As and when he is coming to address the Senate in open plenary, then certainly that Standing Order will be invoked, but not for purposes of tomorrow's meeting.

Proceed, Senator for Nandi.

Sen. Cherarkey: Mr. Speaker, Sir, I need your guidance on further interpretation of Standing Order No.29. While I appreciate that we can caucus and that parliamentary caucuses and consultations are allowed, the interpretation of Standing Order No.29 says there can be modification.

We want to know the modification that your Office and the Clerk's Office will apply because this is a distinguished visiting dignitary. He is not an ordinary mortal, the hoi polloi of the street. This is one of the Prime Ministers of this Republic.

He is one of the senior members of the Broad-based Government. He has the eye and ear of the President. We need to know how we can prepare to receive and engage him. Even as we sit, it is important to know what the agenda will be.

Many Kenyans will want to know, noting that the former Prime Minister, as they say, 'Baba Pod Pek' has always been for the agenda of having money devolved to counties and the removal of the National Government Constituencies Development Fund (NG-CDF). The modification of Standing Order No.29 is important as we go to consultation.

I thank you.

The Speaker (Hon. Kingi): Hon. Senators, our Standing Orders can only be invoked when the Senate is officially sitting. The meeting that will take place tomorrow is not an official sitting of the Senate, but a consultative forum.

In fact, we had chosen some hotel somewhere in the outskirts of Nairobi to hold this meeting, but because of logistics challenges, we decided to have it within the precincts of Parliament. So, it is not a sitting for purposes of our Standing Orders.

Let us go to the next Order.

Sen. Boni, take your seat. I am just about to report a petition.

PETITION

INACCESSIBILITY OF PUBLIC BUILDINGS AND OFFICES BY PWDs IN MOMBASA COUNTY

Hon. Senators, I hereby report to the Senate that a petition has been submitted through the Clerk by members of the Core Civil Society Network for Human Rights concerning the inaccessibility of public buildings and offices by persons with disabilities (PWDs) in Mombasa County.

As you are aware, Article 119(1) of the Constitution states that-

“Every person has the right to petition Parliament to consider any matter within its authority, including enacting, amending, or repealing any legislation”.

Hon. Senators, the salient issues raised in the Petition are as follows-

(1) THAT, a majority of public buildings in Mombasa County, including Bima Towers, the Betting and Control Building, the Office of the Deputy Commissioner of Mvita, the Mombasa County Assembly, Uhuru na Kazi, the Mombasa Law Courts, and the National Environment and Management Authority (NEMA), are inaccessible to PWDs;

(2) THAT, the Betting and Control Building, which houses several county government offices and departments, has been inaccessible to PWDs for at least five years;

(3) THAT, the Uhuru na Kazi Building, which accommodates major government offices, including the National Council for Persons with Disabilities (NCPWD), often has lifts that are out of service;

(4) THAT, despite numerous renovations, the Mombasa County Assembly has not complied with the accessibility requirements, and its gallery remains inaccessible to PWDs;

(5) THAT, the Office of the Deputy Commissioner for Mvita at Treasury Square lacks access provisions and lifts for PWDs;

(6) Additionally, the building housing the Mombasa Law Courts also lacks lifts, with most courtrooms located on the first floor; and,

(7) THAT, the petitioners have made several attempts to resolve the concerns presented in the Petition, with the Department of Lands, Housing and Urban Planning, the National Council for Persons with Disabilities, the Mombasa County Commissioner,

the Governor of Mombasa County, the Speaker of the County Assembly of Mombasa, and the National Gender Equality Commission, all of which have yielded unsuccessful results;

Consequently, the Petitioner prays that the Senate intervenes by doing the following-

(1) Instituting an inquiry into the status of accessibility of all buildings in Mombasa County to PWDs in accordance with the Constitution and all other relevant regulations and standards; and,

(2) Making recommendations to relevant Government agencies to ensure that all buildings in Mombasa County are accessible to PWDs.

Hon. Senators, pursuant to Standing Order No.238(1), the Petition is hereby committed to the Committee on Labour and Social Welfare for consideration.

In terms of Standing Order No. 238(2), the Committee is required in not more than 60 calendar days from the time of reading the Prayer, which is today, to table its report to the Senate for consideration.

I thank you. Let us go to the next Order.

Sen. Joe Nyutu, proceed.

Sen. Joe Nyutu: Mr. Speaker, Sir, I had requested to comment on that Petition. I do not know whether it is allowable.

The Speaker (Hon. Kingi): Sen. Joe Nyutu, I called you so that you give notice.

NOTICES OF MOTIONS

IMPLEMENTATION OF AN AUTOMATED AND DECENTRALISED CERTIFICATE OF GOOD CONDUCT SYSTEM

Sen. Joe Nyutu: Sorry. Thank you, Mr. Speaker, Sir. I beg to give Notice of the following Motions-

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

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

FURTHER CONCERNED THAT the current manual application system is prone to delays and inconsistencies, which may compromise the authenticity and integrity of a Certificate of Good Conduct;

COGNIZANT THAT the importance of introducing an automated Good Conduct Certification system, including the utilisation of biometric fingerprint verification through the deployment of biometric kits, will enhance accuracy, security, and expediency in verifying individual's record;

NOW THEREFORE, the Senate resolves that the National Police Service Commission, in collaboration with the Ministry of Interior and National Administration to:

1. develop and implement an automated good conduct certification system designed to streamline the issuance, renewal, and verification of certificates of good conduct;
2. incorporate advanced technologies such as biometric fingerprint recognition, data encryption, and secure communication protocols to ensure the accuracy of individuals' records;
3. establish decentralised service points and deploys mobile registration units across counties to enhance accessibility, especially in remote areas; and,
4. scale up public awareness initiatives in rural areas on the application and renewal process for the certificate of good conduct.

ESTABLISHMENT OF POLICY TO REGULATE ARTIFICIAL
INTELLIGENCE (AI) AND INNOVATION

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

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

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

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

APPRECIATING THAT, the Ministry of Information, Communications and the Digital Economy recently formulated---

The Speaker (Hon. Kingi): Sen. Nyutu, you were to give notice of the implementation of the automated and decentralised Certificate of Good Conduct.

Sen. Joe Nyutu: Sorry; I went all the way to number---

The Speaker (Hon. Kingi): You are reading the entire Order Paper.

Sen. Joe Nyutu: Sorry, Mr. Speaker, Sir, for that particular mishap.

I beg to give Notice of that Motion that I had read before.

The Speaker (Hon. Kingi): Thank you.

Let us have Sen. Karungo Thangw'a.

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

Sen. Nyutu, to neaten the record, you may have to give notice of Motion afresh because we are going to disregard all that you have said.

IMPLEMENTATION OF AN AUTOMATED AND DECENTRALISED
CERTIFICATE OF GOOD CONDUCT SYSTEM

Sen. Joe Nyutu: Sorry for that, Mr. Speaker, Sir. I beg to give notice of the following Motion-

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

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

FURTHER CONCERNED THAT the current manual application system is prone to delays and inconsistencies, which may compromise the authenticity and integrity of a Certificate of Good Conduct;

COGNIZANT THAT the importance of introducing an automated Good Conduct Certification system, including the utilisation of biometric fingerprint verification through the deployment of biometric kits, will enhance accuracy, security, and expediency in verifying individual's record;

NOW THEREFORE, the Senate resolves that the National Police Service Commission, in collaboration with the Ministry of Interior and National Administration to:

1. develop and implement an automated good conduct certification system designed to streamline the issuance, renewal, and verification of certificates of good conduct;
2. incorporate advanced technologies such as biometric fingerprint recognition, data encryption, and secure communication protocols to ensure the accuracy of individuals' records;
3. establish decentralised service points and deploys mobile registration units across counties to enhance accessibility, especially in remote areas; and,
4. scale up public awareness initiatives in rural areas on the application and renewal process for the Certificate of Good Conduct.

Thank you.

ESTABLISHMENT OF POLICY TO REGULATE
ARTIFICIAL INTELLIGENCE AND INNOVATION

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

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

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

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

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

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

CONCERNED THAT currently there is no comprehensive legislative or policy framework to guide the governance, development, or ethical use of AI in Kenya, a phenomenon that is potentially likely to affect innovation among local startups and youth-led tech enterprises;

NOW THEREFORE, the Senate resolves that the Ministry of Information, Communication and Digital Economy develops a Policy on Artificial Intelligence and emerging technologies with particular emphasis on:

- i) promoting research and development of locally relevant AI solutions;
- ii) establishment of ethical guidelines to prevent misuse and ensure responsible application of AI;
- iii) establishment of regulatory 'Sandboxes' for supervised testing of AI and emerging technologies;
- iv) strengthening public-private partnerships to build digital skills; and
- v) integrating AI and coding into the education curriculum.

The Speaker (Hon. Kingi): Since Sen. Karungo Thang'wa is not present, this Notice of Motion is deferred.

(Notice of Motion deferred)

Clerk, let us go to the next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

Statements pursuant to Standing Order No.52(1). Sen. Hezena Lemaletian, proceed.

That Statement is dropped.

JOINT BUNGE YOUTH DIALOGUE, 2025

(Statement dropped)

Statements pursuant to Standing Order No.53(1). Sen. Hamida Kibwana, proceed.

That Statement is dropped.

STATUS OF HOUSING FACILITIES FOR FOREST RANGERS

(Statement dropped)

Senator for Nairobi City County, Sen. Edwin Sifuna, proceed.

STATE OF AFFAIRS AT THE KENYA RUGBY UNION

Sen. Sifuna: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Labour and Social Welfare on a matter of national concern regarding the state of affairs at the Kenya Rugby Union (KRU).

In the Statement, the Committee should address the following-

(1) The operational and financial standing of the KRU, including details on the amount of sponsorship funds channeled to KRU by various corporate entities from 2022 to date, and the specific expenditures of the Union relating to the same period.

(2) The current status of the report by the KRU chairman, Mr. Alexander Sasha Mutai, to the Directorate of Criminal Investigations (DCI) regarding alleged criminal and fraudulent activities within the Union.

(3) Whether all serving KRU directors possess the necessary qualifications to hold their respective offices.

(4) The actions being taken to address the governance and other challenges afflicting the Union to avert sanctions from the World Rugby.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Senator for Kajiado County, the Hon. Sen. Seki Lenku Olekana, you may have the Floor.

ONGOING CONSTRUCTION OF A HOTEL IN
NGONG ROAD FOREST

Sen. Seki: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on Lands, Environment and Natural Resources on a matter of national concern regarding the ongoing construction of a hotel within Ngong Road Forest adjacent to the sanctuary area.

Mr. Speaker, Sir, civil societies organisations including the Green Belt Movement and the general public have raised serious concerns over the construction of a hotel within the protected forest reserves. This development seriously breaches environmental protection laws, planning regulations and public trust.

In the Statement, the Committee should address the following-

(1) The identity of the developer currently constructing the hotel within the Ngong Road Forest.

(2) The finding of the Environmental Impact Assessments (EIA) for the construction of projects and whether the public was informed and or involved in the assessments as contemplated by the Environmental Management and Coordination Act.

(3) Whether the construction project was approved by the relevant authorities including the Kenya Forest Service (KFS), the relevant county governments and the National Environmental Management Authority.

(4) If so, obtain information on the legal basis of such approval considering Ngong Forest status is a gazetted forest reserves.

Thank you.

The Speaker (Hon. Kingi): The Senator for Taita-Taveta County, the Hon. Sen. Mwaruma.

NON-REMITTANCE OF STAFF SACCO DEPOSITS AND LOAN
DEDUCTIONS BY TAITA-TAVETA COUNTY GOVERNMENT

Sen. Mwaruma: Thank you, Mr. Speaker, Sir, for this opportunity to request for a Statement on non-remittance of staff deductions by Taita-Taveta County Government.

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Devolution and Intergovernmental Relations on a matter of countywide concern, regarding the non-remittance of staff Savings and Credit Cooperative Organization (SACCO) deposits and loan repayment deductions to Kwetu SACCO and other financial institutions by the Taita-Taveta County Government.

The Taita-Taveta County Government has been deducting funds from employees' salaries for SACCO deposits and loan repayment to Kwetu SACCO and other financial institutions. However, the County Government has failed to remit these deductions to the respective institutions as required by law and existing agreements.

In the Statement, the Committee should address the following-

(1) The total amount of money deducted from employees of the Taita-Taveta County Government for SACCO deposits and loan repayments to Qwetu SACCO and other financial institutions, which are yet to be remitted to the institutions, including details on the specific amounts by institution as well as the duration for which the remittances have remained pending.

(2) The reasons for the failure by the County Government to remit these deductions as well as the specific timelines for remittance of all outstanding amounts.

(3) The measures in place to prevent such delays and failures in future.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Tabitha Mutinda, proceed. That Statement is dropped.

OPERATIONALISATION OF THE VICTIM PROTECTION TRUST FUND

(Statement dropped)

Sen. Karen Nyamu, proceed.

EVICTON OF HAWKERS FROM NAIROBI CBD

Sen. Nyamu: Thank you, 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 on a matter of countywide concern regarding the ongoing harassment, abuse and violent eviction of hawkers in the Nairobi Central Business District (CBD) by the Nairobi City County Enforcement Officers.

Recent events in the CBD have brought to light troubling incidents involving County enforcement officers against hawkers. This includes physical assault, extortion and sexual abuse, particularly targeting female hawkers.

Such acts are not only unethical and unlawful but also violate Articles 28 and 29 of the Constitution, as well as Statutes including the Sexual Offences Act and the Code of Conduct for public officers.

Mr. Speaker, Sir, the informal sector serves as a critical economic lifeline for many urban residents and should therefore be integrated into the urban economy. However, hawkers continue to face harassment and unlawful arrests, confiscation of their goods, and intimidation often by officers who are unidentifiable and operate with impunity.

These actions have disproportionately affected vulnerable populations, including women, youth, and persons with disabilities, exacerbating the economic and personal insecurity

In the Statement, the Committee should address the following-

(i) the policy framework guiding the Nairobi City County Government enforcement officers' actions against hawkers;

(ii) whether enforcement officers receive sufficient training to ensure compliance with the law and ethical standards and the systems in place to hold them accountable for misconduct;

(iii) the measures being taken by the County Government to establish inclusive, adequate, and accessible vending spaces for hawkers while ensuring protection, especially for women, from physical abuse, extortion, and sexual violence; and,

(iv) the existence and effectiveness of oversight and complaint handling mechanisms through which hawkers and the public can report misconduct by enforcement officers.

I thank you.

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

STATUS OF HOUSING FACILITIES FOR FOREST RANGERS

Sen. Kibwana: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee of Land, Environment, and Natural Resources on a matter of national concern, namely, the status of housing facilities for forest rangers under the Kenya Forest Service (KFS).

Forest rangers play a vital role in protecting forests, which are essential for biodiversity, water catchment, climate regulation and the livelihoods of millions of people. Despite this, their welfare, especially housing, remains severely overlooked.

Many rangers live in unsafe and unsanitary conditions without basic amenities. Some are even forced to stay in makeshift shelters or tents near forest outposts. Supporting forest conservation requires investing in decent, sustainable housing for rangers, as it is both a welfare issue and a matter of national and environmental security.

In the Statement, the Committee should address the following-

(i) the current state of the housing infrastructure for forest rangers at all Kenya Forest Service stations and outposts across the country;

(ii) the measures that the Kenya Forest Service has taken to assess, maintain, or upgrade existing housing facilities for its personnel;

(iii) plans for the Ministry of Environment, Climate Change, and Forestry to invest in sustainable, safe, and decent housing for forest rangers, including through public-private partnerships, and indicate any projected timelines for implementing these improvements; and,

(iv) budgetary allocations and policy frameworks in place to support the long-term welfare of forest rangers, particularly in relation to their living conditions.

I thank you.

The Speaker (Hon. Kingi): Thank you. Hon. Hezena, you may proceed to make your Statement pursuant to Standing Order No.52. Thereafter, we will move to comments.

(Loud consultations)

The Senate Majority Leader, you should guide new Members correctly. You should not scare them.

Proceed, hon. Senator.

JOINT BUNGE YOUTH DIALOGUE, 2025

Sen. Lemaletian: Mr. Speaker, Sir, I rise pursuant to the Standing Order No.52(1) to make a Statement on a matter of national concern on the Joint Bunge Youth Dialogue held on the 17th of March, 2025, co-hosted by the Kenya Young Parliamentarians Association (KYPa) and the Club de Madrid Women and Youth in Democracy (WYDE) Network of Young Decision Makers. The event took place within the precincts of Parliament at the Kenyatta International Conference Centre (KICC).

Mr. Speaker, Sir, this dialogue was a deliberate and strategic intervention designed to bridge the persistent gap between youth-led civic action and formal policymaking, Members of County Assemblies, student leaders, and civil societies actors alongside international delegates from over 10 countries.

I wish to specifically acknowledge the presence of distinguished young parliamentarians from across the globe who made significant contributions to the deliberations-

- | | | |
|---------------------------|---|----------|
| (i) Hon. Augusta Nadi | - | Nigeria |
| (ii) Hon. Mubarak Kumari | - | Nigeria |
| (iii) Hon. Joanah Mamombe | - | Zimbabwe |
| (iv) Hon. Sengoi Zaya | - | Mongolia |
| (v) Hon. Banda Chisomo | - | Zambia |

Their voices reinforced a global consensus that young people are rising, and Parliaments must rise with them.

Mr. Speaker, Sir, a central feature of the dialogue was a vibrant mock Parliamentary Session during which two landmark Motions were debated and unanimously adopted.

The first Motion was on Youth and Democracy in Kenya, which called for dismantling of systemic and structural barriers to youth inclusion in governance. It emphasized the need for civic education, political reform, and institutional recognition of youth voices.

The second Motion was on Youth and Democracy, a global commitment which positioned Kenya as a champion of youth participation on the international stage, advocating for youth quotas, political finance reform, and representation in global decision-making platforms.

These Motions were not abstract. They were rooted in lived experiences. The discussions captured the frustration of young people facing exclusion from political party structures, economic disempowerment, lack of civic awareness, and tokenistic representation.

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Mr. Speaker, Sir, the dialogue did not merely diagnose the problem. It charted a course for action. KYPA, in collaboration with Club de Madrid and relevant stakeholders committed to a concrete actionable framework including-

- (i) cascading mock parliaments to all 47 counties with institutional backing to entrench civic education and participatory governance;
- (ii) establishing a youth policy consolidation framework to link grassroots concern to national legislation and policy making;
- (iii) institutionalizing structured youth dialogues in partnership with county governments and assemblies;
- (iv) creating safe civic platforms for marginalized and rural youth, particularly in arid, informal, and underserved regions;
- (v) developing a digital engagement portal to enable real-time issue tracking and feedback between youth and parliament; and,
- (vi) tabling youth-led proposals in both Houses of Parliament with a commitment to follow through to implementation.

Mr. Speaker, Sir, with over 75 per cent of Kenya's population under 35, Kenya's democracy cannot afford to sideline its youth. This dialogue affirmed that young people in Kenya are not asking for charity. They are demanding equity, representation and access. They seek to move from protest to policy, from street mobilization to structured leadership. For this to happen, Parliament must act.

Mr. Speaker, Sir, I wish to acknowledge and thank the Speakers and Clerks of both Houses of Parliament for continued support to the Kenya Young Parliamentarians Association and for facilitating the hosting of the dialogue at the KICC. This gesture affirms the critical role of Parliament in fostering youth leadership and democratic inclusion.

Let me also emphasize that the partnerships between KYPA and Club de Madrid is not cosmetic. It is deliberate, reform-focused, and long-term. This is not a one-off event. We are committed to implementing the resolutions of this dialogue and cascading them to all counties, not through talk-shops, but through legislative mentorship, civic dialogues, and grassroots policy action.

In conclusion, Mr. Speaker, Sir, I urge this House to extend full legislative and institutional support to the outcomes of the Bunge Youth Dialogue.

Let these ideas not gather dust in reports and communiques. Let them be translated into Motions, Bills, budget lines and ultimately, into the lives of young people across this nation.

Let history remember that this Parliament stood with its youth and that it acted when it mattered the most.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Hon. Senators, we will have comments for half-an-hour. Therefore, if you get an opportunity to speak, kindly, keep it under three minutes.

Proceed, Sen. Cheruiyot.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I thank you. I rise to comment on the Statement by Sen. Edwine Sifuna on the operations of KRU. As a

fan of rugby and sports in general, it must be our interest to ensure that our federations function optimally and any time there are accusations of maladministration in those institutions, any fan of sports must take keen interest.

Therefore, I hope that KRU shall be open to this kind of scrutiny and perhaps even as a House, we can assist them to achieve their objectives. It is not just about pointing fingers of accusation, but finding a nexus through which we can collaborate with them to ensure that we take rugby to even greater levels than what it already is.

While still on the topic of sports, I must express great dissatisfaction with the operations at Sports Kenya. You know that this country has only one continental tour known as the Kipkeino Classic and it happens once every year.

We are the only African country that has the honour of hosting that international event, a golden league standard competition. This year, I saw a memo being released yesterday by Sports Kenya that because of the unavailability of Nyayo Stadium and Kasarani, it shall be held at the Ulinzi Stadium. That cannot be the case.

I am told that Sports Kenya gave a contractor to repair the running track at the Nyayo Stadium, some fellow who could not tell the difference between what glue to use on that pattern and, therefore, they showed up with super glue and ended up messing up the entire track. If that is the case and Kipkeino Classic is held at Ulinzi Stadium, and we end up losing the hosting rights of our institution, I do not see why the board and the CEO of Sports Kenya should remain in office.

It is really unfortunate. We still have time up to the 31st May when this event will be happening for them to put their act together. However, we cannot tolerate that. You cannot expect that international athletes will run on the same track where Sen. Cherarkey normally trains, at Ulinzi Stadium. That is really unfortunate and uncalled for.

Therefore, I hope that before the 31st May, 2025, Sports Kenya will put its act together and we will have a gold standard competition in the name of Kipkeino Classic 2025.

I thank you.

Sen. Sifuna: Mr. Speaker, Sir, allow me to make a comment on the Statement that was brought by the Senator for Kajiado County, Sen. Seki. Just a few weeks ago - I think it is not more than a month - the Cabinet Secretary responsible for the environment was here with us. Part of the problem we raised with the way that the Kenya Forest Service manages public relations is that they never tell the public when they are planning to do something or engage even the stakeholders in the community when they are developing plans for anything to do with our forests.

You will wake up one day and the Karura Forest is trending, they are cutting trees, they have not told anybody, and then they come and tell you they were harvesting mature trees.

Now, they have gone into Ngong Forest and out of the blue, somebody is building a hotel in the middle of the forest without telling anybody. It takes the locals there to raise an alarm and say there is something that is happening in the forest for them to come out, and then I saw the Chief Conservator of Forests coming there and saying that the project is above board.

Our Constitution requires transparency. When you are dealing with public property, all it takes is for KFS to tell us these are the plans for this particular forest, engage the stakeholders and the public; let us have NEMA on board so that we are all clear that there is a project that is happening and this is how it is going to benefit us, especially when it comes to conservation of a forest and not this issue of them waiting for social media outreach, then they come and tell us, “This thing is above board”. We need to call out the Kenya Forest Service.

Lastly, on the Statement that has been brought by my sister, Sen. Karen Nyamu, when the current Governor of the Nairobi, Hon. Sakaja, was running for the seat, he promised a city of dignity and order. I will leave it to the public to judge his performance so far, whether there is dignity and there is order in this City.

My office is across from his at the KICC. Sometimes even leaving KICC is difficult because there are always hawkers protesting outside his office every day. The inhumane manner in which these “Kanjos” continue to handle the people, we have to call him out because he is the one who made a specific promise.

It is as if these City Council Askaris are incorrigible, that even when he promised us that he is going to take them for training about--- What training do you need to be humane when you are doing your job?

Just recently, the PWDs who also do their business on the streets in Nairobi, were kicked out, and you know that these are people who need to be handled with care. Every single day you wake up, there is a case of these “Kanjos” mishandling Kenyans and the people of Nairobi.

So, when the Governor appears before this Committee, let him answer to the people of Nairobi City County what is going on with this force.

I thank you.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, in 1989, Parliament kept quiet when Professor Wangari single-handedly fought the then-President of Kenya over the grabbing of Uhuru Park. They wanted to put up a hotel of 60 stories. I want to congratulate Sen. Seki that now you have allowed Parliament to speak to this attempt to grab the Ngong Road Forest.

The Committee must clearly tell the country who the developer is. Secondly, does Ngong Road Forest still exist or these politicians have excised and shared it among themselves?

I want to request members of the public to forgive some of the clean politicians. Not all politicians want to grab land or want to have land in the City. A green space in a city is a big thing. It must not take any effort to protect it. This is not an accident. This developer actually went there, received permits, he was given licenses, and has even cut trees in that place.

It must concern this House that this attempt is a stone throwaway from Talanta City. So, these greedy, corrupt people are dying to have a hotel next to the new city, so that they can do business. All this is vanity. Why do they not ask God? God will tell them that whether they like it or not, the law will catch up with them, and death is going to catch up with them.

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Let us protect Nairobi, the famous green city in the sun.

Sen. Omogeni: Mr. Speaker, Sir, I wanted to seek a clarification regarding the Communication that you had earlier made to the House touching on Sen. Gloria Orwoba.

I wanted to bring it to the attention of your office---

The Speaker (Hon. Kingi): Sen. Omogeni, we are now on comments on the statements that have been requested. If you do not have any comments, kindly yield.

Sen. Omogeni: Sorry, Mr. Speaker, Sir. On 11th May, 2021, precedence was set. A similar Communication was made to the House by Majority Leader---

The Speaker (Hon. Kingi): Yes, but let us dispense with the comments first. Let us dispense with the comments first because we have limited time to do this.

Sen. Omogeni: Mr. Speaker, Sir, I abide.

The Speaker (Hon. Kingi): Proceed, Sen. Osotsi.

(Loud consultations)

No, Sen. Osotsi, you may proceed.

Sen. Osotsi Thank you, Mr. Speaker, Sir. Allow me to comment on two statements. The first by Sen. Sifuna on the affairs of the Kenya Rugby Union.

It is unfortunate that most of the sporting associations in Kenya are riddled with corruption and mismanagement. It is important that the committee that will be looking at this matter to go to the depth of the issues at the Kenya Rugby Union so that those officials who are involved in any kind of malpractice should be subjected to the law.

It is unfortunate that our associations which are supposed to be managing the sports for the welfare of our youth are instead turning those associations into money-minting ventures. That is why this country, which has huge potential in sports, is lagging behind in sports because of the conduct of the very people who are supposed to be managing this association.

I also want to comment on the statement by Sen. Mwaruma on the issue of non-remittance of statutory deductions by county governments. This problem is rampant in most counties. We continue to see queries around non-remittance of SACCO dues, non-remittance of NSSF, non-remittance of SHA and other important statutory deductions by county governments.

One question that we must be asking ourselves what the role of the Controller of Budget is because she is the one who approves these requisitions. How does she approve requisition of salaries without checking on the status of statutory deduction?

I think it is important that the Controller of Budget be summoned by this House to explain how he or she is able to approve salaries without the statutory deductions being included because that is where the problem is.

Mr. Speaker, Sir, we have so many staff in our county governments who cannot access SACCO loans and yet they have been deducted SACCO amount from their salaries and they are suffering.

This is a very serious problem. How I wish the Committee concerned should not just stop at Taita-Taveta County Government, but all the other county governments which are engaged in this very serious malpractice.

I expect that the Committee will invite all the other counties which have this problem. As we speak about this, we did an inquiry the other day in my Committee on the pensions where counties owe pensioners---

(Sen. Osotsi's microphone went off)

The Speaker (Hon. Kingi): Senator for Nandi.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I rise to support the Statement by Sen. Edwine Watenya Sifuna on the affairs of the Kenya Rugby Union.

Sports associations have turned into conclaves and enclaves of perpetuating corruption and they feel that they cannot be held accountable. As much as some of us are fans of sports, it does not give the license to officials in our sports federations to carry out the bad manners that we are seeing.

I demand the following as a progress: That the Office of the Auditor General must forthwith do special and forensic audit against financial statements of the Kenya Rugby Union. Secondly, the Directorate of Criminal Investigations (DCI) must fast-track the investigations of fraudulent activities within Kenya Rugby Union and hold people accountable.

I normally see DCI very efficient when it comes to arresting politicians. I want to test their efficiency in concluding this investigation into fraudulent activities in Kenya Rugby Union.

The fourth point is the number of board members whose term has expired. we should follow the law in this country. I want to challenge officials of sports federation, basketball, athletics Kenya, Football Kenya federation (FKF), all federations, including Kenya Rugby Union Federation. Why do they fear elections? As politicians, do not fear elections.

Mr. Speaker, Sir, Athletics Kenya have never held elections for almost 15 years. They are staying longer than the late President Mugabe. Why would people want to be Mugabes of this world? What is so special in clinging to power in our federations?

I must say that the other day, FKF held elections and nothing has happened. What is it that Kenya Rugby Union fear in holding an election for part of transparency and accountability?

I assure the Senator of Nairobi City County that we are in this together to the long haul. We must fix the mess in the Kenya Rugby Union. It cannot be business as usual.

Finally, on Sen. Karen Nyamu's Statement on harassment, the current Governor Sakaja told us that *lazima i-work*. Unfortunately, it does not work. That is the position.

I was embarrassed. I expected the women of this country to be demonstrating on streets for sexual harassment in the guise by these askaris. How can they harass the Persons Living with Disability, the *mama mbogas*, the *boda boda* and hustlers? We will not allow Sakaja to get away with this. He must be dealt with.

Sen. Omtatah: Thank you, Mr. Speaker, Sir. I begin by commenting on the Statement by Sen. Karen regarding hawkers. We must realize that hawking is a very important industry in any area or society because only in hawking that you need minimum capital to be able to engage and trade. With Kshs50, you can buy tomatoes and make Kshs100 at the end of the day.

We only need to find a way of regulating this industry of quick wealth generation, so that young people can engage in it. Given the low capital requirement, sometimes it is the only area where people are disadvantaged and can engage in some form of enterprise to move forward.

On the question of the Kenya Rugby Union, I think, generally, sports in this country have been taken for granted. Sports is no longer just an idle area, but a major industry. In a country that is grappling with employment challenges, very huge unemployment, I think if we gave it the attention it requires, sports should move forward.

This culture of *utado* requires that we go back to law enforcement, which is heavily compromised. The Directorate of Criminal Investigations (DCI), the Ethics and Anti-Corruption Commission (EACC) and the police, are so compromised that you find people do what they want and dare you.

The time is coming when we should have these organizations called to book. Where there is also this rampant misuse of public funds, we should also hold to account the organizations that are supposed to do the audit.

There has been a trend to think that Parliament does audits; it does not. Parliament cannot even change a comma in a report of the Auditor General. The report is final; we can only act on it.

Finally, on the question of the youth bulge and the youth challenges in this country, we cannot sweep them under the carpet. Young people have no jobs, no future and nowhere to face. It is time we stopped doing the nonsensical things we are good at doing and focus on changing this country; on making the taxes of this country work for the people.

We should stop theft. There is too much theft in this country, right from the top of the Government going down. Everybody is stealing without any fear or shame as the “bull of Nandi” is telling me.

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

Sen. Kinyua: Asante, Bw. Spika, kwa kunipa fursa hii kuchangia kauli hizi. Ni vizuri ijulikane ya kwamba watu wanaofanya biashara za rejareja wana haki, kwa sababu wanachangia kwa maendeleo ya nchi. Ikumbukwe sisi tukifanya siasa tulisema ya kwamba wale walala hoi, wanapaswa kuangaliwa.

Haitakubalika na ni jambo la kuvunja moyo sana, ikiwa wale wanafanya biashara za rejareja hawapewi fursa, wanahangaishwa na kusumbuliwa. Hawawezi wakasimama mahali popote katika Jiji hili au sehemu zozote katika nchi ya Kenya. Kwa hivyo, sisi sote tuna haki ya kufanya biashara mahali popote.

Kamati ambayo itashugulikia jambo hili, ijue watu wote wanafaa kupewa uhuru wa kufanya biashara. Iwe biashara kubwa, rejareja au yeyote ile, ikiwa mtu amefuata

taratibu za kisheria, anapaswa apewe fursa kama mtu mwingine yeyote ili afanye kazi yake.

Bw. Spika, tunamwambia Gavana wa Nairobi vizuri aelewe kwamba, ni juzi tulikuwa na yeye hapa Seneti na alikuwa akitetea hawa wafanyi biashara wa rejareja. Sijui ni nini kimefanyika na akapinduka. Amewafukuza ni kama swara hapa mjini. Hakuna mahali wanaweza keti na kufanya biashara zao. Hawezi kuwatengenezea hata choo na wale wanalipa kodi. Kwa hivyo, ni vizuri hata wao waangaliwe.

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

Sen. Wambua: I thank you, Mr. Speaker, Sir. I will make a comment on the Statement by Sen. Karen Nyamu.

Karen Nyamu, Senator, I am making a comment on your Statement. It would be important for you to listen, because it is an important statement.

On 17th December, 2010, a vendor by the name Mohamed Bouazizi, in a small city in Sidi, Tunisia, set himself on fire outside the Office of the Governor; to the eyes of many people. It was just a vendor who was expressing frustration because of harassment by the city county government at that time. What followed that act led to what today is known as the Arab Spring, which brought down governments in that region.

Street vendors are an important segment of any city, any society, anywhere. I do not understand the need for cities to be clean and for us to develop what we are calling smart cities. However, that must be balanced with the need to allow people to earn a living. When you chase street vendors and you get them out of the streets without providing them with alternatives, what exactly are you telling them to do? It is the responsibility of our governments; both local and national governments, to find ways and means of enabling people at the lower segments of the economic pyramid to earn a decent living.

Mr. Speaker, Sir, last week, I was having a conversation with the Cabinet Secretary for Cooperatives and Micro, Small and Medium Enterprises (MSMEs) Development, hon. Wycliffe Oparanya, about the success of the Hustler Fund. I am wondering that on the one hand, the national Government is enabling access to funds for young people to start small little businesses. On the other hand, the City County Government of Nairobi is chasing those very young people from doing their businesses on the streets of Nairobi.

What would have been better is for the County Government of Nairobi to provide premises and places where vendors can do decent business. I believe we are way, way past the era of charging young people and women with batons and beating them up to get them out of the streets.

I, therefore, call upon our friend, Senator, Governor Sakaja, to rethink that strategy of getting vendors out of the streets. There are better ways of doing it than beating up people and chasing them from the streets.

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

Sen. Joe Nyutu: Asante, Bw. Spika. Nami nitasema moja au mawili kuhusu Kauli iliyotolewa na Seneta wa Kajiado, Seneta Seki, kuhusu ujenzi wa hoteli ndani ya msitu wa Ngong.

Hili ni jambo linatuhusu na kututia wasiwasi. Tunajua kuna hofu ya joto linaloendelea kuzidi ulimwengu mzima na ndio sababu tumeambiwa na pia Serikali imetuambia kila mtu apande miti miwili au mitatu ili misitu yetu iendelee kukua na sio kupungua.

Kama wenzangu wametangulia kusema, wale wametwikwa jukumu la kulinda misitu, wamekuwa wakilala katika kazi zao. Na wakati ambapo wananchi au mashirika tofauti wanapoleta mambo haya kwa mwanga, hapo ndipo wale walio na jukumu hili la kulinda misitu wanakuja na kutupea vijisababu vya kusema ni kwa nini kumetokea mambo kama yale.

Kama mwenzangu moja alivyosema, juzi pale Karura walipokuwa wakikata misitu, walisema walikuwa wanaondoa ile miti ya zamani ili kupanda miti ya kisasa. Lakini, walikuwa wanakata miti yote. Ikiwa walikuwa wanaondoa miti ya zamani na kuleta miti ya kisasa, wangekata michache na kuacha mengine. Wanapokata miti kwa kijumla, tunashuku kuna watu wanaotaka kufanya majengo ndani ya misitu.

Bw. Spika, kulingana na Katiba, ni lazima kabla ya kukata miti ndani ya misitu, umma uulizwe maoni yao na wayatoe. Ni lazima Kamati itakayochunguza suala hili ituambie, je, umma ulihusishwa? Je, umma ulipohusishwa, waliamua aje? Je, walipitisha kwamba hoteli ijengwe mle ndani ya msitu na hoteli ile inajengewa nani? Ni nani mwenye hiyo hoteli pia?

Kilicho muhimu sana ni kujua ni nani anayejenga hoteli ndani ya msitu. Ninaamini anayejenga ndani ya msitu ni lazima ni mtu aliye na ushawishi mkubwa ndani ya Serikali. Ni lazima tujue ni nani. La mwanzo kwangu ni, ni lazima tujue ni nani ili tujue huyu anayejenga bila kuhusisha umma au bila kuulizwa na maofisa waliopatiwa jukumu la kulinda misitu.

Bw. Spika, ni lazima pia tujiulize, je, ni miti iliyokatwa pale ama palikuwa ni mahala hapana miti? Je, kuanzia sasa kwenda mbele, tutahakikishiwa na nani kwamba misitu yetu iko salama? Tutahakikishiwa na nani kwamba misitu yetu haitaendelea kukatwa?

Hili ni jambo ambalo Kamati ya Ardhi, Mazingira na Maliasili inafaa iangalie kwa makini sana. Ninaamini Mwenyekiti wangu, Seneta wa Mombasa, Seneta Faki, ameyasikia haya na atayapatia kipau mbele.

The Speaker (Hon. Kingi): Sen. Beatrice Akinyi.

Sen. Ogola: Thank you, Mr. Speaker, Sir. I rise to support the Statement by Sen. Hamida on the housing facilities for forest rangers.

Housing is a basic need for all of us. I am on record for raising complaint about the housing situation at Ndhiwa Police Station. As stated by Sen. Hamida, there are notorious organizations that house their officers in a pathetic way. We have officers serving the public, but the houses provided by the Government for those officers are pathetic. This ends up being reflected on the services that they give to Kenyans.

Ndhiwa Police Station is an old station and it has over 100 police officer yet the houses there are pathetic. One can only sympathize with the officers. They live in shanties that one can see through. Some houses are shared amongst two or three families. What kind of indignity can that be? How can we subject our officers to such kind of

treatment? This must be looked into. It should not just be limited to the forest rangers. We also need to look at the housing of the National Police Service officers and that of the prison warders across the country.

Secondly, I want to support the Statement by Sen. Mwaruma on non-remittance of statutory deductions. It is unfair that most county governments are not remitting some of these statutory deductions. Why would the counties deduct money from their workers, but not remit them? Some of those workers have been denied basic services that they are entitled to. Some of those officers ask for loans from their SACCOs at the beginning of school calendars, but end up not getting the loans because their employers have failed them. Their children then end up not going to school in time. I find this to be unfair and a criminal act by the county governments.

My last comment will be on the Statement by Sen. Nyamu. Why should we mistreat and harass hawkers who are doing their businesses, yet county government collects cess from them? The hawkers must be given an environment where they can do their business with dignity.

Sen. Korir: Thank you very much, Mr. Speaker, Sir. I will touch on the Statement that was raised by Sen. Seki. I agree with a number of questions he has raised pertaining the approvals that were given to the developer who is constructing the hotel inside the forest. I know that one of the government's agenda is to clean this country. It will, therefore, look so weird if we are to allow a few individuals to cut trees in the pretense of putting up a hotel yet we have a number of free land where they can develop the same.

The culprit should be brought to book. We need to know the person who is giving these approvals. These are some of the mess that they are putting us in as a country. Some evictions done in the country are due the carelessness of people who are in offices. They give people approvals without following the due process. We need to get the details of this and action must be taken. Thank you.

The Speaker (Hon. Kingi): Hon. Senators, the 30 minutes allocated to this session have since terminated. We now move to the next Order.

Clerk, call the next Order.

BILL

Second Reading

THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO. 10 OF 2025)

(Sen. Cheruiyot 20.05.2025)

(Resumption of debate interrupted on 21.05.2025 - Morning Sitting)

The Speaker (Hon. Kingi): At the interruption of debate on Wednesday, 21st May, 2025, during the morning session, Sen. Thang'wa had the Floor and had a balance

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of 12 minutes. I do not see him in the House. We will, therefore, proceed to allow other Senators to pick it from there.

Sen. Faki.

Sen. Faki: Asante, Bw. Spika, kwa kunipa fursa hii ili niweze kuchangia Mswada wa Ugavi wa Fedha wa mwaka 2025/2026.

Mswada huu ni muhimu katika nchi yetu kwa sababu ndio kinara ya miswada yote ambayo inahusiana na masuala ya fedha. Baada ya hii, tutakuwa na Mswada wa County Allocation of Revenue Bill (CARA) ambayo inagawanya fedha kati ya kaunti zetu. Baada ya hiyo, tutakuwa na Appropriations Bill ambayo inatoa pesa kutoka kwa hazina kuu.

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

[The Deputy Speaker (Sen. Kathuri) in the Chair]

Mwaka jana, kulikuwa na changamoto nyingi ambayo ilisababisha Mswada huu kupelekwa katika maelewano kisha ikarejea hapa. Hio ilitendeka kwa sababu Mswada wa fedha ya Serikali ilikuwa imeondolewa katika Bunge. Mwaka huu, tumeona kwamba Serikali---

(Sen. Oketch Gicheru consulted loudly)

Bw. Naibu Spika wa Muda, naomba nisikizwe kwa makini. Kuna Seneta hapa mbele yangu ambaye anatoka Kaunti ya Migori---

Mwaka huu, tumeona ya kwamba Serikali imejizatiti na kupendekeza ya kwamba Shilingi bilioni 405 iende katika kaunti zetu. Tutakumbuka ya kwamba mwaka jana, Bunge la Seneti lilipitisha ya kwamba Shilingi bilioni 415 ziende katika kaunti zetu. Tulipoenda katika maelewano, tulikubaliana na Mswada wa kupeleka Shilingi bilioni 335 katika kaunti zetu kwa mwaka wa 2024/2025. Kwa hivyo, ni makosa kwa Serikali Kuu kupendekeza pesa ambazo mwaka jana, sisi kama Bunge la Seneti, tulisema hazitoshi kaunti zetu.

Bw. Naibu Spika, ukiangalia asilimia ya fedha ambazo zinakuja katika kaunti zetu kutoka mwaka wa 2013 mpaka sasa, utaona ya kwamba hiyo asilimia imekuwa ikipungua. Ijapokuwa tunaona ya kwamba pesa zinaongezeka, ukweli ni kwamba asilimia ya pesa inazidi kupungua. Kwa sasa, hiyo pesa ni chini ya asilimia 15 ya pesa ambazo zilikuwa zinaletwa katika kaunti zetu.

Bw. Naibu Spika, changamoto ambazo Serikali kuu inapata kukusanya kodi katika nchi yetu ni zile zinazokumba kaunti zetu. Kwa mfano, kama ni hali ngumu ya biashara, nchi nzima inapitia hali hiyo. Kwa hiyo, yale yanayoathiri kaunti, yanaathiri Serikali kuu vile vile. Kwa mfano, magari yanayosafiri katika kaunti yananunua mafuta kwa bei ile inayouziwa Serikali kuu. Haiwezekani Serikali kuu ijiongezee hela katika mgao, ilhali serikali za kaunti zinaendelea kupata shida.

Tumegundua pia kwamba changamoto moja inayokuba kaunti zetu ni ucheleweshaji wa mgao unaotolewa kwa kaunti zetu. Kwa mfano, malipo ya mwisho kufanywa ni ya Mwezi wa Tatu. Yaani wako nyuma na karibu miezi miwili.

Changamoto nyingine inayokumba serikali za kaunti ni kwamba haziwezi kulipa kodi ya mapato yaani, “pay as you earn”, na kodi zingine zinazokusanywa na serikali za kaunti ili kupeleka katika hazina kuu. Kwa hiyo, iwapo hizi pesa zitaendelea kuchelewa, utenda kazi kwa kaunti zetu utazorota na ukusanyaji wa fedha kwa Serikali kuu utadorora. Hii ni kwa sababu zile pesa zinazoenda katika kaunti ndizo zinazolipa kodi kwa wale wafanyakazi wa kaunti na kuwapa fursa ya kulipa kodi hii.

Katika Mswada huu, tumeona kwamba Serikali kuu imetoa Hazina ya Usawa. Ijapokuwa hazina hii ilianzishwa mwaka wa 2012 baada ya kupitisha Katiba yetu, pesa hizi zimeendelea kukaa katika Serikali kuu. Hii ni kwa sababu kulikuwa hakuna sheria endelevi ya kutoa pesa hizi kutoka Serikali kuu hadi kaunti. Ilibidi Bunge la awamu ya 12 ipitishe sheria ili pesa zile zirudi kwa kaunti.

Kwa hiyo, kuna malimbikizo ya madeni ya miaka mingi ambayo hayakuenda katika kaunti zile. Kuna pesa takribani Shilingi 2,736,739,351 ambazo Hazina ya Usawa inadai Serikali kuu. Pesa hii inasaidia kupunguza zile tofauti zilizopo kimaendeleo katika kaunti. Kwa mfano, kuna sehemu hazina maji safi au zahanati. Pesa hii ilinuiwa kufanya kazi hiyo.

Iwapo pesa hizi zitaendelea kucheleweshwa ama kutopelekwa katika kaunti au Hazina ya Usawa, kazi zinazotarajiwa kufanywa katika maeneo yale ili yawe sawa na kaunti zingine zinaendelea kuchelewa. Hivyo basi, hakutakuwa na usawa ijapokuwa hazina hii ilibashiriwa kutumika kwa muda wa miaka 20. Kuna umuhimu wa Serikali kulipa yale malimbikizo ya madeni yaliopo ili hazina iweze kufanya kazi na watu waweze kupata maendeleo yaliyokusudiwa kutatuliwa na hazina hii.

Jambo la mwisho, naunga mkono mapendekezo ya Kamati ya Fedha na Bajeti ya Bunge hili kwamba pesa zitakazogawiwa kaunti zetu ni Shilingi 465,001,459,673. Hii haimaanishi kwamba kaunti zetu zinapewa fedha kufanya ubadilifu. La hashi, hizi ni fedha zitakazowawezesha kusimamia bajeti zao kisasawa.

Kwa mfano, kuna wahudumu wa afya ambao lazima watusalimie hapa Bunge kila wiki. Juzi kumetolewa agizo kwamba wengine wao wahamishwe kwa kaunti. Je, iwapo watahamishwa kuenda kwa kaunti na kaunti hazijapelekewa pesa, watalipwa na nini? Kuna huduma muhimu za afya ambazo wanapeana. Iwapo watakosa kulipwa mishahara, hali ya afya itadorora katika kaunti zetu. Wafanya kazi hawa wanafanya kazi muhimu sana ambayo haiwezi kudharauliwa.

Bw. Naibu Spika, masuala ya SHA na kodi ya nyumba yameongeza mzigo katika kaunti zetu. Kwa hivyo, inapaswa mgao huu uongezeke ili kufidia yale mapengo ambayo yaliyosababishwa na pesa zinazokusudiwa kuenda kwa kaunti zetu.

Hii haimaanishi kwamba hakuna ubatilifu katika kaunti zetu. Ukichunguza, utapata kuwa kila kaunti ina madhambi yake. Kwa mfano, Kaunti ya Mombasa ilipewa pesa takribani Shilingi milioni 100 za kujenga County Aggregated Industrial Park (CAIPs). Lakini ukienda katika viwanja vile utapata jiwe la msingi lililowekwa na Waziri

wa zamani wa biashara, Mhe. Moses Kuria, mwaka jana mwanzoni. Hadi leo, hakuna jambo lolote linaloendelea katika maeneo yale.

Tukiangalia masuala ya barabara, barabara nyingi katika Kaunti ya Mombasa hazipitiki kwa sababu ya mvua iliyonyesha. Barabara zote ikiwemo za kaunti pamoja na Serikali kuu ziko katika hali mbovu. Mji wa kitalii kama wa Mombasa haupaswi kuwa na barabara kama zile. Kaunti zetu zinapeana kipao mbele kwa mambo ambayo hayaendelezi kaunti zetu.

Tukikirudi kwa masuala ya elimu, ijapokuwa kaunti zinafaa kushughulikia elimu ya chekechea na elimu ya kiufundi, Kaunti ya Mombasa ina taasisi mbili pekee za elimu ya kiufundi. Tulipozuru Kaunti ya Mombasa na Kamati ya Elimu ya Bunge hili, ilikuwa aibu kwetu. Kama watu wa Mombasa, tulishindwa kujieleza ni miradi gani tuliyoifanya kwa elimu ya kiufundi. Vituo vinavyotoa elimu ya kiufundi ni viwili pekee. Kimoja kipo maeneo ya Mtongwe, eneo Bunge la Likoni na kingine kipo maeneo ya Mwakirunge, eneo Bunge la Kisauni.

Bw. Naibu Spika, kuna umuhimu wa Seneti kuchunguza kwa makini utendakazi wa kaunti zetu. Bila kufanya hivyo, tutakuwa tunapiga kelele na kukauka koo tukipendekeza pesa ziende katika kaunti, lakini hakuna maendeleo yoyote wananchi wetu wanapata.

Mwisho, naunga mkono hukumu ya juzi iliyosema Bunge ipitie na kuidhinisha ripoti ya Mkaguzi Mkuu wa Hesabu za Serikali kufikia tarehe 31 mwezi wa tatu. Hii ni kwa sababu itawezesha fedha ziweze kugawanywa kwa tarakimu sahihi. Katika Mswada huu, hesabu zilizotumika ni za mwaka 2020/2021 ambayo ni miaka mitano iliyopita.

Kwa hivyo, Bunge likiweza kupitisha hesabu hizi kwa mapema zaidi, itakuwa ni vizuri zaidi kwa sababu pesa zitagawanywa kulingana na hesabu za sasa ambazo zinatumiwa katika Serikali kuu. Kwa hayo mengi, naunga mkono Mswada huu na vile vile naomba kwamba tuweze kupitisha hiyo Shilingi 465 bilioni.

Asante, Naibu Spika.

The Deputy Speaker (Sen. Kathuri): Asante. Next is Sen. Sifuna Edwin.

Sen. Sifuna: Thank you, Mr. Deputy Speaker, Sir. Over the weekend, we had an occasion with some of our colleagues from the National Assembly to attend a function in Migori. The Senate Majority Leader was there. Part of the conversation we had when we were having lunch with our colleagues from the National Assembly is that they thought that not everything between our two Houses has to come to a stalemate before it is addressed.

It saddens me that for the third year straight that I have been a Senator of Nairobi City County, the National Assembly is again inviting us to a stalemate on this question of the division of revenue. I ask myself the question, why do we have to have a mediation every single year? I have never understood why our brothers in the National Assembly cannot just do what is right by devolution and what is right by the people.

If indeed they know the recommendation that has been made by the Commission on Revenue Allocation (CRA), why can they not just give counties the Kshs450 billion that we have been asking for? We will do what we have to do and fight for the rights of

the devolution family in the best way that we can because that is the duty that we swore to undertake.

I want to make it clear from the onset that I agree fully with the recommendations that have been made by our own Committee on Finance and Budget. I want to refer you very quickly to Page 6 of that Report.

On Page 6 of that Report, you will see that the Committee has noted that the projected revenue for the Financial Year 2025/2026 is estimated to be Kshs2.8 trillion. Out of this, the national Government's share is Kshs2.4 trillion, representing 85.3 per cent of our entire revenue and that the Kshs405 billion that has been proposed for the devolution family represents a paltry 14.28 per cent of the total revenue.

The 14.28 per cent falls short of the threshold that has been set by the Constitution of a minimum of 15 per cent. They will argue that they are basing their math on the last audited accounts that have been approved by Parliament. Nonetheless, we know that this continues to be an injustice to the devolution family.

Somebody here made a remark in the morning that, in fact, the current National Treasury Cabinet Secretary, Hon. John Mbadi, was the Chair of the Public Accounts Committee (PAC) in the National Assembly, whose responsibility was to ensure that the National Assembly is up to date, so that the devolution family does not continue to lose money. I will come back to Hon. John Mbadi in a short while.

Mr. Deputy Speaker, Sir, allow me to say that this House has recommended Kshs465 billion. I do not know why the Deputy Speaker is shaking his head. Hon. Deputy Speaker, is there a problem?

(Laughter)

Have I said something that has offended the Deputy Speaker?

An hon. Member: There was a fly.

Sen. Sifuna: I will proceed as if nothing has happened. If you look at the Committee's observations on Page 7, that the recommendation we have made as a Senate of Kshs465 billion has a science behind it, it is not just a figure that was plucked from the air. The Committee says that the recommendation was informed by the need for county governments to meet new non-discretionary financial Government imposition. Number two, contributions to the National Social Security Fund (NSSF).

Number three, matching allocations for the county-integrated industrial parks, which is a programme that was initiated by the national Government, requiring county governments to match them. Lastly, matching allocations for CHPs programme.

This responsibility calls upon us as a county government to make sure we pay these CHPs. On the procurement of new medical equipment, when we were in Mandera with Sen. Roba, we were informed that all those beautiful machines in that referral hospital have come to the end of their lease. We need these county hospitals and facilities to be able to acquire new ones.

Lastly, meeting the outstanding obligation under Doctor's Collective Bargaining Agreements (CBAs) and Annual Wage Drift. Every single day, including yesterday,

medical workers are outside our House here. They were here in Parliament. Sadly, they were tear-gassed by the police. I do not know why, because they have been there every single day for the past three or so months. Today they are here too.

We have been told by the leadership of these unions that these CBAs are binding to county governments. I want to plead with the UHC workers, that where we have reached now, the only thing we want to discuss is money. The time for stories is over and the House that handles money is the National Assembly. Let them be protesting there, because we, as a Senate, have done our part.

The Chair of the Committee on Finance and Budget must allocate the money that is required to absorb these UHC workers under permanent and pensionable terms. When I was in Garissa, I ran into the Cabinet Secretary for Health. He was also trying to be clever by drawing in the Senate yet we as a Senate have done our job.

The Cabinet Secretary Hon. Duale knows very well that the Senate does not appropriate any money. He wants it to look like we are the problem yet the problem and the people with the power of the purse is the National Assembly.

Thirdly, there is the question of the MOU, that we signed between ODM and UDA parties. I said I will come back to the Cabinet Secretary Hon. Mbadi, because it has been said out there that I only criticise, but I do not say anything positive about our experts in the Government. The truth of the matter is if you do something that is contrary to what the ODM stands for, it is my responsibility to say that that is against what ODM stands for.

When the Cabinet Secretary, Hon. Mbadi, says that in this particular Financial Year, there will be no new taxes he introduces under the Finance Act, that is ODM, that is who we are. We say 'tick.'

I saw in today's newspaper that he has issued a circular that is going to introduce transparency in the Public-Private Partnership (PPP) process. He has adopted wholesale the recommendations of the Committee of this House on Roads, Transportation and Housing, which was dealing with the Adani question.

When we say that, number one, if you are a Government agency that receives a privately initiated proposal on any development, you have a responsibility to disclose that you have received that document. He has adopted that, and as the Secretary General (SG), I say that is ODM. We are for transparency, 'tick.'

We have said in the Committee where I used to sit when Karungo Thang'wa was the Chair and I was a Member, that after you receive a privately initiated proposal for a PPP, you have to allow other people to give you a better offer. What we called in the Committee the Swiss challenge. I have seen he has put it in the circular. I say that is ODM. We say 'tick.'

Consequently, on this one here, where he is proposing Kshs405 billion, it is my responsibility to say to the Cabinet Secretary for National Treasury, that is not what ODM has agreed with UDA. We agreed in the MOU and I carry this MOU everywhere I go because I encounter ignorance at all levels. It is my responsibility to make sure that I deal with the ignorance about what this MOU provides for.

The Senate Majority Leader was with me in Migori County. He told me that he has read this MOU and that it is a good thing. However, he does not understand why it is Sifuna's role to ask people questions. I want to explain a few things to him, unfortunately he has walked out.

Number one, if you look at the constitution of ODM, under Article 11, it states the duties of members of ODM. It is our duty as members of a party to understand the programmes and the things that the party gets itself into. Once you have understood, it is a responsibility stated in the constitution to explain what the party is doing. It is my responsibility to explain what we are doing with UDA.

Finally, under Article 11, we have a duty to combat propaganda that is detrimental to the interests of ODM. Combat is the word that is used by the constitution. When you combat, you are not required to be nice, although my party leader has asked me to reduce the number of peppers that I put in the soup. Combat means you take it head on the propaganda that is detrimental to the interests of a party. Such propaganda is what the provisions of this document are.

Lastly, Article 20 of the constitution of ODM says that the SG of ODM is the depository and custodian ---

Sen. Oketch Gicheru: On a point of order, Mr. Deputy Speaker, Sir.

Sen. Sifuna: Just a minute. Let me make my point. The SG is the custodian of all documents, including all agreements that the party signs.

The Deputy Speaker (Sen. Kathuri): Just a minute, Sen. Sifuna. What is out of order, Sen. Eddy?

Sen. Oketch Gicheru: Mr. Deputy Speaker, Sir, I am rising under Standing Order No.101. There are many issues about it, but generally, Standing Order No.101 is about contents of speeches that we make in this House.

I respect the SG of ODM Party who is also my Deputy Whip in this House. He has brought an argument on the agreement that ODM had with the Kenya Kwanza Alliance. There is a substantive conversation around what we must have in this House when having a conversation like the one that we have.

That is something that I support. However, is it in order for that to be the basis for discussing the issue of division of revenue in this House, when that agreement has not been tabled in this House as required under our Standing Orders to the extent that there is a Motion that informs our debates here?

Mr. Deputy Speaker, Sir, if we revert to that as a substantive issue that informs one's speech in this House, then we will be taking the role of this Parliament away from us and start having discussions outside the Senate. We are actually taking away our role as Senators to debate issues in this House and giving it to forces outside the Senate.

The reason I am saying this is because we have the issue of division of revenue. What happens for Senators in this House who are not party to that particular agreement? They need to participate in the conversation on the division of revenue. Is it in order for the Senator for Nairobi to bring that argument based on a document as a basis for us to discuss in this House?

The Deputy Speaker (Sen. Kathuri): Sen. Oketch, I have looked at Standing Order No.101 on contents of speeches. That is from Standing Order No.101(1) to (6), but I cannot see any contravention from what Sen. Sifuna is addressing.

When you debate, you gather information from here and there as you put your points in order. We cannot limit debate in this House or require people to think in a certain way. That is why the Senate is respected because Senators can speak even for 20 minutes unlike the other House where they are given only two or three minutes to speak and sit down. So, let us not stifle debate, as long as he is not mentioning any names anyhow.

Sen. Sifuna, these Standing Orders can somehow accuse you. So, avoid mentioning names of people. You can mention the office, but do not use names of a Cabinet Secretary and others. It could be because they are no longer Cabinet Secretaries. So, use the office.

Sen. Sifuna: Well guided, Mr. Deputy Speaker, Sir. You can see that my point has been demonstrated that I encounter ignorance even from members of the ODM party. Therefore, it is my responsibility to teach, because that is what the constitution of the party requires me to do.

In fact, Mr. Deputy Speaker, Sir, I was coming to the point that we are discussing. Division of revenue is a matter that has been covered under this agreement which is not restricted to the parties that have signed it.

Since it is my job to teach, allow me to read what this agreement establishes. The propaganda I was saying that we must combat is what this agreement is and what it is not. This agreement does not form a government. In fact, it sets up a platform for collaboration and cooperation between all political forces and other stakeholders in Kenyan society and not just ODM party and the UDA party. So, everybody is welcome to have this conversation.

Mr. Deputy Speaker, Sir, allow me to conclude what I was saying, that as the SG, I am the custodian of this document. For those who were asking why Sifuna is the one who asked this question, Article 20 of the party's constitution also confers on me the power to perform any other functions that have been allocated by an organ of the party. I want to confirm here that the central committee has charged me with the marking scheme for implementation of this document. So, when I ask questions, nobody should ask why Sifuna is asking them.

When you look at Article 3(1) of this document, it talks about protecting and strengthening devolution.

(Loud consultations)

Mr. Deputy Speaker, Sir, please, allow me to debate without all these interruptions. I do not know who I have offended.

The Deputy Speaker (Sen. Kathuri): Sen. Sifuna, unfortunately, it is not possible to deny Members to raise points of order when you are on the Floor. Maybe you should request them not to interrupt.

Sen. Sifuna: Mr. Deputy Speaker, Sir, under Standing Order No.121, you have powers to stop frivolous points of order. Please, allow me to debate because---

The Deputy Speaker (Sen. Kathuri): Sen. Sifuna, please, take your seat. I would like to listen to know if it is frivolous because I cannot determine before they speak.

Sen. Wambua: Mr. Deputy Speaker, Sir, it is very rare to get a frivolous point of order from me. The only concern I have is that my friend Sen. Sifuna is extensively quoting a document that is not tabled. That is my only problem. It is like music to my ears. He should do the simple thing, which is to table the document, so that we can also have access to what is saying. That is my only issue, but what he is saying is music to my ears.

The Deputy Speaker (Sen. Kathuri): That is a relevant point of order. You are referring to a document that is not circulated so that other Senators can have a look at it and also follow your debate. If you want to do that, please table it so that they get copies.

Sen. Sifuna: Mr. Deputy Speaker, Sir, the only reason I am making reference to this document is because it ties up with what I want to say in terms of the position that I will take as a Senator from ODM party on the division of revenue.

In the morning, I watched my colleagues debate this matter. In fact, there was reference to this document over and over, including by Sen. M. Kajwang' and the others, but I did not see anybody rise up on a point of order. In this House, sometimes I feel that rules do not apply fairly to me. There is always an attempt to derail me when I am on the Floor. People spoke continuously for 20 minutes without any interruption. However, when Sifuna is on the Floor, suddenly people want to raise points of order. Another thing is that this is a public document that was signed in broad daylight. However, people want Sifuna to be the one to bring copies to them. That is ridiculous.

Mr. Deputy Speaker, Sir, let me conclude by saying that we should address the question of claw back on devolved functions. Now I am not even referencing any document. I will reference the positions that the party has taken on devolution. Firstly, devolution is something we should take pride in as having been part of the people who passed it and we want it to work for our people. We will resist any attempts to claw back on any devolved functions. That is why you did not see me yesterday during the handover of the housing project by the President because I strongly believe that housing is a devolved function.

You will not see me at the President's launch of markets because that is a claw back on devolution. There is a Senator who asked me yesterday why I was not at that place. It is because I believe in devolution and that is claw back to devolution.

Secondly, we must devolve all funds for the functions that are devolved. That is the reason my party and party leader have taken a position on the Road Maintenance Levy Fund (RMLF) and National Government-Constituencies Development Fund (NG-CDF). He said that as far as roads are concerned, the Fourth Schedule of the Constitution is clear. There are only two levels of roads. We have national and county roads. Every single shilling that is supposed to go to counties for maintenance or construction of roads has to be released to county governments.

Mr. Deputy Speaker, Sir, we agreed that Members of the National Assembly have no business doing what the Executive is supposed to be doing. That is a conversation that is ongoing, but my party and party leader have taken that position and that is my position.

We have spoken about increasing the budgetary allocation to Kshs450 billion and that is where we are going to draw a line in the sand. We hope that our partners who are running this Government will respect the agreements that we have put in place together.

Lastly, Mr. Deputy Speaker, Sir, it is addressed even in that MoU the question of timely disbursement. We passed a Disbursement Schedule here. However, the biggest problem is that the National Treasury never respects that disbursement schedule. If you speak to the CoG, they will tell you they were receiving money for February this month, if it has been disbursed already. It is impossible to plan and run an enterprise when there is such uncertainty as to when you will receive that allocation.

Mr. Deputy Speaker, Sir, I went to a market in Kahawa West a few months ago. The most troubling thing for the traders was that although they pay market levies to the County Government, the County Government had allowed the construction of modern kiosks at the entrance of the market so that every customer who comes to the market has no business or interest going into the market. Everything can be found in the kiosks outside of the market. When I was there, almost a year ago, we were shown a market that was being built and the county government assured me that once that new market would be done, they would accommodate everybody. I want to go back there soon, because the report I am getting is, that market has stalled.

Look at our sporting facilities. We had that conversation when we were doing statements. City Stadium has been closed for over two years up to now. When you ask governors why nothing is happening on the ground, they always cite late disbursement of money and lack of resources. That is the same situation in James Kangethe in Woodley.

I went to Roysambu Ward just a few weeks ago. We had a meeting there with residents' associations in Roysambu under the leadership of the MCA, Sospeter Mumbi. Would you believe it that there is not a single public ECDE school in Roysambu Ward?

Secondly, there are no playgrounds in Roysambu. The spaces that have been designated for playgrounds have been grabbed. If you go to Marurui Health Centre and look at the situation of that place, it is despicable. First of all, construction has never been completed.

Secondly, there was supposed to be a fence that is built. You can imagine, it is a maternity and it is so close to the road that people can actually hear and see our mothers when they are giving birth, something that is the indignity that we spoke about. I say the Governor promised a city of order and dignity. You should go to Marurui when it rains. You will be embarrassed to be in the City of Nairobi.

I had another meeting recently with MCA Ndungu from Kiamaiko Ward. He tells me there is no single capital project that is being undertaken in Kiamaiko Ward. Even last year when they were given some allocation for construction of roads, some contractors did good cabro roads in the ward, but they have not been paid up to now. When you ask Governor Sakaja, he will tell you he has no money due to late the disbursement by the National Treasury and other challenges.

I had a meeting with Karis who is our MCA from Ruai. Ruai is the largest wards in Nairobi City County. It is approximately 100 square kilometres. There are no roads that have been built by the County in Ruai Ward. He told me, there was an attempt to do a road called Kanisani Road, and about Kshs387 million was allocated. Then the road construction was broken into two parts, part 'A' and part 'B.' The contractor did something for part 'A'.

There were three rainy seasons later. The road was washed away because he did not have the resources to complete the road. He told me about the water situation in his ward. That cartels have gotten into the procurement for the connections from the main pipes to the homes and ensured that a tender is not awarded for that work.

Up to today, the people of Ruai Ward are not enjoying that water that they were supposed to enjoy. I was shocked, that the situation in his ward is so bad that private people have decided to fund county services. That they ask for the county to give them a tipper, lorry or the machines that grade roads, then they fuel and pay for it. Are we really in a situation where private money has to be sourced for us to undertake services for our people? It is such a shame. These are the reasons why, I agree 100 per cent with our Committee on Finance and Budget, who have proposed Kshs465 million. For me, the line will be drawn in the sand at Kshs450 million because of the position that has been taken by my party.

We will not support any attempts to claw back at devolution. The Cabinet Secretary for the National Treasury must make sure that there is observance of the disbursement schedule so that county governors can also plan.

Lastly, Mr. Deputy Speaker, Sir, allow me to say something that arose in the course of the debate in the morning. As a Kenyan leader, I know that we leaders have a responsibility to Kenyans and no other person. I was deeply embarrassed that at a time when people are being deported from our neighbouring country. If you look at my passport, I have the blue passport. It says East Africa Community. When I was a Member of the Law Society of Kenya (LSK), at the council, we used to push for cross-border practice.

There are Tanzanian lawyers who are qualified from the University of the Dar es Salaam, who practice law in our Kenyan courts. There are students at the Kenya School of Law from Tanzania and Uganda. I know lawyers who went to Kampala International University and Makerere, qualified and have come to the Kenya School of Law. They are practicing law in Kenya. So, for us to have a situation where people cannot be allowed to move freely in the community is something that we must call out.

Mr. Deputy Speaker, Sir, I have heard people trying to justify saying, these are activists. Activism in itself is not a crime. I know Tanzanian law. There is no law that says activism is a crime. So, I was deeply embarrassed to see our Foreign Affairs Minister, who should be our foremost defender, adopt a nonchalant, laid-back and lazy attitude yesterday on Citizen television, that he has not even summoned the Tanzanian Ambassador to ask him what was the reason why these brothers and sisters of ours were expelled.

As I speak, there are Kenyans whose whereabouts are still unknown. Just show some concern for your countrymen. That is the job that you are given to do. So, I was disappointed. As a community of nations in East Africa, we must call out dictatorial tendencies whenever they emerge, because we are all brothers.

If you ask Sen. Eddy at his border in Isebania, people trade and cross over freely. We are brothers and sisters. We cannot allow a situation where we have Kenyans being deported. At least when I was deported from Angola, I took it in stride. By the way, nobody in Government bothered. However, I was okay because I can take care of myself. In addition, Angola is far away. We do not share any borders. I do not think I know any Kenyan who is married to an Angolan. It was okay. However, Tanzanians are our brothers and sisters. We must stand up for every Kenyan. This is the reason why when people start conversations about patriotism, it is very difficult to love a country that does not care about you.

I know that if I am in a quandary somewhere outside Kenya, the Kenyan Government, or at least the CS in charge of Foreign Affairs, will not care what happens to Hon. Sifuna. It breaks my heart. If I was stuck in Southern Lebanon when the war began, would this Government really come for me? That is the question I ask myself. We are on our own. Then when we complain, people say you do not love your country. Love is reciprocal. You love me, I love you.

I thank you.

The Deputy Speaker (Sen. Kathuri): Sen. Wambua Enoch, please proceed.

Sen. Wambua: Thank you, Mr. Deputy Speaker, Sir. I like the parting shot by Sen. Sifuna. He is craving love from the Government so that he can love back. I am sure there is nothing out of order in that statement.

Mr. Deputy Speaker, Sir, from the onset, I would like to declare that I fully support the recommendations by the Senate Committee on Finance and Budget on the Division of Revenue Bill, 2025. I would like to say a few things.

One, the committee has given us a very elaborate and scientific account of why they are proposing Kshs465 billion as the allocation to counties in this coming financial year. I like the keenness of the Committee.

Mr. Deputy Speaker, Sir, on page 8, paragraph (d) of their report, on the observations, they have captured it very well that the Bill is using the most recent audited and approved accounts of revenue for the financial year 2020/2021 which then amounted to Kshsh1.5 trillion. However, the same assembly on 15th April, later after doing their maths, approved the audited accounts of revenue of Kshs1.9 trillion for the financial year 2021/2022 which then makes that Kshs1.9 trillion the latest audited accounts and all calculations then should flow from financial year 2021/2022.

Even without going to the science of this argument as captured by the report of our committee, it is very clear that the ordinary revenue is growing every year, but there is no proportionate growth in revenue allocated to county governments.

When you look at the report, it captures the imagination of all Kenyans of goodwill that there are expenditures that are non-discretionary for county governments. These are expenditures like payments to the Social Health Insurance Fund (SHIF), the

Housing Levy Fund, the National Social Security Fund (NSSF) and the County Aggregated Industrial Parks (CAIPs).

These are policy decisions that have been taken at the national level, which policy decisions have a direct bearing on the revenues of county governments. When you say that you are going to allocate Kshs250 million for the CAIP in every county and every county government is supposed to match that allocation, it is not like there is any county government that has the option of opting out.

All of them must spend Kshs250 million to match the government expenditure for the parks. For this reason, there is need to consider that amount in the allocation to counties. If you do not, what it means is that they will have to stop other budgetary allocations for their functions to support the industrial parks and that is basic intelligence.

On the issue of the UHC and every speaker has spoken to this matter, hardly a day passes before medics working under the UHC demonstrate outside of Parliament and specifically outside the gates of the Senate.

I heard the Cabinet Secretary responsible for Health the other day saying that they are now going to be offloading the UHC staff to county governments. If that is going to happen, then the expectation, would be that all these UHC staff, if they have got to migrate to the county government's payrolls, then they must migrate with their budget for their salaries and allowances.

Mr. Deputy Speaker, Sir, you cannot expect that you will migrate such a huge portion of workers and staff to a level of government and then that level of government is supposed to use their own money again to pay and compensate the important services offered by UHC staff. So, there is reason to stick to the guidance by our committee to ensure that counties get Kshs465 billion for the next financial year.

I want to address myself to the issue of roads. There has been debate as to whether some of the roads that are being done by the national government agencies, including the Kenya National Highways Authority (KENHA) and the Kenya Rural Roads Authority (KeRRA), actually do not belong to county governments.

Truth be told, I am happy that I have heard that the Prime Minister will be with us tomorrow. We will have a conversation about these issues because I know this is a matter that is very dear to him.

On the issue of monies allocated to roads in this country, there is no denying that the agencies of government, especially KENHA and KeRRA are undertaking road projects that actually belong to county governments. Maybe the time has come to consider scrapping those agencies and transferring those funds to county governments so that they may be able to roll out road projects in their respective counties.

There have been arguments all through that when you send money to the counties, the money is being stolen, you know, governors are misappropriating funds. That can never be a reason why we should not add monies to counties. That is a lazy argument.

If it is true - and I know it could be true - that money is being misappropriated at the county level, there is a law that deals with people misappropriating funds at whatever level of government.

Instead of saying that we will not give more money to counties because they will misappropriate the funds, go for the people that are misappropriating those funds and charge them in a court of law so that we do not punish Kenyans who are supposed to be enjoying the fruits of devolution by the lazy argument, that if we give more money to counties, then the governors and their cronies will steal the money.

On the issue of the sharing of revenue to county governments and national Government, I wish this argument would sink and sink well. There is a very big misplaced notion that the national Government can allocate money to county governments. That is a notion that we must really deal with.

I do not know what has happened to a Bill that I had proposed to separate the Ministry of Finance and National Treasury. I think it is still being worked on, I do not know. Surely, it can never be that the national Government will decide how much money will be given to county governments. That is not their work to do.

The decision as to how much money goes to each level of government is a decision of Parliament. The last time I checked, Parliament is defined as the Senate and the National Assembly. So, this matter sits properly where it is. It is us, elected leaders of the national legislature, to decide the division of revenue between the two levels of government, the national Government and the county governments.

So, what the National Treasury can do is just make a submission like any other stakeholder would make a submission, on how the monies should be shared. It should never be lost on us, as legislators and as leaders in this country, that this is our responsibility. This is not the responsibility of the national Government to determine and decide how much money will go to county governments.

Another issue is that I want to address governors. We spend much time on the floor of this House trying to push as much as we can to allocate funds that are commensurate with the functions allocated to county governments. At times when we are negotiating and pushing for more funds, more often than not, the governors would strike a deal at some organization called Intergovernmental Budget and Economic Council (IBEC) and decide to settle for less. Just by that stroke of decision, our people begin to suffer lower allocations.

On this one, I plead with our governors to sit back and wait for the Senate to fight for allocation to counties because that is a core responsibility and function of the Senate.

As I conclude, the CRA has a responsibility and a duty of care to ensure the success of devolution. One of the greatest things and assignments that the CRA should have undertaken by now, more than 15 years into devolution, is the aspect of costing devolved functions.

I do not know why it has taken forever for the CRA to do proper costing of devolved functions so that we stop groping in the dark. This is so that when we say we want to finance a devolved function such as agriculture in the 47 counties in the country, how much money is needed to be allocated to the counties to deal with matters such as agriculture or health?

The CRA must be called out to move with speed and ensure that they cost devolved functions. On the indication of the percentages that should go to each level of

government, the English used is very simple and basic, that it is at least 15 per cent. So the argument there should be that whatever you do, that allocation should not be less than 15 per cent of the nationally collected revenue.

That 15 per cent is not a dictate. The real analysis of that provision is that you can decide to give even 80 per cent of the nationally collected revenue to counties and give 20 per cent to the national Government. That is the interpretation provided that you do not give county governments less than 15 per cent of the nationally collected revenue.

What does nationally collect revenue mean? We are talking about monies collected in every corner of this country. It is very unfair to the remote parts of our country where revenues are collected and so little of it is ploughed back to those regions.

The people of Kaningo in Mwingi North and Usweni who are your neighbours in Mwingi North, the people of Athi, who border Kibwezi and Makueni County, contribute to the nationally collected revenue in this country. They need the monies ploughed back to them for service delivery.

On the issue of roads, it is ridiculous that we will collect money from all over, including the Road Maintenance Levy Fund (RMLF). I am very happy that the Prime Minister will be here tomorrow. I am very sure he is very passionate about the matter of the RMLF.

Mr. Deputy Speaker, Sir, we collect money from all over the country because vehicles are being fueled all over the country. Then you take almost the entire amount of money and you give it to national Government road agencies to roll out projects. Yet the bulk of the people who have contributed to that fund continue to suffer bad roads.

It is time that this Senate put their foot on the ground and insist that we will stick to Kshs465 billion allocated to the county governments.

Lastly, to the members of the National Assembly. We will take the invitation to go into mediation on this Bill, but they should know that the country is watching. Every Kenyan lives in a county. I do not know the problem Members of the National Assembly have with devolution.

I have said before and I want to go back on record that the biggest enemy of devolution in this country, first in that list is the National Assembly. Why would you want to allocate less money to roll out functions in your constituencies, functions that are affecting your own family members; your own constituents?

If we send more money to counties and it is used to roll out health programmes, do water projects and roads, it is the people in the constituencies represented by members of the National Assembly who stand to benefit. I do not see why we should be having this argument all the time, every year over division of revenue. Every time this fight comes up the National Assembly is allocating less money while the Senate wants more money.

I do not know why this battle is important, but because we have been invited into this battle, we will get into the ring. We will fight and win for the Kenyans living in our counties.

Mr. Deputy Speaker, Sir, with those many remarks, I support the report of the Finance and Budget Committee and the proposed amendments to the Bill.

Sen. Wafula: Thank you, Mr. Deputy Speaker, Sir, for this opportunity. I plead to switch languages, so that I communicate to Kenyans.

Asante kwa nafasi hii ili nichangie kuhusiana na mapendekezo ya fedha ambazo zapaswa kwenda kwa kaunti. Seneti imejieleza wazi kwamba tunahitaji Shilingi bilioni 460 ili kugharamia changamoto na hali ya maisha katika kaunti zetu na bajeti ambazo kaunti zimewasilisha katika mabunge yao.

Wiki iliyopita vikundi vya Maseneta vimekuwa vikizuru pembe mbalimbali za nchi ya Kenya kukagua miradi ya maendeleo na utekelezaji wa ugatuzi. Mimi ni mmoja wa Kamati ya Afya ambapo tulizuru kaunti ya Wajir, Marsabit na Mandera. Tuliyoona ni ya kusikitisha, kwamba baadhi ya kaunti ambazo tunazo hazina fedha za kutosha kununua mitambo ya kisasa ya matibabu na kuajiri matabibu ambao tumeona wakiandamana na wana ari ya kutoa huduma kwa Wakenya.

Kamati ya Ardhi imezuru Kisii na Busia. Tunaona vile vile lazima sekta hiyo ipewe fedha za kutosha ili masuala ya ardhi katika kaunti yashughulikiwe. Iwapo hayo yote ni lazima yatekelezwe, ni lazima tuongeze kimo au fedha zinazoenda kwenye kaunti zetu.

Bw. Naibu wa Spika, wiki iliyopita, nilikua na Kamati ya Ukuu, Uchumi Samawati na Ufugaji katika Kaunti ya Bungoma. Kulikuwa na ari au moyo kwa wakulima wa kahawa waweze kupata ardhi ya kuzindua taasisi ya utafiti au maabara ya kutafiti aina na ubora wa kahawa. Kama tunataka hivi vyote vitekelezwe, ni lazima bajeti zinazoenda katika kaunti zetu ziimarishwe.

Kule kwetu, wakulima wa maziwa wanauza lita Shilingi 35, lakini kule maeneo mengine nchini, wanauza kwa Shilingi 50. Kile tunasema, ni lazima fedha ziongezwe katika makadirio ya bajeti ili magavana waweze kuajibika kwa fedha walizo nazo na Wakenya waandame fedha hizi kuhakikisha kwamba zinatekeleza majukumu yao.

Kule Bungoma, Serikali imezindua baadhi ya soko pale Bukembe, ukija Misikhu, ukienda Webuye, Cheptonon na mji mkuu wa Bungoma. Serikali imeweka hizi soko kandarasi ili watu wachukue zabuni na kujenga. Lakini, itakuaje kwamba Serikali ya kitaifa inataka kufanya kazi ya kaunti ambazo zilipigiwa kura na magavana ambao wako na wajibu wa kujenga soko.

Bw. Naibu wa Spika, tunashukuru Serikali kwa kuanzisha mchakato wa kujenga soko lakini tunaposonga mbele, bajeti ziwekwe kwenye kaunti zetu ili magavana na mawaziri wao wapange na viongozi wa wadi wadhibiti na kuchunga jinsi fedha hizi zinazotumika. Ndio sababu mimi nasema, Bunge la Taifa wana fedha wanataka zidhibitiwe katika mikoba yao lakini sisi kama Maseneta ni lazima tuhakikishe Wakenya ambao kila mara wanakamuliwa na ushuru, tuwafanyie kazi.

Ukienda maeneo yaliyo na ukame, wana shida ya maji. Maji yamegatuliwa na ni lazima wawe na mitambo na mashine ya kuchimba maji ili kina mama wajinufaishe. Ukienda sekta ya vyuo anwai na shule za chekechea, utagundua baadhi ya maeneo ni vyumba peke yake vimejengwa na hakuna vifaa vya kutosha au vyakula virutubishi vya kuinua afya ya watoto. Pia hakuna walimu wa kutosha wa kufunza watoto hawa.

Bw. Naibu wa Spika, itawezekanaje kaunti zitekeleze majukumu haya pasipo kua na pesa za kutosha ili kuhakikisha watoto wanapoenda shule, wanapata nafasi sawa na

watoto wa mabwenyenye na matajiri ambao kwa shule zao za chekechea, wanaenda kwa magari na wanakunywa maziwa kwa chupa zilizoundwa sawasawa? Wanabembelezwa na kuimbiwa nyimbo za kulala, ilhali watoto wa mashinani wanakung'utwa na mbu pasipo wao kuwa na chochote ndani ya tumbo zao.

Ninaomba tunapokata kauli---

Naibu wa Spika (Sen. Kathuri): Ngojea, Seneta Wakoli. Kiongozi wa Wachache?

Kiongozi wa Wachache (Sen. Madzayo): Asante, Bw. Naibu wa Spika. Sijui kama umesikia ndugu yetu Wakoli akisema ya kwamba, kuna wale ambao watoto wao wanakunywa maziwa na zile chupa za kawaida na kuna wale watoto wa mabwenyenye wanaokunywa na zile chupa zilizotengenezwa kisawasawa. Sijui kama kuna chupa aina hiyo za watoto wadogo za kunyonya. Labda atueleze zaidi.

Sen. Wafula: Asante, Bw. Naibu wa Spika. Ninaheshimu uwezo na tajriba ya Seneta aliyeniuliza swali. Lakini, Wakenya wanaonitazama wanaelewa kwamba, kwa baadhi ya kaunti, watoto huona maziwa kwa vyombo vya habari. Watoto huona maziwa iwapo mwana wa mbuzi anapomnyonya mamake. Mambo ya chupa yasiwe ya muhimu sana. Cha muhimu ni mmoja anakunywa maziwa kwa chupa ya kawaida na mwingine anakunywa maziwa katika vijikombe vya mabati.

Ninaomba nirejeele kwa Hoja. Ugatuzi uliletwa katika nchi ya Kenya kusawazisha maisha ya Wakenya na kuwaweka katika barasta iliyo sawa. Vyuho anwai na vyuho vya chekechea, ni lazima viwe na maabara, walimu wa kutosha na mashine na mitambo ya utafiti ya kutosha ili watoto wanapotoka Bungoma, Marsabit na Kisumu, wakikutana uwanja wa kutafuta kazi, wote wako sawa sababu ugatuzi uliwatendea wema wote, pasipo kunyimwa haki kikatiba.

Ndio sababu ninaungana na Maseneta wengine na kusema kwamba, wakati umefika, magatuzi yapewe pesa za kutosha na tunapowapa pesa, tutawaandama kwa miradi ya maendeleo ili tuhakikishe fedha zinazoenda kwa miradi hii zinaenda sambamba na yale tunaona yakihadithiwa na macho mashinani. Nimegundua kwamba, ng'ombe wa kiuchumi ni miradi ghushi au miradi hewa.

Yaani wanaweka mamilioni, lakini chini ya mamilioni haya, kuna wale wanakamulia chini kama wanakandarasi. Ni lazima Wakenya wawe macho kuhakikisha kwamba miradi inayotekelezwa, inafiki matarajio yao na wanahusisha umma, kwa kimombo, *public participation* ili miradi iafiki matarajio ya wale wahusika ambao watanufaika na miradi hii.

Bw. Naibu wa Spika, katika mapana na marefu, falsafa ya Serikali, ninaomba Jumba la Seneti lisimame wima, lisimame tisti, lisiumbisha, lisipigiwe simu kutoka kwingine, tuamue jinsi tulivyoamua sasa na tutetee magatuzi yetu. Hizi pesa zinapoenda kule mashinani, vijana wengi mitandaoni hawana kazi.

Ninaomba Seneti tuwachangamkie hao magavana. Kandarasi na pesa zinazopeanwa kule mashinani ni kwa baadhi ya makampuni zinazopewa ni makampuni yaliyoandaliwa kitaaluma ya watu fulani Nairobi, kunyima vijana wa mashinani kazi. Ni lazima tumulike hapo tujue. Asilimia 30 wanasema iwe ya watu wenyeji au 70 ya wenyeji. Lakini, ukimulika sana, baadhi ya wanakandarasi hawa si wenyeji na ni wale

wanaitwa *briefcase*, mabegi ya wanakandarasi wanaonyonya na kufyonza jasho za watu wa kaunti. Ni lazima tuwaandame hao pia ili ugatuzi uweze kuafiki malengo ya waasisi wa ugatuzi.

Asante, Bw. Naibu wa Spika.

Naibu wa Spika (Sen. Kathuri): Salama. Seneta Beatrice Akinyi.

Sen. Ogola: Mr. Deputy Speaker, Sir, I thank you for granting me this opportunity. From the onset, I support the Report on the Division of Revenue Bill, 2025. The Constitution talks about two levels of government; one, the national Government and 47 county governments. These county governments are referred to as distinct with constitutional mandates that must be carried out.

From the word go, we would like to tell Kenyans and anyone else who cares to listen that Kenyans are one and there are no Kenyans that we can classify as belonging to the national Government and others belonging to county governments. That is why revenue that is shared between the two levels of government must be done in such a way that the other 47 levels of government are able to operate because they have functions provided to them by Kenyans.

I laud one outstanding personality in this Republic; Hon. Raila Amolo Odinga. I am happy that the former Prime Minister will come to the Senate tomorrow to address the Senators. Sen. Nyamu looks surprised, but she should be prepared for tomorrow because the father of devolution will be at the Senate. We are ready to listen to his words of wisdom. He is a man who has a firm belief in devolution. He has supported devolution since then and continues to support it. The former Prime Minister stands with the tenets of devolution even when a number of people are not happy about it.

I rise to support the Report. It talks about the projected revenue collection for the Financial Year 2025/2026. There is a proposed county government equitable share of Kshs409 billion, which represents 14.28 per cent. That in itself is below the constitutional mandate that talks about not less than 15 per cent. Why would we be talking about 14.28 per cent?

I support the few speakers who have been on the Floor. The Constitution talks of not less than, which means that the county governments can be given up to 35 per cent or even more. This what a number of us have been talking about. The county governments have constitutional mandates and our people are in dire need of some of these services. That is why I support this Report. The county governments should be given not less than Kshs465 billion for the Financial Year 2025/2026.

I want us to refer to some of the functions that the county governments undertake. We have a key component of services in the roads department. We have classification of roads; county roads and national roads. How will the counties open up and make county roads motorable if they are not given adequate funding? I want us to reflect back to our counties. I come from a constituency called Ndhiwa in Homa Bay County.

In that constituency, we have one tarmac road that goes through it. It comes from Rodi Kopany to Sori. Basically, we have no roads in that constituency. Part of our hope are roads that are classified as county roads. We pray that those roads will be opened up, murramed and made motorable.

We have a road that passes through Ndhiwa Law Courts called Ndhiwa-Gaena-Sidede Road. It is a key road in that constituency and it is in my ward. On that road, one cannot use any means of transport other than going on foot. In my constituency, people carry coffins on their heads because of bad roads, something that people stopped doing over 30 years ago.

It is for that reason that we ask for the county governments to be given adequate funds that will help them to open roads, put murram on them and make them motorable. Roads are enablers of our economies. Our people; farmers and business people are struggling. The cost of doing business and transporting farm produce is too high because of lack of accessibility.

Other than the roads, the county governments have a mandate on water. We are lucky to have heavy rains in our counties, hence, our people have water courtesy of the rains. However, when we get to the dry season, water becomes a problem where we come from. This is because people in the rural areas depend on boreholes and streams. Unfortunately, most of the streams that our people traditionally relied on as sources of water have dried up due to climate change. So, our people have to look for water beyond the required distances.

In my constituency, we had a borehole that was developed by the Lake Victoria South Water Board in Ndhiwa. It broke down a few years ago. Attempts have been made to rehabilitate the water system. Basically, people have no water in that area. Streams have dried up and we do not have boreholes. As a result, our people do not have water. That is why the county governments require adequate funding for it to provide water to our people as provided in Schedule Four.

Mr. Temporary Speaker, Sir, we have the urban water systems and it is important to note that the water infrastructure in the urban centers run by the county water companies are old. Those systems that are aged and dilapidated, yet the county governments do not have sufficient funds to rehabilitate those systems. So, people in our urban centres and municipalities cannot get water consistently because the old systems are consistently breaking down. The population in those towns have also increased and are not commensurate to the systems that are there to provide water. Therefore, we need adequate funding as proposed in this Report that I stand here to support.

The other mandate that the county governments have is agriculture. However, there are no extension services as was envisaged in this sector. The farmers are on their own as they prepare their farms. When we were growing up, we had extension service officers who would ride motorbikes across the villages. They prepared our farmers just before the planting season. They advised the farmers on the seeds they could use depending on the region. They would also give advice on the nature of the soil and the best seeds to be used. During the growth of these plants, extension service officers used to move around villages, advising on the progress of crops. However, today, our farmers no longer have access to these services.

I am a maize farmer, and just recently while at home, my farm was attacked by armyworms. There was no one to advise me. I was left at the mercy of the rains. My

village mates consoled me, assuring me that due to the heavy rains, the armyworms would not survive.

Fortunately, just as I was advised, the rains washed the armyworms away from my farm. Were it not for the rains, my farm and all other farms in my area would have been completely destroyed. There is need for county governments to employ extension officers. They should be adequate in number and quality to effectively serve our farmers.

Mr. Temporary Speaker, health is also a devolved function. This morning I attended a training session where we were taken through the allocations of this year's budget per sector. While reviewing the proposed budget, I noted that the allocation for health remains at Kshs136 billion, unchanged from last year. The explanation given is that donor funds are expected. However, you are aware of the challenges surrounding donor funding.

With the Trump administration's cuts, there has been a proposed reduction in donor funds. Recently, we were taken through immunisation financing and realised that, in a few years, we will have to sustain these programmes on our own as a country. These critical services are offered at the county level, and all of this comes down to the availability of resources.

Other services that are also critical are urban services, such as storm water drainage. All these require funding. In my own village, Ndhiwa Town, it rained heavily yesterday. Half of the town was filled with water due to storm water drainage challenges. I am highlighting this issue because these are services that must be provided by county governments. Additionally, under urban services, we have street lighting and solid waste management. All these services require money.

County governments do not exist at the mercy of anybody. These are governments explicitly outlined in the Constitution. I support this report as presented. The county government's allocation must increase as years go by. We cannot continue with the same figures because county governments must function and fulfil their responsibilities as provided in the Fourth Schedule of the Constitution.

Even as we request this amount as presented in this report, it is also important to note that most of the functions we are discussing were never properly costed. If we conducted a costing of the functions assigned to the county governments, we might even find that we are short by over Kshs100 billion. Therefore, I support this report.

As I conclude my presentation, I want to emphasize that the spirit of devolution requires that county governments to attract the best skills available in the country. It is not necessarily true that people with more skills should only offer services at a higher level. If counties are to attract the high-level skills we require, they must have funds commensurate with the remuneration these skilled labourers need. I pray for a day when the best doctors will be employed at health centres, dispensaries and Level 4 hospitals, where most of our people seek medical care.

As they are employed there, they would still receive the higher wages necessary to ensure they can offer services at the lower levels. This is contrary to the tradition where the highest-skilled professionals are placed in high-level hospitals and private hospitals because that is where they receive proper remuneration.

I am praying for a day when the top-skilled agricultural officers will be employed at the ward levels, where their expertise is needed to advise farmers. I am praying that the best skills can reach our people at the grassroots level because that is what devolution was meant to achieve. Devolution was not intended to merely transfer services from the national Government to the county level and stop there. Rather, it was designed to ensure that services and resources flow from the national Government to county headquarters, then further to the sub-counties, and ultimately, down to the ward levels. Our people do not receive direct services at the national level. At the national level, the focus is primarily on policy coordination and standard-setting. However, implementation takes place at the ward level, where services directly reach the people.

Two weeks ago, the Standing Committee on Land, Environment and Natural Resources visited Changara Dam in Busia County, where a proposed dam was funded by the World Bank. It is a pity that what we saw was a picture that looked close to a dam, something that is not useful to the people of Changara. I encourage Sen. Omtatah to push that agenda, so that the people of Changara receive services equivalent to the funds allocated to them. There must be value for money. Unfortunately, sometimes this does not happen because there may not be sufficient skilled personnel at the lower levels to supervise some of these projects.

I, therefore, support this project based on the fact that counties need adequate funding to perform these functions as outlined in the Constitution. These functions are not limited to roads, health, water and environment---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Beatrice, your time is up. Thank you for your contribution.

Sen. Okoiti Omtatah, proceed.

Sen. Okiya Omtatah: Mr. Temporary Speaker, Sir, thank you for the opportunity to address this august House. I support the Bill on the increased allocation of Kshs645 billion. I will also pick up from where the Senator has just left off on the issue of the water pan in Changara, which was fully funded by the World Bank, yet nothing happened.

I took action. I brought the people together, and we managed to get the Senate Committee, of which Sen. Beatrice is a Member, to visit the site. They saw the situation first hand. If they had just crossed the boundary into Bungoma, they would have seen a similarly funded system that is functioning. In Busia, it never worked, so we hope to get to the root of the issue.

Over and above that, the World Bank sent about Kshs200 million to Busia in the past two budgets. I have done a follow-up. In fact, the group I assigned to do some auditing just finished and gave me a report yesterday. None of them is functional, but all the money has been depleted. The money is not in the account. In short, I am just saying that Busia is an economic crime scene that needs serious attention from the Senate. It is a total crime scene.

Now, going back to the Motion on the Floor on the question of division of revenue, I support the figure of Kshs465,001,459,673 that has been recommended. However, that is as far as I support, because it is an improvement on the last allocation. I

want to go back to the fundamentals of revenue division. There are two things that I would invite the Senate to look at in the law. Of course, we agree that Article 203 of the Constitution is very clear. If you look at sub-article (1), after addressing that when sharing this money, we shall take into account national interests and provide for public debt, which is another issue. That if public debt is top on the list of things, we must be very careful and pay full attention to public debt.

On Article 203 (c), it states that we take care of the needs of the county and national Government. However, if you look at Article 203(d) (e) and (f), they all address devolution. In fact, the word in (d) is that they need to ensure that county governments are able to perform the functions allocated to them. That is the kind of funding we need to give them.

There is also the requirement that we have to develop fiscal capacity and efficiency. We have looked at developmental and other needs of the counties. When you go further down Article 203(i), we must work for the economic optimisation of each county and to provide incentives for each county to optimise its capacity to raise revenue.

Now, own-source revenue is an area that is again heavily abused in counties. When you look at it, in my own county of Busia, reports have even been made, but no action is taken. You will find that they talked of operationalising or computerising revenue collection. However, when you look at it, it is just some fraud scheme that allows them to collect revenue that does not get reflected and go into the County Revenue Funds (CRF).

I want to look at Article 203(2), which states that-

“For every financial year, the equitable share of the revenue raised nationally that is allocated to county governments shall not be less than 15 per cent of all revenue collected by the national Government.”

Now that is a floor that has been set, but the revenue must ensure the upper things. The 15 per cent is just a floor that has been set. It is not a requirement that 15 per cent goes to counties. The requirement is that not less than 15 percent, but whatever goes to counties must achieve what is declared up there.

When you go to (3), I have a strong feeling that this clause has been totally misinterpreted. If you look at the approved revenues, it is said under the recommendations, recommendation (b), the Schedule to the Bill be amended to reflect the following-

“(b) (ii) the most recent account of revenue as approved by the National Assembly, which is Kshs1,920,434,085,078 for the Financial Year 2021/2022.”

What we know is that the Auditor-General has submitted reports for the Financial Year 2023/2024. We are now in the Financial Year 2024/2025. The audit reports were submitted and these figures should be based on the audit report of 2022/2023 Financial Year, not 2023/2024 Financial Year, for the following reasons-

Article 203(3) of the Constitution says that the amount referred to in clause (2), that is, 15 per cent, shall be calculated on the basis of the most recent audited accounts of revenue received, as approved by the National Assembly.

We should ask ourselves in that sentence, what is approved by the National Assembly? Is it the audit report or the revenues that are approved by the National Assembly? If you go to Article 229(7) and (8), where the report is considered, sub-article (7) says, audit reports shall be submitted to Parliament or the relevant County Assembly. Sub-article (8) says, within three months after receiving an audit report, Parliament or County Assembly shall debate and consider the report and take appropriate action.

There is no provision in that Article where the National Assembly or this House or County Assemblies approve audit reports. Audit reports are complete and final. If you want to challenge them, you can only challenge them in court. An Auditor-General is an independent office and their reports cannot be approved by this House.

The interpretation of Article 203(3) means that the National Assembly approving audit reports is erroneous. This has denied county governments a lot of revenue, because we are now using a revenue of Kshs1 trillion when the last budget was about Kshs3 trillion. We should be talking of 15 per cent of Kshs3 trillion, not of Kshs1 trillion.

Article 203(3), should be understood that the approval by the National Assembly refers to the revenue, not the audit. Thus, for the revenues that are approved by the National Assembly, revenues are introduced in Article 221, because in Article 220, we are told that budgets of national Government and county governments shall disclose revenue estimates of revenue and estimates of expenditure for those governments. Those are then considered under Article 221, and that is why they are approved.

Basically, what Article 203 is telling us is that in an audit of the annual budget, we should implement the budget as has been audited. Since, once the revenues are approved, they are put into the Appropriation Act as the budget and passed by the House. There is nowhere else where the National Assembly considers revenues. Consequently, to say that the National Assembly approves the Report of the Auditor-General is erroneous.

Mr. Temporary Speaker, Sir, when you go to Article 229, you find that the National Assembly, the Senate and the County Assembly is given three months, within which not to approve, but to debate, consider and take appropriate action on an audit report. Fundamentally, we are told that we look at the report and within three months, make sure that there is accountability and those who have been adversely mentioned are to be held accountable. We urge departments of the national Government to improve on their accounting systems.

It does not in any way tell us that we should be approving reports of the Auditor-General. Even if we were to argue that the National Assembly is supposed to approve reports of the Auditor-General before we use them as a basis for calculating the 15 per cent that should go to the county governments, in Article 229, there is a clear timeline of three months.

The Auditor-General is given six months from 1st of July to audit books of the Government and present the report to us by 31st of December. After that, we have three months as Parliament to consider the report and take action on it. Anything outside three months that are given in the Constitution is null and void. The National Assembly cannot claim that it has not looked at the reports. That is sleeping on its job. That was for

Financial Year 2020/2021. It is like county governments should also wait for the National Assembly to wake up.

Recently, the High Court expressed itself on this provision. They said that we only have three months to look at the report. Why should county governments suffer from lack of funds simply because the National Assembly is sleeping on the job?

If the Auditor-General gave them the report for Financial Year 2023/2024 in December, three months ended on 31st of March. We should not be debating this report based on accounts of the Financial Year 2020/2021, which was Kshs1 trillion. We should be debating this report based on the accounts of Financial Year 2023/2024, which was about Kshs3 trillion. That way, we shall be fulfilling the need to ensure that county governments get 15 per cent of the audited budgets.

I urge the leadership of this House to consider revisiting that provision where they have misinterpreted Article 203(3) to mean that you have to wait for the National Assembly to do whatever it wants to do with the report of the Auditor-General before it applies on the counties. Even if it was so, we should go back to Article 259(8). Just ask yourself, how long would it take for that?

That Article states that where the Constitution does not provide timelines, it must be done as quickly as possible. We should not delay development in the counties simply because of that. I urge that we relook at that provision of the law where we have allowed the National Assembly to suffocate development in the counties simply by being lazy or not being focused on their work. Let us demand that every year, after three months, the report of the Auditor-General is unassailable and that is the one we shall use to calculate the equitable share that goes to the counties.

The other problem I have is with Section 2 of the Commission on Revenue Allocation Act, Cap.428. That definition of revenue is totally unacceptable. It cannot override what is in the Constitution.

The Constitution is very clear in Article 203, that for every financial year, the equitable share of the revenue raised nationally that is allocated to county governments shall not be less than 15 per cent. However, when you look at Section 2 of the Commission on Revenue Allocation Act, Cap. 428, it defines revenue as all taxes imposed by the national Government under Article 209 of the Constitution and any other revenue, including investment income that may be authorized by an Act of Parliament, but excludes revenues referred to under Articles 209(4) and 206(1)(a) and (b) of the Constitution. That particular definition needs to be looked at.

Nobody gave the National Assembly the power. By the way, these Acts were made by the National Assembly before the Senate was formed. These are Acts that were made before 2013. Therefore, the Senate was not represented. At that time, Parliament constituted only one House. Therefore, the National Assembly had a free hand to do whatever it wanted. This excludes revenue that should be considered in the calculations of what should go to the counties. I urge the leadership of this House to look at Section 2 of the Commission on Revenue Allocation Act, Cap.428, and establish whether it is acceptable to exclude that revenue in circumstances where the Constitution talks about all revenues raised.

If we do not do that, we will end up with situations whereby irrespective of the corruption in the county governments, which needs to be dealt with by law enforcement and punished ruthlessly, when you look at the percentages of money that goes to the county governments, we have not unbundled enough money to follow functions that have been devolved.

Other than just costing devolved functions, which is important, we also need to look at the legal framework that was put in place by the National Assembly before the Senate came into existence, to ensure that there is equity and adherence to the law within that legal framework. Otherwise, we shall continue giving county governments a raw deal in terms of the equitable share.

In supporting this Bill, Mr. Temporary Speaker, Sir, I reiterate that if possible, the Committee on Finance and Budget of this House should take time to get the proper legal assistance – we have got very good lawyers in this place – to see how these laws can be amended or challenged to ensure that we use the latest audited accounts of the Auditor-General. The question of approval by the National Assembly expires before the Auditor-General comes in. There is no room for approving or rejecting a report of the Auditor-General. We only implement it.

Mr. Temporary Speaker, Sir, I can see that my time is up. I thank you for the opportunity. I support the Bill with those qualifications that the committee seeks to anchor the current Division of Revenue Bill on the accounts of the Financial Year 2023/2024, which have already been audited and taken more than three months since the report was submitted to Parliament.

Therefore, the National Assembly has lost the capacity to do anything with them. They run as they do. Even if they were to do anything with them, it could only implement the report. It does not approve, review or do anything. It does not change or add a comma or dot the i's and cross the t's. The report is final and that is what should be used to determine the ratio of---

(Sen. Okiya Omtatah's microphone went off)

The Temporary Speaker (Sen. Wakili Sigei): Sen. Omtatah, your time is up. Being an astute public interest litigant, I propose that the proposals that you have made in your submissions go into proposals that will guide the eminent legal minds towards asking the House to seek for those proposals in amendments to the relevant law, so that we speak in one voice. Please, do not leave it to lawyers only. You are one such honorary practitioner by virtue of public litigation that you are doing.

Next is Sen. Peris Tobiko.

Sen. Tobiko: Thank you, Mr. Temporary Speaker, Sir. Let me take this opportunity to add my voice to the debate on the Division of Revenue Bill, 2025. Members have exhaustively addressed this Bill on the equitable share, that has been allocated to the counties in the Financial Year 2025/2026.

I agree with Sen. Omtatah that there is an increment from last time's figure, which was approximately Kshs387 billion to the current Kshs405.1 billion. The nominal

increase is appreciated. However, we still have a long way to go. Although the Constitution prescribes that a minimum of 15 per cent goes to our devolved units, it has never put a capping that it must remain at 15 per cent. It can and should go higher.

Mr. Temporary Speaker, Sir, why do I say this? Kenyans would want to see counties working. They would want to see our devolved units being viable, attractive and delivering for Kenyans, so that we realize the benefits of the 2010 Constitution. The spirit and bottom line of the 2010 Constitution was equity across the country. It was so that across Kenya, we can experience development, service delivery, opportunities at the local level for Kenyans, be it at Turkana County, so that, a Kenyan who is in Turkana has opportunities to work at their counties, and the same case applies to all other counties.

For our counties to be able to deliver on the very functions that have been prescribed by the Constitution, address and deliver health services, make the facilities, equip them and provide medical supplies, as well as pay qualified personnel for these facilities, they need a lot of these resources, much more than the Kshs405 billion that has been allocated now. However, we accept and appreciate that we are making steps every other time. We are increasing and progressing and this gives us hope. However, still, we are far from it, because when they say it should be 15 per cent of the last audited accounts, and they go ahead to say this is based on the Financial Year 2020/2021 audited accounts, then there are question marks. You query because the last audited accounts are for the Financial Year 2023/2024.

Mr. Temporary Speaker, Sir, sometimes I have asked myself about what happens with the 85 per cent of the revenue that is left at the national level. We are not seeing mega projects being handled at the national level. By now the Expressway which ends at Mlolongo should have been extended beyond Kitengela, maybe reaching Isinya, so that we sort out the gridlock at Kitengela.

We want to see mega projects like the Standard Gauge Railway (SGR) fully functional. The SGR cuts across a very big part of Kajiado County, starting from Emali to Sultan Hamud, through to Kalemwani, Kiu, coming all the way to Mavoko, and even beyond from now where we border Sen. Maanzo at Emali, all the way to Mombasa. However, when you look at the SGR, it is not operating at full capacity. There were stations that were done along the railway line, but right now, they are white elephants because they are not functional. I should be taking the SGR at Stoni Athi or at Konza, go to Mombasa and alight at Konza and go to my home. However, we see those beautiful stations, and right now they are occupied by lizards because they are not functional.

What I am trying to say is that even the 85 per cent that is left at the national level should be accounted for. We should see projects that are benefiting Kenyans. Kenya has a port and it is used by neighbouring countries. I do not know if majority of Kenyans know that we do not even have a shipping line. We do not even have our own fleet of ship and neither do we have at our airports what we can pride ourselves in as a national airline. Kenya Airways, which we pride ourselves with, is really not a national airline. It is a private enterprise. Kenyans would want to pride themselves like our neighboring countries. Ethiopia today has a fleet and Uganda has a number. You wonder why a powerful economic bloc like Kenya, does not. Even as we support the little that goes to

our counties, we must hold the national Government to account for the 85 per cent that is left at the national level.

Our counties have functions like agriculture. We must boost food production. How do we do that if we do not support our counties with enough resources to realize their full potential in agriculture, livestock services such as vaccination of our animals, extension services and crop farming?

The issue of roads is another big challenge at the counties. With a classification of roads that is not very clear, we still have KeRRA handling resources that are meant to go to our counties for the smaller subsidiary roads, which help those going to the markets to have access from their homes and *shambas*. Water is a devolved service which counties are supposed to be providing. When we go for county visits we find a big challenge. Many of our counties are still unable to provide safe water to their people.

Mr. Temporary Speaker, Sir, let me speak of the sewerage facilities in Kajiado County because it is the place I know best. Kitengela, a very big and growing town, does not have a proper sewer system. It is the same case for Rongai and Kiserian. If we do not address the issue of sewer systems, then we are waiting for disaster in our heavily populated towns.

Mr. Temporary Speaker, Sir, the biggest challenge in a county such as Kajiado is that the population living there is not necessarily the locals. All Kenyans including you, Mr. Temporary Speaker, Sir and many others have their homes in Rongai, Kiserian, Ngong and Kitengela. Kajiado has become the bedroom of Nairobi. For that reason, our urban centres need proper planning, sewer systems and proper garbage management if we must live dignified lives.

We also need proper link roads to Nairobi, so that even if one stays in Ngong, they can make to their workplace in good time and go have time with their children in the evening. As it is now, majority of Kenyans who live in those areas spend so much time on the roads; from Bomas, Galleria going towards Maasai Lodge and Rongai is a gridlock. Towards Kitengela and Ngong is also a gridlock. We are asking that these resources be accounted for. Our counties should get enough allocated to them, so that we ease the living standards of Kenyans. This is so that we can live in a country that we know has made leaps in terms of development.

Mr. Temporary Speaker, Sir, one would not want to get to our market facilities, but when it rains the situation is not hygienic. One would not want to buy tomatoes and potatoes there, yet we should be living in a clean environment. We should be providing enough resources for our counties.

Let me mention this early enough that even as we support our counties to get these resources, the governors must account not only for the equitable share, but also for the own-source revenue that they are collecting every day from our markets and businesses. They must be able to streamline on licenses, so that they are not killing the local economies and the small *mama mbogas* and *boda boda* riders who are operating from hand to mouth.

I call upon the committees of this House particularly the County Public Accounts Committee (CPAC) and County Public Investments and Special Funds Committee

(CPIC) and those oversight committees, that we must rein in on the counties. Each governor must be able to account for what goes in his county, so that Kenyans realize the benefits of devolution. It is important for devolution to work.

Mr. Temporary Speaker, Sir, I have been seeing UHC workers, daily demonstrating outside this House. You wonder where they belong. The counties are not owning them and the national Government is not owning them as well. This House should rise to the occasion and address that issue because health is under our docket, in terms of oversight and we must come out to help those Kenyans.

I support this Bill and urge that we fast-track with the last audited accounts, so that we are depending on the Financial Year 2023/2024 accounts instead of the Financial Year 2020/2021.

I thank you.

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

Sen. Maanzo, you can address the House from the Dispatch.

Sen. Maanzo: Thank you, Mr. Temporary Speaker, Sir. Since devolution started, I have debated this Bill every year. At first, it used to start at the National Assembly, but I have seen that this time round, it has been signed by the Chairperson in charge of the Liaison, Hon. Gladys Boss.

After the National Assembly debates it, it comes to the Senate. However, in one way or another, a decision has already been made at the National Assembly and when it comes here, it is a debate where we might not change a lot. A lot of times we have tried to change or increase the revenue or monies going to the counties, but most of the time it is difficult.

If you look at the current Division of Revenue Bill, 2024/2025 and the one we will do this year and next year, you will realize that money was reduced in last year's one. What we were bargaining for last year is what has now been awarded - Kshs405 billion for the counties.

Mr. Temporary Speaker, Sir, devolution is in our Constitution and is the sure tool to develop counties. It is the best way one can get to the grassroots. Our biggest role is to support devolution as the Senate and make sure that devolution works. There are national functions and county functions as Sen. Peris Tobiko, my neighbour, has said. The national functions have things we should really invest in. Kenyans waste a lot of time on the road and there are road accidents as well. By now, we should be having a dual carriage to Mombasa. At some point, the Americans were to do it and they had negotiated a very good deal.

We also expect a dual carriage to Western Kenya, so that goods and services can move fast from our ports to the ports in Lake Victoria, Uganda and the other countries that are served by our port in Mombasa. There is also the proposed corridor through Isiolo as well as the Airport in Isiolo, which has become a white elephant; bearing that the construction had problems. We also never got value for money for that Airport.

Mr. Temporary Speaker, Sir, when you look at the national functions *vis-a-vis* the counties; they are intertwined. It is therefore important that we develop the county and all the taxes that are collected from Kenyans go into good use. Then Kenyans will be more

than happy to pay taxes and see the job being done. I doubt whether you will find any protest when the job is done as it is supposed to be.

Recently, my Committee went to Arusha. We wasted about two hours at Kitengela. I wish there was a bypass or an expressway, so that people who are not going to Kitengela Town could easily connect to the road coming from Cape Town in South Africa, to Cairo in Egypt. Imagine somebody travelling using that route just to get stuck in traffic when they get to Kenya. As a result, services and goods are held there and we end up having a stream of lorries. That is why we need to see these monies get into good use.

Mr. Temporary Speaker, Sir, the feeder roads are maintained by the county governments yet the county governments' monies are delayed. Monies for Makueni County and all other counties are delayed for two or three months and the cost of the delay is very high for all the counties and the Government at large. This is something we should look at, as a Senate, and make sure that there is enough pressure for the monies to reach the counties at a good time. With that, salaries will be paid on time and the counties will not resort to borrowing from commercial banks such as Co-operative Bank that has been kind enough to help a lot of counties across the country. When the counties borrow money from the banks, it means that the county and the people of Kenya are losing money to traders.

The railway network serves and interconnects the counties. It is important for us to have a network which serves the city. If that happens, a lot of people will leave their cars at home and the traffic jams will reduce. We should have a railway network, which goes into many parts of the country. The SGR links Nairobi and Mombasa and there is an effort to have it get to Kisumu though that has delayed. Part of what messed up the plan was exorbitant prices of land, which had to be purchased, yet this land should have been allocated from the beginning as part of the railway schedule. With that, we would not have had the need to buy land from the public.

We never take into consideration the Auditor-General's report when making the Division of Revenue Bill because they have delayed in years. How better would it be for us to have the report of the Auditor-General and the report of the Commission of Revenue Allocation (CRA) ready when making the Division of Revenue Bill? These reports raise a lot of questions most of the times. There are counties that end up feeling that they have been denied money unjustifiably.

Mr. Temporary Speaker, Sir, there is the issue of national functions and county functions. Health is devolved. We should not have the Universal Health Coverage (UHC) staff coming to Parliament almost every day. They should have been employed under permanent and pensionable terms. Those who remain under the national Government do so and those who are devolved should go and find their money with their respective governors. I do not think that has been done very well.

When we do the budgets for the counties and the national Government, the devolved functions should be clear. Money must follow functions. If health is devolved, then the national Government should deal with policy as the governors efficiently deal with the real issues such as hospitals and medication at the grassroots.

Agriculture is devolved, but a lot of things such as fertilizers and herbicides are still being handled by the national Government. The role of the county government and Council of Governors (CoG) ends up being minimal. There is a need to fully implement devolution.

There is the issue of markets. We observed that the national government is handling the construction of markets, which is the responsibility of county governments. That funding should have been included in this Division of Revenue Bill and allocated to the counties, with the national Government coordinating the construction. After all, it is the county government that approves the structures, participates in monitoring to ensure they meet standards and finally grants approval for occupation. Therefore, markets and housing are not devolved.

Much of the land where housing projects are being developed is paid for daily. We hope that the deserving people will receive these houses at truly affordable rates since they have already been paid for. However, the financial figures being discussed suggest that we have not subsidised the prices of these houses. There have been questions raised. This morning, there was a heated debate aired on *Citizen Television* regarding the situation. It was concerning how consultants are dissatisfied with their consultation fees, which has resulted in poor quality work.

It is up to each county to ensure that their buildings are structurally sound, that contractors do quality work, and that they can eventually issue certificates of occupation. We must avoid situations like the one witnessed in Mombasa, where a building collapsed, resulting in loss of life. The developer, who was not properly monitored by either the national or county government, ends up making the county to lose money. I am certain that the County of Mombasa will be sued, and we risk losing the funds allocated to them through the Division of Revenue Bill due to carelessness and negligence. The entire building project must be accounted for, including the lives lost, the houses that sustained cracks, and all related damages. This is unnecessary expenditure arising from someone failing to do their job properly. This is why I say there must be prudent use of our money.

The Division of Revenue Bill includes our debts, and we continue to borrow funds. Corruption remains a major issue in the country. The structures meant to combat corruption are not devolved and too often, the fight against corruption becomes political rather than genuine. As a result, people are intimidated under the pretense of fighting corruption. Therefore, it is crucial to ensure that at the national level, we have a serious fight against corruption. In addition, ethical standards should be upheld.

When advertising tenders in both county and national governments, it often feels as though tenders are predetermined. Even when they are published in newspapers, the person who will be awarded the tender is already known. That is how we end up with poorly executed projects by contractors due to inadequate monitoring by both county and national governments.

The National Treasury and the Central Bank of Kenya (CBK) recently released a report indicating low absorption of funds in the counties. However, what is the actual practice? The money is sent to the CBK, allocations are made to the counties, yet the people urgently need roads and water services that are devolved. We have major projects,

such as Vision 2030. In Makueni County, we have the Konza City project, which we expected would by now be employing a large number of young people.

We also have Thwake Dam, which has never been completed. It got stuck with only six per cent remaining. By now, farmers would be engaged in extensive irrigation, generating income for themselves and their families. However, the National Treasury fails to manage funds properly, and then offers the excuse that county allocations are only hitting accounts at the end of the financial year. It is clear that the counties have been unable to operate effectively. Then, the blame is placed on the Senate and the governors, with claims that they are not monitoring properly, yet it is the National Treasury and the CBK that delayed the funds. Additionally, numerous conditions are imposed so that by the time the money becomes operational, time has run out, and the same funds are sent back for re-allocation in the next financial year. This cycle of delays continues, yet the counties are unfairly blamed.

The funds must reach the counties in good time. I believe that if counties and governors receive timely funding, they will be able to deliver. Likewise, we must also fulfil our role in properly overseeing the counties and ensuring that everything is done as required. There have been those administrative challenges. Yes, we have passed this Bill, there are monies at the national level and for the counties, but this money never gets to the counties in good time.

The conditions given at the Central Bank of Kenya (CBK) are such that we end up not doing anything in the counties. This is not the making of the county government, national Government or the Senate. Therefore, it is important that the Senate, through this Division of Revenue Bill, does the necessary monitoring and summary of the relevant institutions to come and explain why the delays yet Kenyans pay taxes. Why would you waste time at the National Treasury and why would the CBK hold these monies and not release them in good time to the governors making it difficult for everybody in the country? If governance was very efficient, we would not have these delays and challenges.

We really want to have responsible Principal Secretaries (PSs) Cabinet Secretaries and Directorates, especially in the National Treasury. That is where even the ministries have to go and beg and are taken around in circles by technocrats.

Finally, projects like Thwake Dam and the many other projects in the country have not taken off. Recently, I went to Nyeri and realised the dual carriage to Nyeri town got stuck somewhere. For the last two years, very little activity has been happening. We do not want dual carriages going to Nyeri alone. We want dual carriages going to different parts of the country, so that there is easy movement of goods and services. It should not only be for certain regions.

We want the Northern Corridor opened up. We went to Turkana County - I must thank the leadership of the Senate for this. It opened up our eyes. We did our Committee sittings there, we went to Lake Turkana and realised that the fish, which gives the thread that is used to operate on all people who go through surgery in the world, comes from Lake Turkana, in Turkana County. That fish is so important. You can imagine how rare that fish is and how rare that commodity is and we are the ones supplying the whole

world. You can imagine how many operations go on everywhere in the world. That is a big resource in Turkana. Certainly, security should be provided in that corridor. That is a place which should be like Mombasa. Instead of people going to the Coast, people should also be going to big hotels along that important lake, do fishing and make the communities there live well, just like the many other communities in the country.

This is where you know devolution is important. We have to actualise it. However, when the Division of Revenue Bill is the way it is, when will we ever develop such a county with so much resources in the country? That is where oil and a lot of underground water have been discovered, which can be used for irrigation. They have wonderful soil and people. How do we open up northern Kenya to have cities and big trading centres? The people there are very hardworking and should access credit. They can then be assisted by the county governments. For example, we have a cooperative movement, which should be implemented by the counties.

We now have a new Act, which we are debating and it is in today's list as one of the businesses of the House, to strengthen the cooperative movement, so that people can generate income. Thereafter, they can pay taxes and the country can proudly sit down and make a better budget than we have today. Besides, what do we have? We have a low collection of taxes from the counties. The money is not in circulation. Some businessmen and individuals are hoarding this money for their own benefit and it is not in circulation.

Small businesses have died. People used to thrive and goods used to move faster. Now, the common Kenyan does not have the purchasing power. The youth are not gainfully employed. Nowadays, every Saturday or Sunday afternoon, you see the youth in Nairobi doing some wonderful jigs, which they share on social media platforms. Through that, they earn a living. That space should be expanded, so that people in the counties can generate income.

Unless we export our coffee, tea, mangoes and oranges from the counties where there are no proper structures to make sure that we export--- There are brokers who have frustrated coffee and tea farmers. If we export, that is the time we get good exchange rates from the rest of the world. We are importing more than we export.

In conclusion, Mr. Temporary Speaker, Sir, the engine of commerce in the country is this Division of Revenue Bill. We have come here to share very little. We should be sharing much better if the people of this country get an opportunity to work or do business, generate income and pay taxes so that all can benefit.

Mr. Temporary Speaker, Sir, I thank you and support.

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

Hon. Members we do not seem to have any other Member interested in contributing to this particular Bill. In the circumstances therefore, we shall defer the reply to the next sitting of the House, which is tomorrow, noting that the Senate Majority Leader, who sponsored the Bill, is not in the House.

(Reply to the Bill deferred)

Hon. Senators, for the convenience of the House, I will reorganise the Order Paper. I request that Order No.14 be called out.

BILL

Second Reading

THE CREATIVE ECONOMY SUPPORT BILL (SENATE BILLS NO.30 OF 2024)

(Sen. Oketch Gicheru on 7.5.2025 - Afternoon Sitting)

(Resumption of debate interrupted on 15.5.2025)

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, this is resumption of debate that was interrupted on Thursday, 15th May, 2025. This Bill is sponsored by Sen. Eddy Oketch, who is not present in the House.

*(The Clerk-at-the-Table consulted with
the Temporary Speaker (Wakili Sigei))*

Hon. Members, equally, Order No.14 has no interested Members to contribute. Therefore, we shall defer the reply by the Mover to the next sitting of the House, which is tomorrow.

(Bill deferred)

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 tomorrow, Thursday, 22nd May, 2025, at 2.30 p.m.

The Senate rose at 6.30 p.m.