



THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT



Fourth Session

Tuesday, 28th October, 2025 at 2.30 p.m.

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 28th October, 2025

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

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

PRAYER

DETERMINATION OF QUORUM
AT COMMENCEMENT OF SITTING

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

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

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

(The Quorum Bell was rung)

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

COMMUNICATION FROM THE CHAIR

WELCOMING OF HON. SENATORS TO
PART VI OF THE FOURTH SESSION

The Speaker (Hon. Kingi): Hon. Senators, I take this opportunity to welcome you back from the two-week recess. In accordance with the Calendar of the Senate for the Fourth Session, Part VI begins today, Tuesday, 28th October, 2025, and will conclude at the rise of the Senate on 5th December, 2025.

As you will recall, during Part V of the Session, the Senate held its sittings in Busia County from 6th to 10th October, 2025. I wish to express my appreciation to all Hon. Senators for your active participation in the various activities that had been scheduled in the programme of events. I particularly single out the visit to the Busia One Stop Border Post (OSBP), an initiative under the auspices of the Standing Committee on Trade, Industrialization and Tourism. This visit provided valuable insights on the operations of

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the border post, and as a result, the Senate considered and passed a Motion aimed at addressing the persistent challenges facing both the Busia and Malaba border posts.

The necessity for sustained follow-up on the Senate's resolution on this matter cannot be overstated, as lasting and practical solutions to transform the operations at these critical border points, will only be achieved through continuous engagement and monitoring by the Senate.

Additionally, various Committees engaged on diverse subjects, including the status of Early Childhood Development Education (ECDE) and County Vocational Education and Training ((CVET) within the county, interrogation of the Reports of the Auditor-General for the Busia County Executive for the Financial Year 2023/2024 and public engagement on the Constitution of Kenya (Amendment) Bill (Senate Bills No.13 of 2025).

I urge the Committees that undertook activities in Busia County to take necessary measures to follow up and ensure that the resolutions of their meetings are pursued to their logical conclusion for the benefit of the residents of Busia County.

Lastly, I take this opportunity to commend the Kenya Women Senators Association (KEWOSA) for its impactful Corporate Social Responsibility (CSR) initiatives in the county, that highlighted the challenges affecting Busia County, such as gender-based violence and childhood pregnancies.

Hon. Senators, the Senate *Mashinani* Programme serves to demonstrate that every part of our country deserves equal attention and opportunity for development. By engaging directly with local leadership and communities, the Senate gains invaluable insights into the unique challenges and aspirations of the people. These not only strengthen our connection with the counties, but also enable us to shape practical legislative interventions that further entrench the devolved system of governance.

Hon. Senators, as you are aware, during the recess, the nation lost one of its most impactful leaders, the late Hon. Raila Amolo Odinga, CGH, former Prime Minister and an illustrious statesman whose vision and remarkable sacrifice has left an indelible mark in the country's history.

In solidarity with the ideals that he held, the most befitting way to honour his legacy is by zealously defending the Constitution and deepening the gains of devolution. As we continue to discharge our legislative duties, let us remain inspired by his lifelong pursuit for justice and relentless quest for a more prosperous and inclusive Kenya.

Hon. Senators, in conclusion, you will observe that this will be the last segment of the Fourth Session, 2025. It will be a short one before the December-January recess. The resumption of regular sittings in this last part brings with it a certain degree of urgency to conclude the legislative agenda before the Senate. It is in this context that I urge that we redouble our collective and individual effort in a bid to dispense with the business before the Senate. It goes without saying that the Offices of the Leadership of the Senate and Committee Chairpersons need to do all that is necessary within the Standing Orders to ensure that this is achieved.

I wish you a fruitful engagement.

I thank you.

Next Order.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg your indulgence. You have just given a very important Communication to the House. There are one or two things that I want to request you. One is to agree with you in rallying the House to remember that these are the last three weeks of the Fourth Session, a very important milestone in our journey in this Session of Parliament. It is my hope that Members will avail themselves to transact and conclude on very important pending business that is before us.

I want to request you, and I need not to because I know you ordinarily do this, that we be precise and concise in our execution of business before this House. If it is voting, be on time, if it is statements, we take the least time. This is because basically, three weeks mean nine sittings, yet if you look at the last statement of order of business before us, we have more than 50 Bills in the Second Reading and another 40 in the Committee of the Whole stage.

If we are to conclude those Bills because I want to believe our colleagues have taken time to process them, then we have to work in no other manner than what I have prescribed which I know you will uphold.

Lastly, I would be remiss if I failed to mention that, as a Senator, I am extremely proud to sit in the same House with the new party leader of the Orange Democratic Movement (ODM) party, none other than the ‘youth leader’ who is with us this afternoon. As his colleagues, we are telling the world from the Senate that we bring you, Dr. Oburu Odinga, the best there is at the moment. I know that he will do this House and the country proud. I congratulate my leader.

The Speaker (Hon. Kingi): Next Order.
Order, hon. Senators.

(Sen. Mumma walked into the Chamber)

Sen. Mumma, kindly take your seat.

(Sen. Mumma sat at her place)

MESSAGES FROM THE NATIONAL ASSEMBLY

PRESIDENT’S RESERVATIONS TO THE CANCER PREVENTION AND CONTROL (AMENDMENT) (NO. 2) BILL (NATIONAL ASSEMBLY BILLS NO. 45 OF 2022)

Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.46(3) and (5), I have received the following Message from the Speaker of the National Assembly regarding the consideration by the National Assembly of the President's Reservations to the Cancer Prevention and Control (Amendment) (No.2) Bill, (National Assembly Bills No.45 of 2022). The President's Reservations dated 26th June, 2025, were conveyed to the National Assembly on 1st July, 2025.

The Message, which is dated Wednesday, 8th October, 2025, was received in the Office of the Clerk of the Senate on Monday, 13th October, 2025. Pursuant to Standing Order No.46(5), I now report the Message.

Pursuant to the provisions of Standing Order No.41(1) ---

(Sen. Madzayo walked into the Chamber)

Senator for Kilifi, proceed to your seat.

(Laughter)

Order, hon. Senators.

Pursuant to the provisions of Standing Order No.41(1) and No.154 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly.

WHEREAS, the Cancer Prevention and Control (Amendment) (No.2) Bill, (National Assembly Bills No.45 of 2022), was passed by the National Assembly on 15th April, 2024 and by the Senate on 19th November, 2024 and referred to the President for assent; and

WHEREAS in exercise of the powers conferred under Article 115(1)(b) of the Constitution, His Excellency the President, by way of a memorandum, referred the Bill back to Parliament for reconsideration and recommended the deletion of Clauses 2, 3, and 4, being the substantive provisions of the Bill. Further, whereas on Thursday, 25th September, 2025, the National Assembly considered and passed the Bill a second time with amendments, fully accommodating the President's reservations.

Now, therefore, in accordance with the provisions of Article 115 of the Constitution and Standing Order No.41 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.

Hon. Senators, attached to the Message from the National Assembly is the Presidential Memorandum in which His Excellency the President has noted his reservations and set out the proposed parts for reconsideration. In this regard, I refer the said message and memorandum to the Standing Committee on Health for consideration. The Committee is required, within 14 days, to lay its report on the memorandum on the Table of the Senate. I also direct that the Committee tables its report on or before Wednesday, 12th November, 2025, for consideration by the Senate. I have another Message.

PASSAGE BY THE NATIONAL ASSEMBLY OF THE KENYA ROADS (AMENDMENT)
(No.3) BILL (NATIONAL ASSEMBLY BILLS NO. 34 OF 2025)

I wish to report to the Senate that pursuant to Standing Order No.46 (3) and (4), I received the following Message from the Speaker of the National Assembly regarding the approval by the National Assembly of the Kenya Roads (Amendment) (No.3) Bill, (National Assembly Bill No.34 of 2025). The Message, dated Tuesday, 21st October,

2025, was received in the office of the Clerk of the Senate on Wednesday, 22nd October, 2025 while the Senate was on recess. Pursuant to Standing Order No.46(4), I now report the Message.

Pursuant to the provisions of Standing Order No.41(1) of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly.

WHEREAS the Kenya Roads (Amendment) (No.3) Bill, (National Assembly Bill No.34 of 2025) was published via Kenya Gazette Supplement No.122 of 9th July, 2025 to provide for classification of public roads into national trunk roads and county roads to vest the management of county roads under the county governments and to allocate funds from the proceeds of the Kenya Road Maintenance Levy (RML) Fund to county governments for the maintenance, rehabilitation and development of county roads within their respective jurisdictions. Further, whereas the National Assembly considered the Bill and passed it with amendments on Tuesday, 7th October, 2025;

NOW THEREFORE, in accordance with the provisions of Article 110 (4) of the Constitution and Standing Order No.142 of the National Assembly Standing Orders, I hereby refer the Bill to the Senate for consideration.

Hon. Senators, pursuant to Standing Order No.163 which requires that a Bill which originates in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No.144, I direct that the Kenya Roads (Amendment) (No.3) Bill, (National Assembly Bill No.34 of 2025) be read a First Time at the next sitting. Thank you.

Next Order.

PAPERS LAID

Proceed, the Senate Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir.

I beg to lay the following papers on the Table of the Senate, today, Tuesday, 28th October, 2025-

NATIONAL TREASURY 4TH ANNUAL REPORT ON THE STATE OF PUBLIC PRIVATE PARTNERSHIPS FOR THE FY2024/2025

Report of the National Treasury Fourth Annual Report on the State of the Public-Private Partnership for the Financial Year (FY)2024/2025.

REPORT OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS OF MIGORI COUNTY WARD DEVELOPMENT FUND FOR THE YEAR ENDED 30TH JUNE, 2025

Report of the Auditor-General on the financial statements of Migori County Ward Development Fund for the year ended 30th June, 2025.

(Sen. Cheruiyot laid the documents on the Table)

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The Speaker (Hon. Kingi): Next Order.

QUESTIONS AND STATEMENTS

The Speaker (Hon. Kingi): Statements pursuant to Standing Order No.53(1).
Proceed, Senator for Embu County, hon. Alexander Mundigi.

DELAY IN CONSTRUCTION OF MUKONGORO AND MWIRIA BRIDGES IN EMBU COUNTY

Sen. Munyi Mundigi: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Roads, Housing and Transportation on a matter of county-wide concern regarding the prolonged delay in the construction of the Mukongoro and Mwiria bridges and provision of road furniture in Embu County.

Mr. Speaker, Sir, the Mukongoro and Mwiria bridges form part of the critical infrastructure along the Embu County Ring Road between Mbuvari and Kathangariri markets. These bridges are a factor in facilitating connectivity between Kamama Boys Secondary School and Mwiria Tea Factory, thereby supporting access to education and engine economic activity in the region further. There is a general lack of road safety on the Embu County Ring Road due to a lack of signage and other road furniture, posing a danger to the county.

In the Statement, the Committee should address the following-

(1) Reasons for the prolonged delay in the commencement of construction works on the Mukongoro and Mwiria bridges and when the Ministry is expected to commence construction and the projected timeline for completion.

(2) The total funds allocated and expended on the construction of the bridges between the Financial Year 2018/2019 and Financial Year 2024/2025 and whether there is any specific budgetary allocation for the construction of the two bridges in the Financial Year 2025/2026.

(3) When will the Ministry commence the marking and installation of roads signage along the Embu County Ring Roads, particularly on the Kiritiri-Siakago-Were-Runyenjes corridor and other sections of the Ring Roads Network?

(4) Measures in place to ensure compliance with the National Road Safety Standards across the Embu County Loans Network.

The Speaker (Hon. Kingi): Proceed, Senator from Marsabit County, hon. Mohammed Chute.

Sen. Chute: Thank you, Mr. Speaker, Sir. I have two Statements to seek.

NON-PAYMENT OF SALARIES TO WARD OFFICERS
BY COUNTY GOVERNMENT OF MARSABIT

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding the prolonged non-payment of salaries and allowances to ward officers who served under the County Government of Marsabit from 2017 to date.

Mr. Speaker, Sir, these officers diligently performed their duties in facilitating ward-level administration, coordinating county programmes and promoting public participation across the county, yet they remain uncompensated for their service throughout the six years. The affected officers continue to face severe financial hardship with many struggling to meet basic needs such as food, housing, school fees and medical expenses.

In the Statement, the Committee should address the following-

(1) The total number of all ward officers who served between 2017 and 2023 but remain unpaid and provide a list indicating their names, wards of deployment and job categories.

(2) Reasons for the failure to pay salaries during the said period, clarifying whether budgetary provisions were made for these officers.

(3) Whether the County Government of Marsabit received its equitable share of revenue allocation from the National Treasury for the relevant financial years, and if so, explain why these officers were not paid to date.

(4) The steps taken by the county government to resolve this long-standing issue, outlining the times for the settlement of all outstanding arrears and the measures being put in place to prevent recurrence of such prolonged salary delays or non-payment of county staff in the future.

TENDER AWARD FOR EVENT MANAGEMENT AND PLANNING OF
KENYA'S PARTICIPATION IN OSAKA 2025 EXPO BY KEPROBA

Mr. Speaker, Sir, again, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Tourism, Trade and Industrialisation regarding the award of the tender for the provision of event management, planning and implementation of Kenya's participation at the Osaka Expo 2025, which is tender No. KEPROBA/SCM/RFP/003/2024/2025 by the Kenya Export Promotion and Branding Agency (KEPROBA).

In the Statement, the Committee should address the following –

(1) Details on when the tender for Kenya participation at the Osaka 2025 Expo was advertised, the total number of firms that applied, how many were shortlisted and how many proceeded to the financial evaluation stage.

(2) The evaluation criteria and scoring metrics used by KEPROBA and an explanation on how the firm that was awarded the tender satisfied both the technical and financial requirements.

(3) Whether the firm that was awarded the tender has demonstrable experience in managing international expos or similar large-scale events and clarify why more experienced firms were not selected.

(4) The oversight and accountability mechanism put in place to ensure transparency, effectiveness and the successful implementation of Kenya's participation in the Osaka 2025 Expo.

Thank you very much, Mr. Speaker, Sir.

The Speaker (Hon Kingi): Proceed, Sen. (Dr.) Oburu.

REVOCATION OF EMPLOYMENT OF HEALTH WORKERS OF SIAYA
COUNTY REFERRAL HOSPITAL BY COUNTY PUBLIC SERVICE BOARD

Sen. (Dr.) Oburu: Thank you, Mr. Speaker, Sir. I rise first on Standing Order No.53(1) to seek a Statement from the Standing Committee on Labour and Social Welfare on a matter of countywide concern regarding the plight of 580 health workers whose employment at the Siaya County Referral Hospital was revoked by the County Public Service Board citing irregular hiring.

Mr. Speaker, Sir, in December 2024, the Board advertised 120 positions but issued over 700 appointment letters. The workers served from January 2025 having completed an internship and document verification, yet they have gone without pay for nine months until August, 2025. They were informed that 580 of them were irregularly employed and that their names were missing from the county payroll.

In the Statement, the Committee should address the following-

(1) The circumstances under which the employment of 580 out of 700 health workers who had been duly recruited through advertised vacancies at the Siaya County Referral Hospital was terminated by the Siaya County Public Service Board.

(2) Details of the affected workers and their respective stations of deployment prior to their termination.

(3) Measures in place to regularise their employment considering that under labour laws, engagement of workers for more than three months continuously is deemed to confer permanent employment status.

(4) Timelines within which the affected health workers will be compensated for the period they served which was more than nine months.

Mr. Speaker, Sir, I rest my case.

I thank you.

REMEDIAL ACTION FOR PERSONS AFFECTED BY STAMPEDE
DURING PUBLIC VIEWING OF LATE HON. RAILA ODINGA'S BODY

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 National Security, Defence and Foreign Relations on a matter of national concern regarding deaths and injuries sustained by some members of the public during the public viewing of the late

hon. Raila Odinga's body at both the Moi International Sports Centre, Kasarani, and the Nyayo National Stadium on 16th and 17th October, respectively.

Mr. Speaker, Sir, the majority of these deaths arose from acts of police action against unarmed civilians and need urgent investigative and remedial action. A few others were occasioned by stampedes caused by the said police action.

It is unfortunate that even after years of Hon. Odinga having to live under a cloud of the said brutality and torture, his own funeral was turned into a theatre of more brutality against unarmed citizens, leading to the unnecessary deaths. The silence over these deaths and the acts of police brutality has been characteristically loud, yet the families have been sent into double mourning for their own and that of the Rt. Hon. Odinga.

In the Statement, the Committee should address the following-

(1) The exact number of deaths and injuries arising from the events at both stadia during the funeral ceremonies, detailing the cause of death in each case and where police bullets were the cause, the progress of investigations to establish culpability for immediate prosecution.

(2) Measures in place to ensure that compensation for deaths and injuries from the two stated days will be extended to the families of the departed.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): There is a Statement pursuant to Standing Order No.52(1), again by the Senator for Nairobi City County. Kindly, proceed to read the approved version.

Thank you.

Sen. Sifuna: First of all, thank you, Mr. Speaker, Sir, for the indulgence. As the House is aware, on the day there was a Special Sitting to mourn the late Raila Amolo Odinga, I was not in the House because I was amongst those who had been tasked to travel to India to bring back his remains. Let me thank all the colleagues and the Senate Majority Leader, especially, who convened the House very quickly to mourn this great leader.

THE SUDDEN PASSING OF THE RT. HON. RAILA AMOLO ODINGA

Mr. Speaker, Sir, I rise pursuant to Standing Order No.52(1) to make a Statement of global concern; namely, the sudden passing of the former Prime Minister of the Republic of Kenya and the Orange Democratic Movement (ODM) Party leader, the Rt. Hon. Raila Amolo Odinga, on Wednesday, 15th October, 2025. The entire nation received the news with shock and disbelief because Rt. Hon. Odinga had become a permanent fixture in the socio-political spectrum of the country, rising to the most beloved and iconic figure, defying ethnic divisions and political lines.

At 80 years, the late Raila Odinga had lived a full life, encompassing everything from joyous moments of triumph over oppression and detention to the low moments of state humiliation and brutality. Yet in all of it, the former Prime Minister stood tall as a statesman, an uncompromising democrat and a living moral compass for not just our nation, but to many others in the world.

Mr. Speaker, Sir, it is a surreal moment for me to stand here to eulogize my mentor, leader and political father, the Rt. Hon. Raila Odinga, is a man whose life story would fill millions of pages were it to be written today.

The sense of loss that we feel is both deeply personal and profoundly shocking. On behalf of the ODM Party, and on behalf of my own family and the millions of *Baba* supporters spread across the country, I beseech you all to accept my message of condolence and sorrow at this loss, with a firm commitment that as students of the late Raila Odinga, it behoves all of us, even at this difficult moment, to remain true to his teachings.

Mr. Speaker, Sir, allow me to acknowledge that the late Raila Odinga taught us everything; how to fight for justice and freedom, build bridges across ethnic and political divides, remain true to ideals and conviction, as well as how to sustain a big political movement in the face of constant adversarial pressure from political force.

The only thing we have now learned is that he never taught us how to mourn him. Admittedly, therefore, we may have fallen short of his standards and threshold during this mourning period, sometimes seeming to pull in different directions, while most often caught up in the evident confusion and emotional blur that accompanied the public outpouring of grief following the death of our beloved leader. We take responsibility for any shortcomings from the leadership during this particular period.

The Senate of the Republic of Kenya must certainly be aware of the role that the late Hon. Odinga played in its conception. In the long journey of constitutionalism and a new constitutional order, especially with regard to the evolution and the growth of parliamentary democracy. No one played a bigger role than the former Prime Minister. In the birth of the Constitution of Kenya 2010, which restored the Bicameral Parliament in this country and created the Senate, additionally, the public's reference to Rt. Hon. Odinga as the father of devolution, was not without cause, for everyone acknowledged that his vision, foresight and consistency brought towards a better Constitution ensured we are all here today.

Individually and collectively, we owe the departed Prime Minister a debt of gratitude. His place in the nation's history and in the world as a leading international statesman is guaranteed forever.

Mr. Speaker, Sir, be that as it may, this period has also opened our eyes to the sheer popularity that Hon. Odinga enjoys across the globe. The tributes have poured in from every corner of the world, while the celebrations of his life have been quite touching, some of them quite creative, like the clip of Tanzanian youth jumping into the sea while holding celebratory placards or random travellers breaking into renditions of the late Odinga's favourite tune, Jamaican Farewell, by Harry Belafonte. The love has been heart-warming. Even though this has been the most difficult period of our collective lives, the love and support have been phenomenal.

Mr. Speaker, Sir, may I also pay tribute to the greater Odinga family, led by Dr. Oburu Odinga, who is now our new acting Party Leader, and Mama Ida Odinga for the long years that they not only shared their son, brother, father and husband with the world, but became a pillar on which he found comfort and safety through very turbulent years of a thoroughly consequential political life. Because of them, the Raila Odinga phenomenon

was made possible. We will always celebrate them and the sacrifices they have made on behalf of millions.

To all the heads of state and government across the world, to the supporters, the ordinary citizens and the admirers of Raila who mourned with us, we saw you, we heard you and we say thank you.

Mr. Speaker, Sir, the outpouring of grief since the death of our leader, manifested by the millions who turned up to bid him farewell, as well as the emotions and passion expressed by citizens so far, confirm what we have always known: That, the Rt. Hon. Odinga was a people's living institution. Therefore, we stand on hallowed ground today when we mourn him.

For millions of us, Baba was a compass, showing us direction and acting as a standard bearer for courage and principled leadership. It is no exaggeration, therefore, to state that the Rt. Hon. Odinga is the greatest leader and politician that this country has ever had. No one in this country bore more scars and humiliation, and made more sacrifices for the common good than our departed icon.

In the face of such challenges as Raila underwent, lesser leaders would have capitulated and given in to their lure of wealth, greed, tokenism and bad governance. However, the great Raila held his head high, stuck to his conviction and lived a life that became a school on its own.

Finally, Mr. Speaker, Sir, today the nation stands together to salute its favourite son. His legacy lives on, his dreams alive in us. As he watches over us from a peaceful place, we make a solemn vow to never compromise on the principles he taught us and the ideals by which he lived. This was an icon of justice and democracy, revered across the world.

Mr. Speaker, Sir, I am privileged to have known and worked with him. It has been the greatest honour of my life to serve at the feet of the enigmatic Raila Amolo Odinga.

May he rest well.

I thank you, Mr. Speaker, Sir.

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

The Hon. Osotsi, please proceed.

Sen. Osotsi: Thank you, Mr. Speaker, Sir.

Mr. Speaker, Sir, three minutes is such a short time because I would like to comment on the Sen. Sifuna's Statement.

The Speaker (Hon. Kingi): Sen. Osotsi, that is a Statement under No.52(1). It does not attract comments.

Sen. Osotsi: Okay. Perhaps, we should have another opportunity to make our comments because some of us were not in when this House was speaking about the late Hon. Raila Odinga.

Mr. Speaker, Sir, for now, let me make a comment on the Statement by Sen. Oburu, who is also my immediate boss in the party, on the state of the plight of health workers in Siaya County. This is a very serious issue. I have been following that issue keenly because I know we have a similar situation in my county where the plight of

health workers is never taken seriously. There are issues of declaration of redundancy and matters to do with the welfare of health workers. This is a matter that is very grave and I hope the Committee of Health will take it very seriously.

Mr. Speaker, Sir, probably they need to extend their inquiries beyond Siaya County, to look at counties like Vihiga, which has been having perennial challenges around the welfare and the interest of health workers. Health is an important function in our counties and it is important that those who are managing health workers at whatever level take their interests or welfare seriously. We should not continue with what we have been seeing in our various counties where there is deteriorating quality of health services because of the way health workers are treated. That is a serious statement. I request the Committee to take it seriously and come up with a report that will also consider other counties such as my county which has challenges with the welfare and the plight of health workers.

Mr. Speaker, Sir, I support.

The Speaker (Hon. Kingi): Sen. Joyce Korir.

Sen. Korir: Thank you, Mr. Speaker, Sir, for giving me this chance. I would like to comment on the statement read by hon. Sifuna on the passing on of the Right Hon. Raila Odinga.

The Speaker (Hon. Kingi): Sen. Joyce, you cannot do that. It is a personal statement under Standing Order No.52(1).

Sen. Korir: It is okay. We waited for a chance during that time, but we look forward to have time to give our condolences on this important hero who had a legacy to this nation.

The Speaker (Hon. Kingi): Just pick any statement and comment. Maybe before you comment, you can say something in passing on the passing on of the Right Hon. Raila Amolo Odinga. You should not tie it to the personal statement by the Senator for Nairobi City County.

The Senator for Kilifi County, Sen. Steward Madzayo.

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika. Kwanza, ningependa kutoa hongera kwa taarifa iliyoletwa na mzee Oburu Odinga kuhusu wafanyikazi karibu 700 walioajiriwa kazi kule Kaunti ya Siaya. Baada ya miezi kadha, wafanyakazi 580 waliachishwa. Taarifa hii ya kuachishwa kazi haikuwa sawa. Hii ni kwa sababu waliokuwa wameajiriwa kazi, hawako kazini hivi sasa.

Kuna tetezi nyingi sana na sio Siaya peke yake bali katika kila mahali nchini. Tunaona wafanyikazi wanaofanya kazi katika kaunti wakiachishwa kazi kiholela. Ni lazima kuwe na njia mwafaka za kufuta kazi kwa sababu kuna sheria za kuajiri watu. Watu wapoajiriwa ni vizuri kuwapa makao maalum ya kufanya kazi sawasawa na kuwapa vifaa vya kufanyia kazi.

Bw. Spika, ningetaka pia kumpa hongera mzee Daktari Oburu Odinga kwa sababu, kufikia hivi sasa, yeye ndiye kinara wa chama cha ODM na anastahili kuwa kwenye hayo mamlaka kisawasawa. Tuna na imani ya kwamba, katika muungano tulio nao na serikali ya *broad-based*, – Mzee Raila Odinga, tutakuwa tunakosea mara nyingi tukimtaja mzee Raila – mzee baba yetu, Oburu Odinga, ataendesha chama vile kinavyotakiwa.

Vile, ninaweka familia ya mzee Odinga mbele ya Mwenyezi Mungu; Mama Ida, watoto na wengineo, tunawaomba ili Mwenyezi Mungu awape faraja katika mti huu mgumu sana kwa familia hiyo. Tunaomba waweze kupita bila matatizo yoyote na Mungu awasaidie.

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

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I would like to comment on the statement by the Nairobi Senator on the unfortunate killings by trigger happy police officers during the public viewing of the Right Hon. Raila Amolo Odinga.

As I pass my deepest condolences to the families who have lost their loved ones, it appears there is a section of police officers who are rogue, and who must have returns for killing Kenyans through taxpayers' bullets. We also have an incompetent Independent Police Oversight Authority (IPOA).

In Kimwani Area, two of my people were killed. However, IPOA has done absolutely nothing to date. They even went ahead and shot six bullets to a motorbike rider. Why would you shoot a motorbike and for what purposes? It is unfortunate that IPOA and which we give a lot of resources has not arrested anyone in an open-and-shut case in Kimwani area, Tinderet; let alone in Angata Barikoi. Now, we have here in Kasarani Stadium.

Mr. Speaker, Sir, the sad reality is that the Cabinet Secretary for Interior and National Administration was present in the stadium, running around like a headless chicken. He could not even plan to ensure that we have proper security in the high stakes public viewing of the Right Hon. Prime Minister. That vindicates me that the incompetence in that Ministry is next to the devil.

The second one is on roads by Sen. Mundigi. There are rains and we thank God for it. It is unfortunate that the Kenya Rural Roads Authority (KeRRA) and the Kenya Urban Roads Authority (KURA) which are unconstitutional bodies, continue to let us down. Where I come from, in Nandi, our roads are in a sorry state, from the county feeder roads to the ones managed by KeRRA and the ones managed by KURA. It is time that we dismantled both KeRRA and KURA and allow KeNHA because it deals with international highways so that we sort this out once and for all.

It is unfortunate that both KeRRA and KURA are not functional. My Governor is also incompetent and even the road that goes to his home is not fixed. This is sad and tragic.

I also congratulate and wish well my party youth leader, Sen. (Dr.) Oburu Odinga. We went to his home on behalf of all us. Some of us dropped 80 bulls to signify our further engagement into the broad-based government. I thank him for taking a stand that we will work together through a better broad-based government. I know that courtesy of your...

The Speaker (Hon. Kingi): Sen. Mwinyihaji Faki.

Sen. Faki: Asante, Bw. Spika, kwa kunipa fursa hii ya kuchangia taarifa kuhusu kupoteza kwa maisha ya waombolezaji siku ambapo mwendazake, kiongozi wa chama chetu cha ODM, Mhe. Raila Amolo Odinga, alipoletwa katika uwanja wa Kasarani.

Ilikuwa ni masikitiko kupoteza watu siku kubwa na ya huzuni kwa nchi yetu ya Kenya. Ijapokuwa hatuwezi kuwawekea kidole cha lawama polisi, lakini ni wazi

walikuwa hawakuwa tayari kukabiliana na ile siku ilivyokuwa kwa sababu ya mambo yalivyokuwa siku hiyo.

Ikumbukwe yalikuwa mambo ya ghafla na sidhani walikuwa wamejiandaa vizuri lakini tulipoteza watu katika hali siyo ya kisawasawa kisheria. Kwa hivyo, ipo haja ya polisi wetu kupewa mafunzo ambayo yatawasaidia kukabiliana na mambo kama haya kwa siku za usoni. Tumeona kuna mapungufu katika vile walivyojipanga na kutekeleza ile shughuli iliyokuwa pale.

Bw. Spika, ninatoa rambirambi zangu kwa familia ya mwendazake Mhe. Raila Amolo Odinga, ikiongozwa na Seneta wa Siaya, Daktari Oburu Odinga, kwa pigo waliopata, kumpoteza kiongozi aliyesifika Afrika nzima. Mchango wake katika nchi hii utabakia katika nyoyo zetu kwa muda mrefu ambao Kenya itaendelea kuwepo. Alijitolea mhanga wakati ambapo wengi waliogopa kukabiliana na shida tulizokuwa nazo.

Bw. Spika, vilevile ninatoa hongera kwa Sen. (Dr.) Oburu kwa kutawazwa rasmi kama kiongozi wa chama cha ODM. Sisi kama viongozi wenzake katika Seneti, tutamsaidia kwa kila njia kuhakikisha kwamba kazi ile inakuwa rahisi na anaweza kuongoza chama hiki kufikia kilele zaidi kuliko vile kilivyo sasa.

Nachukua fursa hii kutoa rambirambi zangu kwa Mama Ida na familia yote ya mwendazake kwa pigo walilopata kumpoteza kiongozi mkubwa kama huyu.

Sen. Veronica Maina: Thank you, Mr. Speaker, Sir for the opportunity. I support the Statement that has been brought by Sen. (Dr.) Oburu Odinga. I congratulate you on the new role that you have been given to head the party.

If it was two years ago, before I was retired from being Secretary General of the United Democratic Alliance (UDA), I would have been in the league of inviting you for tea so that we exchange notes on how to manage the leading political parties in Kenya.

Now that I am retired on that role, on the sidelines of the Senate Lounge, we will discuss how you are able to manage some of your members especially the energetic ones such as the Secretary General in the moderate style that you are used to in the Senate proceedings. You have our full support. The likes of Sen. Mungatana and Sen. Mbugua can help you tame Sen. Sifuna so that he aligns with the *broadbased* arrangement that you have with the UDA.

I support the Statement brought to the Floor of this House because the hospitals and the health workers are being mismanaged. That is not an isolated incidence in Siaya County. It is very sad to see some hospitals in Murang'a County being painted in good colours and people are hoodwinked that health care is being rendered to *wananchi*. It is not true.

Those hospitals have to be equipped. The resources being sent to counties have to be used in the manner envisaged in the Constitution. Health workers are a priority. If we cannot take care of them, there is no healthcare being given to Kenyans.

We are looking at the counties where we have health workers on strike all the time. It was a big shame for us to read about Kiambu County regarding the number of infants that died in hospitals on account of health workers being on strike. It was even more shameful for Kiambu to say that the infants were 150 but only about 68 or 86 infants had died.

In this day and time, how can we lose an infant or a mother during delivery? Even in jurisdictions which are not very developed, we no longer lose mothers during child birth. Counties need to take health care and health workers seriously so that basic service is rendered to people to ensure their lives are dignified.

Sen. M. Kajwang: Thank you, Mr. Speaker, Sir. As we resume our sittings from the recess, I join the House in expressing condolences on the passing on of our leader. All of us are, and I am, personally affected. I know many of us here are graduates of Raila Odinga school of leadership. This House is what it is because of Raila Odinga.

I urge that the last address that Rt. Hon. Raila made in this Chamber, is perhaps publicized. I would call it a manifesto on how to run this country. He spoke about everything, devolution, economy, the Constitution and the state of politics. If we can share that conversation with the world, that would shape the kind of decision we take going forward.

I also rise to support the Statement that has been requested by Sen. (Dr.) Oburu whose strength and tenacity I admire. Many of us- who perhaps are not related to him by blood - are still reeling from the shock of the loss of Raila. I commend Sen. (Dr.) Oburu because he has been on his feet, welcoming delegations, playing state duties and steered ODM party. I have seen him steer his Committee and today he has brought a Statement regarding the plight of the people of Siaya.

Mr. Speaker, Sir, if there is one thing that Hon. Raila was passionate about, it was the success of devolution. The most important devolved function is health care and health service delivery. Now more than ever, if we were to be true lieutenants of hon. Raila and to live to his spirit, we must make sure devolution works. We have assumed devolution to be a matter of sending money and oversighting it. We now need to go beyond the financing to service delivery and quality of service.

It is disheartening that, in a situation like the one illustrated by Sen. (Dr.) Oburu, counties are increasing their wage bills to percentages and levels that go beyond the Public Finance Management (PFM) Act.

If a county was to recruit health workers who are concerned with service delivery, Early Childhood Development Education (ECDE) and Agricultural extension officers, that would be better than employing people that we usually call *Sangwenyas*, whose job is to move around making sure that the dais, carpet and the seat of the governor have been cleaned. I hope the relevant Committee will look into this matter and ensure it provides proper guidance.

There is nothing wrong with counties employing health workers. Hon. Raila rejected the proposal that came from the Senate that health workers should be recruited from Nairobi. I support that position but for us to make sure we validate that position; our governors must take things seriously.

Rt. Hon. Raila Odinga has left us orphans but he has not left us badly. He has left us with a Senate, devolution and ---

Sen. Mungatana, MGH: Thank you, Mr. Speaker, Sir, for giving me the Floor. I wish to comment on the Statement on the deaths that occurred on the day Hon. Raila Odinga was brought to Nairobi.

There are allegations that some of the people lost their lives there as a result of direct ineptitude from the police and misuse of firearms. I join colleagues who say that something needs to be done about the training of police officers on the use of firearms.

Mr. Speaker, Sir, in Tana River County, on 18th October, 2025 while we were on recess, a mere simple incident of just effecting arrest of Mr. Maulid Guyo in Peponi village in Mwina Location, the police fired a bullet and somebody died. These were two officers who had gone to arrest. Why would someone die under such circumstances? A bullet was found there.

There is a problem with how our police officers are handling firearms and something needs to be done.

The Director of Criminal Investigations (DCI) must act quickly on that case of Mwina Location. The IPOA must also do something quickly because the people of Tana River are also wondering what is happening to our police officers. How can you kill someone when you have set out to just effect an arrest?

Sen. Olekina: Thank you, Mr. Speaker, Sir. I rise to contribute on this Statement by the “youth leader” now my party leader.

Mr. Speaker, Sir, this Statement is quite troubling because we, as representatives, are supposed to make it easy for people, who go to school to get employment. However, we find ourselves in a situation where parents sell their cows, land and everything that they have to educate young people to become doctors. After that, a county government absorbs 580 of them as interns and later tells them; “you were employed, worked without pay and you can now go out there.” Where do they go? Why should we push people to go to school just for them not to get jobs after they graduate from school?

This Statement should make us think. The distinguished Senator from Siaya County has awoken a spirit in me. We have to figure out whether we want to maintain counties as employment hubs or figure out where we shall get money to employ these 580 people. This comes down to the budget of this country.

When the Committee on Labour and Social Welfare will be looking at the Statement that was brought by the youth leader, I would urge them to investigate whether that county budgeted for the interns. They should also investigate the amount of money that is kept in the Ministry of Health by the national Government. This is because the budget of the Ministry of Health is almost five times the amount of money that goes to about six counties in this country. We need to have a balance on investigating those two will help us get answers.

If we cannot get answers, then we better not tell people to go to school just for them to stay at home without being employed. Healthcare is important, but so is our own personal welfare. The welfare of the young men who are in the streets, jobless, is also equally important. You cannot tell me to take my kid to school and when they graduate, they tarmac like a person who has never gone to school. We have to create this balance.

Mr. Speaker, Sir, I support this Statement. For once, in the spirit of Hon. Raila Amolo Odinga, let us fight for devolution fully. Let us reduce the money that is staying in the national Government for the Ministry of Health and take more money to the counties.

Sen. Munyi Mundigi: Asante, Bw. Spika, kwa kunipa nafasi ili nichangie Statement ambayo imeletwa na party leader wa ODM.

Mambo ya afya yameleta shida sehemu nyingi. Tumekuwa tukituma pesa kwa kaunti zote 47 lakini magavana huwafuta madaktari na wafanyikazi bila kuwalipa pesa. Haya mambo hayatendeki Kaunti ya Siaya peke yake, bali yanafanyika katika kaunti nyingi.

Pia ningependa kumpongeza Sen. (Dr.) Oburu kwa kuteuliwa kama kiongozi wa chama cha ODM. Anajua ya kwamba ndugu yake alikuwa akipigania ugatuzi, barabara na mambo mengine. Ninamsihi awe na hekima kama Solomoni. Hii ni kwa sababu atapitia shida nyingi. Kuna wale ambao watamwambia atoke katika Serikali kuu. Na asipokuwa shujaa wa maombi, hatasaidia chama cha ODM.

Miezi tano ambayo imepita, kiongozi ambaye ameaga dunia, Hon. Raila Amolo Odinga, alikuwa pale. Ni kama alikuja kutupa baraka. Yeye ameacha Serikali ya Kenya Kwanza na ODM zikiwa kitu kimoja. Hii itahakikisha ya kwamba maisha ya Wakenya yamaenda vizuri. Watu wengi watamwambia atoke kwenye Serikali lakini mimi ninamsihi akumbuke ya kwamba wameachwa katika serikali ya muungamo ambayo itasaidia kaunti zote 47 kupata matunda ya uhuru.

Serikali hii itashughulikia mambo ya barabara, afya, maji na mambo mengine. Ninamwomba, Sen. (Dr.) Oburu, asaidie serikali ya muungano ili tusonge mbele pamoja. Ninamsihi afukuze wale ambao wataleta maneno yasiofaa chamani.

Asante sana, Bw. Spika.

The Speaker (Hon. Kingi): Next Order.

BILLS

First Readings

THE COUNTY GOVERNMENTS LAWS (AMENDMENT) BILL
(SENATE BILLS NO. 14 OF 2025)

THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT)
BILL (SENATE BILLS NO. 15 OF 2025)

THE AGRICULTURE PRODUCE (MINIMUM GUARANTEED
RETURNS) BILL (SENATE BILLS NO. 17 OF 2025)

*(Order for First Readings read – Read the First Time and
ordered to be referred to the relevant Senate Committees)*

Now, Hon. Senators, for the convenience of the House and pursuant to Standing Order No.45(2), I will proceed to rearrange today's Order Paper. We will straight away move to Order No.17.

Clerk, kindly proceed to call that Order?

BILL*Second Reading***THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL
(SENATE BILLS NO. 3 OF 2024)***(Sen. Olekina and Sen. Kisang on 8.10.2025)**(Resumption of debate interrupted on 8.10.2025 – Afternoon Sitting)*

Hon. Senators, when debate was interrupted on Wednesday, 8th October, 2025, the Senator for Nairobi City County was on the Floor. You had 15 minutes. You may proceed.

Sen. Sifuna: Hon. Speaker, Sir, that debate happened in Busia. I wish to forfeit my remaining time because the points I wanted to make on that particular Bill have been made. Thank you, Hon. Speaker, Sir.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. I rise to support the County Oversight and Accountability Bill (Senate Bills No. 3 of 2024). This is an Act of Parliament. If I am not mistaken, the Bill was drafted by Sen. Olekina and Sen. Kisang.

I read the objects of the Bill and found the memorandum to be quite interesting. It says-

“This Bill provides for us a legal framework for effective oversight of county governments by the Senate.”

(Sen. M. Kajwang’ consulted loudly)

I wish that the long-serving Chairperson of the County Public Accounts Committee, Sen. Kajwang’, could listen. This is because I will share my thoughts on how we execute our oversight responsibility on individual counties and why I feel there is need for a change, in approach, on how we carry out that particular mandate.

I congratulate my two colleagues who have taken the time to read the Constitution of Kenya 2010. I appreciate that, as a Senate, we have been tasked with the responsibility of overseeing national revenue that is allocated to county governments. Moreover, under the concept of devolution and principles of public finance, the input of the public is required for all executive decision-making purposes. This Bill provides a mechanism for oversight over county budgets and, therefore, gives effect to the powers of our founding constitutional article, which is Article 96, 174 and 201 of our Constitution. The three most distinct and prided-placed constitutional articles to us, as Senators.

This Bill handles preliminary matters, which include the guiding principle that guides senatorial oversight. There have been debates in this House. If you read the records of this House over the years, Sen. Madzayo, who is one of the longest-serving

colleagues in this House, will tell you that positions have shifted and members have prevaricated depending on the position they hold.

There are governors that I watch nowadays and hear their thoughts about the Senate and its duties. I recall the things I used to hear them say on this Floor when they were Senators. There are also equally Senators that I hear on this Floor, because we have now gone full circle. I think all that is left now is for a Senator to be a Member of County Assembly (MCA). That has happened, actually, because I have remembered our departed colleague, Senator Godliver Omondi, who served with us in this House, but went ahead to serve in the subsequent session as an MCA in Vihiga County, elected on the ODM party.

Therefore, we have all gone full circle. We have Senators who have served as MCAs, MCAs who have gone ahead to serve as governors, governors who have been Senators and Senators who previously served as governors. The point that I was trying to make is that we need not vary our positions on this issue of the Senate oversight depending on where we presently serve. That has been the tragedy of devolution. Some people held very radical views when they were in this House, but the minute they crossed over either to the county assembly or to serve as governors, they changed their tune.

Similarly, there are colleagues in this House today who have served, and I am not talking about you, but other colleagues here in this House, who have served as governors. I know the things they used to say back then and what their present position is with regard to senatorial oversight.

We need this Bill to enable us actually and set a framework that will transcend time, so that it will not be personal positions so that the rules that apply today for an individual when they are serving as a Senator or when they are serving as MCAs will still serve the same tomorrow as they are Governors. Left on its own, we have left it for Senators to make their own independent decision on how they co-exist with the county governments of the respective counties where they come from. Therefore, we have seen it all. Senators who try to be BFFs with their governors and they had a fantastic fallout and say explosive things about each other, or those that are adversarial from day one to the last, like my good friend, Sen. Cherarkey, and his Governor, or any other that I can think about, who perhaps have never shared a common position on anything.

This will help vary such conditions and ensure that there is a framework which, if you execute and follow through as a Senator, nobody can accuse you of either harbouring ambitions or perhaps anything personal to the job that you do. The work of a Senator is extremely difficult. If you speak boldly about issues that are going on in your county, many times, you would be accused of carrying a personal agenda against the county government. If you keep quiet again, you would be accused of eating together with the county governor. It is not a very enviable position to be a Senator in this Republic.

It is for the want of good laws, such as this, that we have left ourselves exposed and open. Certain things have been proposed in this Bill which I shall be speaking about, in the next few minutes, to help me appreciate and say that if we were to set this in law, then tomorrow, when I carry out that particular mandate, nobody would accuse me of having personal agenda against my governor. Nobody would say Sen. Ledama wants to unseat Governor Patrick Ntutu and, therefore, he is speaking about the things he speaks

about in Narok County. It would be known that the Senator is simply doing their damn job, which is the one thing that we have struggled with in the past three cycles that this House has existed.

I want to appreciate, first, the thought that has gone to this, that is, Sen. Ledama and Sen. Kisang, and say that this is such an urgent Bill, colleagues. I hope we can finish debating it and tomorrow, finish the Second Reading and before we break for the long recess at the end of this fourth session, we need to have sent this Bill to the National Assembly. This is because it will be a travesty of all odds if we succeed, or fail, rather, to pass such Bills that make our work better and leave ourselves to open interpretation of what citizens think about us.

I did a Senate oversight conference, for example, in my county mid this year, and I brought delegates from all the 30 wards that exist in my own county, where I presented to them things which I consider, in my own honest view, to be the key indicators of the health of a county government. Certain indicators, if you point out, you can determine whether that county is healthy, prospering, or whether it is declining and about to die. Matters such as own-source revenue that you can point out. If you can point out a clearly demonstrated path, that this is the own-source revenue that this county government has collected over the 10, 11, 12, or 13 years of its existence, then people are able to see that there are structures that have been set in place that are operational.

The Commission on Revenue Allocation (CRA) has even done a more important job at pointing to the revenue potential of all our counties. I do not know how many Senators know the revenue potential of their counties, and compare with the index of performance *vis-a-vis* the potential. That needs to be an indicator for which we measure the performance of the individual county governments. It is not just a figure.

These days of the Social Health Authority (SHA), thanks to SHA, many county governors are actually combining the facility improvement fee together with their own-source revenue that they have generated to appear as if they have collected a significant amount of funds. That is why you are seeing a flashy figure everywhere that Vihiga, for the first time, has collected a billion shillings without disclosing that 70 per cent of that money is from treatment that has been rendered to citizens of that county.

In fact, the Cabinet Secretary for Health is coming here tomorrow. I will be waiting for him to know, because I have asked him both in private and in public, to help this House appreciate how much compensation has gone back to our counties individually, for us to distinguish the amounts that are being reported as own-source revenue by our county governments, those from the health facilities and those that are being collected from other sources.

There is nothing wrong with a county receiving significant amounts of money from SHA and other insurance, because it is a pointer that our hospitals are actually functional and people are seeking services in those facilities. Therefore, it should not be interpreted to mean that I have anything against county governments. In fact, that is a dream of SHA; to make sure that we have public health institutions that are in good condition, that are able to attend to the needs of our citizens. Therefore, it should never be misinterpreted.

The other indicator is on the very question that Dr. Oburu Odinga was just speaking about a few minutes ago. I have listened to colleagues with a lot of concern because we cannot turn counties to be employment bureaus. I disagree with colleagues who continue to push in this House and say that the number of people needs to increase. At the end of the day, finance is about figures, more so public finance. It is not a romantic story that you tell and say, I have employed 10,000 people. It is about the structures that we have put in place in law. Through the PFM Act Regulation 25, where we have set the conditions upon the maximum amount allowed, which a county government can spend on remuneration to the public officials who serve in that particular county. If you burst that ceiling, there is nothing to celebrate about.

I, for example, pointed out to the people of my county and said, if our county government, which has 4,000 employees, in a county of a million people, ends up consuming in compensation to employees nearly 20 or 30 percent of the shareable revenue to just pay salaries, is it proper and prudent use of public resources where 4,000 people are consuming 20 or 30 per cent of resources that are meant to be shared amongst a million people? That is a question that we must answer as this House.

Mr. Speaker, Sir, we must balance the needs. If you feel that as a county government you need to employ more ECDE teachers or more doctors, then the prudent thing to do is to see where to counterbalance that number and where you need to reduce. Let us face it, at the end of the day, it is not possible to employ everyone, and that is a key indicator that I feel we continue to miss.

Thirdly, and this is a part that I pleaded for the attention of the Chair and the Members of the County Public Accounts Committee (CPAC), I have said it in private and in public that I believe that the system that we use of holding governors to account by appearance to our County Public Accounts Committee, while it is a good model, it needs to be made better.

There are many occasions where I have watched colleagues appear alongside members of that committee and they have limited time to cross-examine the presentation and the material that is being brought before them.

Sometimes you see even your own colleagues, not necessarily the current CPAC chaired by Sen. M. Kajwang' - even in previous years - side with their governor and yet, we are the legitimate representatives of the people whose matters are being discussed at that particular time.

Previously, for example, in the first cycles of devolution when county governments were beginning to open roads, it was not uncommon to find that a county government brings and tables before the House, a list of institutions that are non-existent, and since you do not come from that particular county, how would you tell difference?

If I sit in the CPAC and a list of institutions have been tabled that this was constructed in such and such a place in Kilifi County and the auditors do not pick it because most of the time auditors only sample a few---They may not necessarily go deep down to the details, then as the Senator, because you do not actively participate in looking into those books, with the exception of only appearing on the day when your governor is coming before CPAC, where is the opportunity to point out those errors?

Mr. Speaker, Sir, there were even absurd things as counties that appeared before this House with their audit list saying that “we constructed a road from A to B, similarly, down the list from B to A,” and because many of the people sitted in that committee do not come from the specific county in question, it is difficult for them to point it out.

I have argued that if we want to be fair to each other, is it not possible to have a more decentralized approach of looking at the audit reports of our counties, in such a manner that we have all the 47 representatives, heads of delegations of this county look into this book? If it can even be possible, have us in clusters. Put us together as Members from a particular region or a particular persuasion, so that if you play games with the books of Kericho County, the day the books of Narok County are brought before me, I will also play similar games. If you give serious attention to my matters, then subsequently the day the issues of the people of Narok County will appear before me, I will give the similar attention to details.

Mr. Speaker, Sir, as it is today, that is a question that remains unanswered because many people continue to question us in our respective counties that, do you see these things? Are these reports brought before your House? Remember, an audit is not an x-ray. It is not a scan that reveals all the maladies that are inside the county government. It only points out to certain errors that have been picked by auditors in the course of their audit process.

You as a representative of the people that you meet on a daily basis in public engagements, weddings, funerals, churches, fundraisers and sports events, they tell you about the things that happened in the county yet, your participation is limited on that particular issue. Therefore, I continue to urge colleagues, Senators, that let us rethink and find a better way.

Just like Sen. Olekina and Sen. Kisang are asking us to review this issue of accountability and oversight, I believe at the Third Reading of this Bill, it is possible to propose an amendment on how that can be better done. Either in statute or if we find that to be too intrusive because we do not want to legislate technical issues of how the House operates, then let us have a review of our Standing Orders, unless it works differently for you, but that is just how I see things in this particular issue.

Mr. Speaker, Sir, there is a proposal for public participation facilities. You know, this issue of public participation, we are the ones actually who have cornered ourselves as legislators. Yes, constitutionally, all matters that involve the public, we are supposed to give guidance and listen to what the people say, but it was not an open blank cheque on every matter.

The absurdity about the country that we live in here today, even on matters where people have spoken, sometimes through their representatives, like the way we do, we carry out public participation on almost all Bills that we transact. However, any idler out there, who rushes to court and claims that there was no sufficient public participation, you find that they are granted stay orders and you are told that Bill can wait.

In fact, I do not know whether that gathering that used to exist, because I remember of it between the Executive, the Judiciary and the Legislature still exists because there are certain things that you must demand of the Chief Justice Martha Koome.

Mr. Speaker, Sir, you cannot tell me that the representatives of the people gathered in both Houses for Parliament, go through all the rigorous challenges of coming up with the legislation, pass it, it is taken to the President, assented to, then somehow an individual seated pretty in Kirinyaga County goes ahead and stays a section of that law for the next four or five years, and sometimes it is on matters very critical to the people.

When we passed, for example, The Tea Bill in 2020 this year, it took five years for the high court to make a determination. The people who were benefiting illegally from cess that is charged to our tea farmers went and procured a court order and despite the fact that the people of Kenya had spoken through their representatives, they stayed the provisions of that law for a good five years.

Mr. Speaker, Sir, you must look the Chief Justice straight in the eye and tell her that even the Judiciary has its own checks and balances. We may not determine for them how they do their work, that they are neutral arbiters to this conflict, but the threshold surely needs to be raised.

If you feel that certain constitutional provisions have been violated, give yourself sufficient time because these are heavy matters for public interest. Parliament does not act on its own. You cannot tell me that Parliament, an institution of equal standing before our Constitution, constitutionally speaking, no arm of Government is greater than the other. You cannot say the Executive is greater than the Judiciary or the Judiciary is greater than Parliament.

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

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

Mr. Temporary Speaker, Sir, once a matter has been treated and has gone through all the procedures of one arm of government, judicial restraint must be exercised when looking on those particular matters. It cannot be that it is easier to procure and just ensure that you have a stay order against a certain provision of the law that exists in perpetuity, three to five years.

The most absurd thing about these orders is that they are issued *ex-parte*. Parliament does not even know that somebody has raised a complaint. Some of the issues that are being canvassed in those courts, ruling have been canvassed in courts of similar standing.

A case in point is the Cybersecurity Law last week. You remember what happened in 2019. Parliament passed that particular law, there are citizens that felt that certain provisions of the Constitution had been violated, the matters were taken before Justice Makau, argued and eventually, he gave orders that actually affirmed the position of Parliament that there was no constitutional violation as was being alleged by the parties that were before him.

Three or four years down the line, somebody brings an amendment, a very small amendment to that particular law and the judge goes ahead and issues stay orders against parts of the law that were not even before the National Assembly this particular time.

Mr. Temporary Speaker, Sir, there is a strong case for Parliament to demand a conversation with the Judiciary. We need clarity on which sections of the law and standards that allow a court of law to stay provisions that have gone through the parliamentary process and for how long.

Two important issues arise; first, the level at which such determinations are made; and second, the duration of the stay. If a court stays a provision for 30 days citing a risk that certain individuals' rights may be violated if the law is enacted immediately and sets a clear timeframe of 30 to 40 days, then that is a conversation we can have. However, the current practice is concerning. These orders are often issued *ex parte*. Many times, Parliament has no pecuniary interest other than public interest. Even the process of appealing such decisions takes longer than usual.

I do not wish to spend a lot of time on that matter, as it was not the main reason I rose to speak on this Bill.

Regarding the issue of public participation, my honest view is that we would better address the public participation aspects of all legislative matters, not just the Senate Oversight and Accountability Bill.

We can do that through a Bill, which I believe is currently before the National Assembly. I believe the Speaker consented that the Bill must come before this House. We tried in the last term but did not succeed. However, since we are often the adults in the room, if our colleagues in the other House conclude on that Bill and forward it, I believe the country deserves a law on public participation.

I know that on several occasions, including the recent Supreme Court decision in the *Senate versus the National Assembly* case, Parliament has been urged to consider passing this legislation. This would ensure that we are not accused of excluding members of the public when considering matters before us.

Mr. Temporary Speaker, Sir, that is all I wish to say about this Bill. There are two things I feel need to be considered, especially regarding key indicators: what we consider when carrying out oversight and the matter of public participation.

If I may convince you, Sen. Ledama and Sen. Kisang, I would prefer that we leave out the public participation component and address it through a more comprehensive Bill, which I understand is currently before the National Assembly. This would help avoid piecemeal laws on how to conduct public participation. Today, we are discussing Senate oversight. Tomorrow, we might address health, and then define public participation differently. To me, the more effective approach is to have a stand-alone law on public participation, especially for matters before Parliament.

Thank you, Mr. Temporary Speaker, Sir.

(Applause)

The Temporary Speaker (Sen. Abdul Haji): Sen. Moses Kajwang', you have the Floor.

Sen. M. Kajwang': Mr. Temporary Speaker, Sir, I rise to support The County Oversight and Accountability Bill (Senate Bills No.3 of 2024) that has been co-sponsored by Sen. Ledama Olekina and Sen. Kisang. This is not the first time this House is

processing this Bill. This could be the third time that this House has seized this particular Bill.

I recall in the last Parliament, when I chaired the Standing Committee on Devolution and Intergovernmental Relations, we wrote a report on this Bill and brought it to the House. The House debated the Bill, approved it and sent it to the National Assembly, only for it to die in there. We sought to find out the reasons why the National Assembly killed the Bill. It appears that it was not even read a First Time because we did not get any feedback on what the National Assembly found to be offensive about this particular Bill.

Mr. Temporary Speaker, Sir, in line with the earlier Communication by the Speaker when the House sat regarding processing business of the House before committees and in plenary, we must also have a conversation with our brothers in the other House. A good number of Senators here have sponsored private Bills, but they feature nowhere in the Order Paper and the schedule of the National Assembly.

It is very painful for a Member to go through Motions, engage researchers and policy experts and come up with a legislative proposal. This House then spends quality time debating the Bill, only for it to go to the other House and disappear in the cracks, without being subjected to debate or tested through public participation.

I say this because I personally brought two Bills to this House at the very early stages of the 13th Parliament. One of them was the County Boundaries Bill (Senate Bills No.6 of 2023), which was among the Bills required under the National Dialogue Committee (NADCO) process. This is now the third time we are attempting to pass it.

We know that the Constitution requires Parliament to enact legislation to give effect to the article that addresses alteration and boundary dispute matters. In Vihiga County, there has been a long-standing dispute between Vihiga County and Kisumu County over the status of Maseno and where the borders should lie. Very soon, you might hear that there is some conflict that has flared up in some borders.

I am very happy that the elders found a way of working things together on the conflict that was there between Kericho County and Kisumu County. However, we cannot build a future or a country on intentions. We must be deliberate in institutionalising things. That is why The County Boundaries Bill (Senate Bills No.6 of 2023) was important. Unfortunately, there is no clarity on how far the other House has gone in processing that Bill.

The same case applies to my County Vocational Education and Training Bill, 2022. We know that vocational training and village polytechnics have been devolved to county governments. However, we are still using a Technical and Vocational Education and Training (TVET) Act that looks at things from a Nairobi perspective.

I am using these examples to illustrate that we need better synergies between the two Houses. Those of us who are leaders of our respective parties, in our parliamentary group meetings, the conversations we should have should be around seamless interface and relay of Bills from one House to the other. Otherwise, the two Houses will start looking like they are political formations, yet we are institutions in the Constitution that are supposed to work together to ensure that our people get the best service.

Mr. Temporary Speaker, Sir, I hope that when this House passes this Bill, perhaps, for the third or the fourth time, the National Assembly will take it seriously. This will ensure that it is processed to its logical conclusion.

When Sen. Ledama started talking about this Bill, I recall we were with him in the County Public Accounts Committee in the last Parliament. It was challenges around this post-mortem oversight that, I believe, drove the intention to come up with this piece of legislation.

I take kindly the contribution made by the Senate Majority Leader. I am going to speak to them, not in a manner of rebutting, but in a manner of debating, so that we can engage and extend our thoughts. I believe that we can find something better.

It was clear that the mechanisms of parliamentary systems and practices that we had borrowed from were all post-mortem. We were morticians and that seems to be the parliamentary practice. Generally, certain accountability committees of Parliament act in a post-mortem, mortician manner. The question has been, how can we change our procedures, so that Parliament is more of a physician, coming in proactively rather than a mortician coming in when the body is dead.

This House toyed with a number of initiatives to ensure that Senators, individually and collectively, had the resources and the statutory power to go out and carry oversight. As part of earlier interventions, I recall that the former Senator for Meru County, Hon. Kiraitu Murungi, made a proposal: why not amend the Parliamentary Service Commission Act to establish subcommittees within the Commission, one, to address matters and interests of the Senate, and another, to focus on those of the National Assembly. Unfortunately, that proposal did not see the light of day.

We went ahead and attempted to come up with regulations under The Public Finance Management (PFM) Act, 2012 to ensure that there was some allocation for Senators to carry out proactive oversight. The argument then was that when you employ somebody to deliver a duty, you have an obligation to provide them with the tools of trade. You cannot employ a teacher, expect the teacher to teach your children and also expect the same teacher to buy the chalk they need to teach those children. That was the argument which, over a long period of time, gave rise to the Senate Oversight Fund.

Mr. Temporary Speaker, Sir, I congratulate our colleagues who sit in the Parliamentary Service Commission and the leadership of this House. Ultimately, even though the figures are not sufficient, we now have resources that enable Senators to carry out proactive oversight.

Sen. Ledama and Sen. Kisang, the oversight fund and arrangement came after you had thought through this piece of legislation. Is there a way you can tie the current reality to your original intentions, so that as much as this is an oversight and accountability Bill, it ties neatly with the oversight arrangements that currently exist in the Senate? I think that is something that can be done and amendments proposed at the next stage of reading.

Mr. Temporary Speaker, Sir, another contentious matter in this Bill that we have looked at previously is a proposal that every county should come up with public participation facilities. I do recall, when this matter came before my Committee and we are doing public participation on it, and people argued that there are different cultural dimensions to public participation. If you went to certain communities, perhaps, up north,

people are happy to sit under a tree. In fact, in some communities, the men sit on one side and the women sit a bit far, and they are introduced as children. I do not support that arrangement, but I know that that happens in some communities. There are people who would not be happy to sit under a tree. In my area, people would be happy to sit somewhere next to a beach, at a beach management unit. In some areas, people would be happy to sit in a church. In some areas, people would be happy to sit in a CDF hall.

Therefore, making it mandatory for every county to have a public participation facility, there are those who thought that would probably be over-prescribing for county governments. However, when I listened to Sen. Ledama when he was moving this in Busia, I think I got the gist of his argument, him being a man who has lived in the United States of America. In the United States of America, there is something called a town hall, and that town hall exists almost in every village.

In fact, the model of administration in many of the areas where we are drawing our version of civilisation from, you would find that every local community, there would be a church, there would be a post office, there would be a town hall, of course, there would be a school, a hospital, and if it was British, there would be a pub. This is because those are areas that were, they formed the part, the soul, and the spirit of a town, a city or a village. So, perhaps, what Sen. Ledama is advancing is that we must have the equivalence of town halls, public spaces that are not owned by anybody, but owned by the same members of public, which then can be used as impartial fora and impartial places for public participation.

If that is the intention, I do support that we must make sure that our counties, there is a town hall in every county, and to the greatest extent possible, we provide facilities at the ward level. Of course, we must also ask ourselves the question whether we have built enough hospitals, we have built enough Early Childhood Development Education (ECDE) centres, whether we have built enough youth polytechnics, and some of these public participation facilities, perhaps, can be located or situated within some of these facilities.

On the issue of oversight, and the Majority Leader has given his manifesto on how it ought to look like. I think that we, generally, agree that there must be a different way of doing things. It is my conviction that every member of this House is involved in oversight in one way or the other because every member of this House belongs to one committee or the other. If you belong to the Committee on Agriculture, you should be able to ask questions around agricultural policies and practices. If you belong to the Committee on Education, you should be able to raise questions on ECDE implementation and the state of youth polytechnics in your respective counties.

If you belong to the Committee on Roads and Transportation - and all the other committees - it is not only the County Public Accounts Committee and the County Public Investments and Special Funds Committee that carry out oversight. In fact, our mandate is extremely limited because our mandate is post-mortem. It is not post-mortem by the Standing Order; it is post-mortem by the Constitution, the Public Audit Act, parliamentary practise and parliamentary tradition.

I challenge the chairs of the other committees in this House. Please, do not be afraid. I have seen committees such as the Committee on Roads and Transportation

demanding accountability on utilisation of the Roads Maintenance Levy Fund (RMLF). We did that in the last Parliament and governors ran to court to stop us. I have seen the Committee on Education ask questions around the state of ECDE centres. I have seen all the other committees, when we were in the Committee on Agriculture with Sen. Murango, we used to consistently and regularly ask questions about implementation of county government policies. Therefore, we must look at all of us collectively as overseers of affairs and practices and operations in county governments.

Mr. Temporary Speaker, Sir, when it comes to the individual role of a Senator in terms of oversight; and I hope that Sen. Omtatah would one day be able to tell us the long and short of the decision that was made in the matter between him and Busia County Government--- This is because it is being reported that oversight responsibility is not individual, it is institutional. If it was institutional, then why do we have an oversight fund for respective Senators? It means that even that oversight fund is unconstitutional.

We must make sure that we have got the right jurisprudence because our partners in county governments would hide behind that, so that if you went to your county to ask for certain information, certain records, under the freedom of access to information, which is part of the Bill of Rights in this Constitution, you are told that we can only release documents if they have been signed by the Clerk of the Senate.

There is nowhere, I do not think that there is any parliamentary system or any parliamentary practice, where an elected member, a person elected by those residents, constituents, is barred or muzzled from asking questions on behalf of the people, because our job is representation. Now, in representation, you represent the people who elected you. Of course, when you come to the Senate, you represent the entire nation, but you have got a primary responsibility to represent the people who elected you and that means you must ask questions.

So, we need to make sure that, and earlier on, I had already commended our two colleagues who were in the Parliamentary Service Commission, the ones who are consulting; Sen. Omogeni and Sen. Joyce Korir, that, at least, we finally saw a little bit of resources for the Senate Oversight Fund, but we need to be more innovative to ensure that more of the money goes into activities that make sense in the eyes of the people rather than into consultancies, administrative and bureaucratic expenses that then reduce whatever is available for a Senator to be able to walk around.

Mr. Temporary Speaker, Sir, it has also been suggested that members of the public feel a sense of fatigue that the Senate is always asking the tough questions, but then there is no action. It is for this reason that we recently invited the Ethics and Anti-Corruption Commission (EACC) to appear before the County Public Accounts Committee to find out where the problem lies. The EACC brought the fight to the doorstep of the Office of the Director of Public Prosecutions (ODPP), saying that in many cases they have made recommendations, they have done investigations and handed over the files to the ODPP for prosecution and the ODPP has invoked their constitutional power and decided not to pursue prosecution of cases.

In some cases, the ODPP initiates prosecution and along the way drops prosecution, does a *nolle prosequi* and you see the Constitution gives them that power. However, we were informed by Senior Counsel Okong'o Omogeni, that under the ODPP

Act, Parliament has the power to demand a report on any matter from the Office of the Director of Public Prosecutions.

Mr. Temporary Speaker, Sir, we will invoke that power and we will invite the ODPP. We will ask for an explanation on some of the issues that have been cited as contentious or issues that have been withdrawn, where the evidence *prima facie* exists and where some actions appear as if they are done out of political expedience.

Therefore, we must also ensure that our partners, implementing partners, also do the right thing. I wish this Parliament had a police cell somewhere where we could issue orders directly to detain persons who perhaps demonstrate contempt to Parliament or who lie under oath. Many people who come before Parliament lie through their teeth.

I remember one governor launching a county headquarters, sitting on the chair, starting operations. When he came before my Committee, he swore that that facility is not working yet we had information in the public domain to that effect. I wish we had the power to deal with those things instantly. I wish that the amendments by Sen. Osotsi could see the light of day, so that we can strengthen the penalties and the consequences of non-cooperation or contempt of Parliament or lying before Parliament.

Mr. Temporary Speaker, Sir, I conclude by recommending that this House passes this Bill, but let us also not forget to strengthen our small brothers in the counties, called county assemblies. This is because in the Senate, we can talk about oversight and public participation but at the micro level, that exercise is conducted by Members of County Assemblies (MCAs).

I am glad that we have provided them with financial autonomy. Therefore, that should allow them to budget, so that for every Bill that is taken to them, they can conduct public participation without going to the executive to sponsor that exercise.

Let us strengthen our county assemblies and the institutions. Let us live true to some of the ideals that the late Raila Odinga espoused when he appeared before this House. Devolution is work in progress. Therefore, it is not possible to get it right in a period of 15 years. Now more than ever, we as Members of the Senate must make sure that we are actively involved in oversight.

Oversight is not only for the County Public Accounts Committee (CPAC) and County Public Investments and Special Funds Committee (CPIC). Every Member of this Senate, be it in the Committee on Delegated Legislation or Committee on Powers and Privileges, if you sit in a committee of the Senate, you are an overseer at an institutional level but also individually, you have got a responsibility to go back to your county to oversight.

Mr. Temporary Speaker, Sir, with those many remarks, I support.

The Temporary Speaker (Sen. Abdul Haji): Thank you.

Proceed, Sen. Samson Cherarkey.

Sen. Cherarkey: Thank you so much, Mr. Temporary Speaker, Sir, for this opportunity.

From the onset, I would like to congratulate distinguished Sen. Ledama Olekina for breathing life to Article 96 of the Constitution 2010 on the role of the Senate. The same goes to his Co-Sponsor, Sen. Kisang, for this wonderful County Oversight and Accountability Bill (Senate Bills No.3 of 2024).

This is one of the ways we can continue to celebrate and entrench the legacy of Rt. Hon. Raila Amolo Odinga because he is the father of devolution. As we celebrate his legacy, I know he is proud that, today, we continue to entrench, broaden and expand the role of devolution by putting in place the necessary legislative interventions through both legislation and policy.

Unfortunately, I was not there when the House convened upon his demise. This is the only way we can do it. I want to thank Sen. Ledama Olekina---

(Sen. Faki spoke off record)

Mr. Temporary Speaker, Sir, can I be protected?

The Temporary Speaker (Sen. Abdul Haji): Sen. Faki, let us listen to the Senator in silence.

Proceed.

Sen. Cherarkey: I was saying that I was not present because I had gone to Bondo to give our personal condolences on behalf of Kalenjin elders and Kalenjin Members of Parliament (MPs) by taking there more than 80 bulls to signify the 80 years that the enigma and the father of devolution lived. I am happy that Sen. Eddy Gicheru was one of our hosts in Bondo.

We celebrate his life. This is the only way the legacy of *Baba* Raila Amolo Odinga can live on. Let us protect devolution.

I know that the purpose of the Constitution of Kenya 2010 is to ensure that things work in Garissa. *Baba* will only be remembered when water is available in Garissa Town. *Baba* will only be remembered when there are drugs in Kapsabet County Referral Hospital. *Baba* will only be remembered when the roads are passable in Vihiga County where the Orange Democratic Movement (ODM) Deputy Party Leader comes from. *Baba* will only be happy when potato, which is a commercial crop, is processed in Nyandarua. He will only be happy when we expand and develop.

Mr. Temporary Speaker, Sir, I celebrate Sen. Ledama for this wonderful legislation. I hope we will put life into it because the issue of oversight in the counties has been reduced to political competition. Therefore, we need to give it life.

I am mentioning devolution because Raila Amolo Odinga is the father of devolution. I know he fought for human rights and the rule of law. He also fought against police brutality.

There is a Statement that was sought today. As I speak, no rogue police officer has been arrested for the killings of more than three people and scores that were injured in Kimwani Area in Nandi County. We also had deaths at Moi International Sports Centre Kasarani. I cannot see any Member of the Committee on National Security, Defence and Foreign Relations. I hope the committee will fast-track the matter and call out the Independent Policing Oversight Authority (IPOA) for not doing its job.

Let me continue by saying that we celebrate him for many things; devolution, the rule of law, the fight against police brutality and human rights abuse. These are laws that can give opportunity---

He fought for our political space. That is why you find that Sen. Okong'o Omogeni can speak wherever he is and undermine the President because that space was fought for by Raila Amolo Odinga---

Sen. Omogeni: On a point of order, Mr. Temporary Speaker, Sir. You have heard the Senator for Nandi, who is my good friend and my junior in the profession, putting it on record that I am a rogue Senator. That is what he has said. He used very unparliamentary words.

I have not said anything personal against President Ruto. The most I have done is to put him to account on the failed promises to the people of Kenya, and that is the space that Raila Odinga fought for us to have.

What is wrong when I go to Nyamira and question that the President promised tea farmers a bonus of Kshs50, but they were given Kshs12? What is unconstitutional or wrong about that? When I tell my people that the Social Health Authority (SHA) is not working – it is the President who should be telling us why it is not working – what is wrong with that?

Mr. Temporary Speaker, Sir, you should not allow the Senator for Nandi to create a wrong impression about my work as the Senator for Nyamira. I can produce a list of patients who have gone to hospitals but SHA is not working. When we state those issues here, we are stating facts.

Mr. Temporary Speaker, Sir, could he withdraw the word that he used and apologise?

The Temporary Speaker (Sen. Abdul Haji): Sen. Omogeni, I do not think Sen. Cherarkey referred to you as a rogue Senator.

An hon. Senator: That is what he said.

The Temporary Speaker (Sen. Abdul Haji): No.

Sen. Omogeni: He said that I am undermining the President. We can get a printout. He said that I am undermining the President of the Republic. That borders on criminal conduct on my part.

Could he substantiate and tell the country how I have undermined the President of the Republic because that is not correct? The only thing I have done on the ground is just to tell my people the reality and truth about what is happening. He should not tell the country that I am undermining the President. What will my children think when a lawyer like Cherarkey tells the country that I am undermining the President?

Mr. Temporary Speaker, Sir, you should not allow that to be on record. He also said that I am rogue, but how on a day that we are celebrating the life of a great man like Raila Amolo Odinga? We should not allow that.

The Temporary Speaker (Sen. Abdul Haji): Sen. Omogeni, I had not finished.

Sen. Cherarkey, did you use the word “undermine”?

Sen. Omogeni: Yes, he did.

The Temporary Speaker (Sen. Abdul Haji): If you did, then you need to withdraw and apologise.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, you can see that the learned Senior Counsel is confused because I never used the word “rogue”.

Sen. Omogeni: Am I confused? Let us have the HANSARD, Mr. Temporary Speaker, Sir.

(Loud consultations)

Sen. Cherarkey: Mr. Temporary Speaker, Sir, may I be protected? I heard him when he was speaking. Can I substitute---

The Temporary Speaker (Sen. Abdul Haji): Sen. Cherarkey.

Sen. Omogeni: He has said that I am confused.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, let me rephrase by saying he is misleading the House.

The Temporary Speaker (Sen. Abdul Haji): Withdraw the words “confused” and “undermine the President”.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, if we withdraw all English words, what will we be speaking on the Floor?

Let me say the following. I have used the word “misleading”.

(Loud consultations)

I have withdrawn.

Mr. Temporary Speaker, Sir, the interesting thing is that he was walking behind you. Therefore, he did not listen. I want to call upon colleagues to listen to what I am saying. Just listen. We are with you even on the issue of tea bonuses.

Mr. Temporary Speaker, Sir, I am happy that you are an active listener. I was saying that the space that people like Sen. Omogeni, Senior Counsel, are enjoying now is courtesy of *Baba Raila Amolo Odinga*. He expanded the space which is why you can call out anybody at any given time, regardless of who they are.

That is why I was arguing that devolution---

(Loud consultations)

I request to be heard in silence.

(Sen. Methu spoke off record)

I do not know what is wrong with Sen. Methu. He is a heckler just like his Party Leader.

The Temporary Speaker (Sen. Abdul Haji): Sen. Methu, let the Senator be heard.

(Loud consultations)

Order, Senator.

Proceed, Sen. Cherarkey.

Sen. Cherarkey: The Party Leader, Democracy for Citizens Party (DCP).

Mr. Temporary Speaker, Sir, on the issue of police brutality, it was unfortunate that we lost lives. You saw the Cabinet Secretary of the Interior and National Administration and the police running like headless chicken within Kasarani Stadium. They had worn trousers called “pencil”.

We are Kalenjins and we know how to dress. I saw a content creator saying that we do not know how to dress. Some of us are good at dressing, just like our Luo brothers such as Sen. Moses Kajwang’, we dress smartly. It is him who wears the “pencil” trousers and runs around without preventing those accidents from happening.

(Loud consultations)

There was a content creator who was accusing someone of wearing “pencil” trousers. We know how to dress, just like our Luo brothers. It is only one person who was running around in the stadium wearing “pencil” trousers; it was very unfortunate.

Mr. Temporary Speaker, Sir, the second point I want to drive home is that ---

The Temporary Speaker (Sen. Abdul Haji): What is your point of order, Sen. Joyce?

Sen. Korir: Thank you very much, Mr. Temporary Speaker, Sir.

I have heard Sen. Cherarkey lamenting now and then about the dress code of the Cabinet Secretary and how he was behaving during the--- An incident indeed happened, but we had security available.

Is it in order to discuss the Cabinet Secretary on the Floor of this House, without the substantive Motion?

(Laughter)

The Temporary Speaker (Sen. Abdul Haji): Order, Sen. Methu! You are not on a point of order.

Sen. Cherarkey, could you, please, stop implying about individuals who are not in this House to defend themselves? Just proceed to make your submissions.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, I remember your ruling very well on the contents of speech under Standing Order No.103. I did not mention any name. I suspect the distinguished Nominated Senator from Bomet might have been in Chepalungu Forest when out of nowhere, she started saying that I was discussing an individual.

I want to say the following on this Bill---

The Temporary Speaker (Sen. Abdul Haji): What is your point of order, Sen. Joyce?

Sen. Korir: Mr. Temporary Speaker, Sir, I think Sen. Cherarkey is going astray in terms of articulating his issues. It is known even by pupils in a baby class in this country who the Cabinet Secretary of Interior and National Administration is in this country. It is even known which *TikTok* video he is referred to.

Is he in order to even state that I was in the bush? Are we in the bush or in the Senate?

The Temporary Speaker (Sen. Abdul Haji): Sen. Faki, what is your point of order?

Sen. Faki: Thank you, Mr. Temporary Speaker, Sir. I heard Sen. Joyce quoting *TikTok*. Is *TikTok* an authentic reference in this House?

The Temporary Speaker (Sen. Abdul Haji): Yes, Sen. Joyce.

Sen. Korir: Thank you very much, Mr. Temporary Speaker, Sir. Of course, you understand the difference between me and the distinguished Senator. The forms of communication that you can use are *TikTok*, Facebook and WhatsApp, unless he is not aware. He can see me behind the tent after this sitting.

Thank you.

The Temporary Speaker (Sen. Abdul Haji): Sen. Cherarkey, proceed to make your submissions without referring to or implying to anybody.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, I have been very careful as per Standing Orders 101 and 103 and your ruling on the contents of speech. I have not mentioned individuals. However, as they say, the guilty are always afraid. I think some people want to create content for *TikTok* on the Floor of this House.

I really emphasise that Article 96 should be given flesh. I will just make two comments and one is on the issue of public participation. You remember the ruling in 2013 where the Kiambu Finance Bill was ruled unconstitutional by the courts of law. I believe that is where Sen. Ledama---

Mr. Temporary Speaker, Sir, how can my time be expired? I have not even spoken---

The Temporary Speaker (Sen. Abdul Haji): Sen. Cherarkey, you still have five more minutes.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, there must be a Jose Camargo somewhere 'eating' my time.

(Laughter)

I want to make two pregnant points; one, is that public participation has been decided on. I thank Sen. Ledama because the courts have ruled that any decision you make without the public input is not only illegal, but also unconstitutional. The Senior Council is here to confirm. I agree that there should be forums to discuss decisions.

We were with my Chairperson of the County Public Accountants committee (CPAC) when we visited Busia County Referral Hospital. They do not have a working ambulance, let alone drugs. If you were to call a public meeting somewhere in Busia Town, they would have told you that they want an ambulance. The Governor, however, decided to renovate a lounge.

Mr. Temporary Speaker, Sir, do you know what lounges are used for? They are used as areas to sit while taking tea, *mandazi* and the *uji* that the former President Uhuru Kenyatta referred to. Renovate a lounge instead of getting an ambulance. I agree that we must have public participation to prioritise what is needed. That is what is important.

When you go to Kobujoi, Kaptumo, Kabiyeet, Maraba, Chesumei, Chemundo and ask the residents of Nandi in general what their priority is, they will tell you that their priority, as we talk today, is roads. Nandi County has the most pathetic roads in the Republic of Kenya. Most of those roads are managed by the County Government of Nandi, led by the Sang' administration.

Mr. Temporary Speaker, Sir, these are some of the challenges that we hope, when we have proper accountability and oversight, will give value. We are lucky that we get cess from tea and sugarcane, which can help fix our roads.

As a country, we must agree that we need proper public participation, so that it becomes easier to fix most of these roads that are not passable. You saw that Kericho County Referral Hospital has been locked for some time; no one is accessing it. Was public participation done in Kericho to ask the people if they could lock down the hospital? These are some of the critical aspects we must address in public participation.

I know public participation has been misinterpreted. I have seen my distinguished colleagues going to public rallies for campaigns and then say that they are doing public participation. It is good that they will now get a law, so that before they do those rallies in some of the villages and call them public participation, they know what they are doing.

Secondly, Mr. Temporary Speaker, Sir, I agree we should have a format such that today, we can go to Nyandarua, Bomet, Bungoma, Kirinyaga and Garissa and request for the public participation notes on the Finance Bill of 2025.

If today you are in Garissa town and ask them, they will say that they need water. That is what is important as we look into the future. Even on the issue of county oversight, we do not need to reduce it to political competition. For instance, whenever I question my governor, he will try and reduce it into a political contest. When you ask him why the road is impassable or why there are no drugs, they will say you are doing politics.

We must divorce public political competition of the day from proper accountability and oversight. When we went to Luanda Market in Vihiga, led by Sen. Osotsi, it was a genuine concern that they need a proper working market, public washrooms and somewhere to use for efficiency since they pay taxes. In Kiswahili, we say, *kulipa ushuru nikujitegemea*. Which value? The counties have been given power to levies. Which value are they adding?

Mr. Temporary Speaker, Sir, please if you can, add me two minutes to take care of disruptions.

The Temporary Speaker (Sen. Abdul Haji): Add him two minutes.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, Sen. Methu has a 'wamunyorosis' disease.

I was just driving the point home and dry by saying what Sen. Ledama has done is to give effect. We need to even agree on the issue of the Senate Oversight Fund. That is my opinion.

Mr. Temporary Speaker, Sir, this is my last remark for the day. Sen. Ledama, instead of creating the Senate Oversight Fund, can we give the Senate capacity and ability to do proper oversight, for instance, getting project managers, auditors, researchers, putting up offices in every sub-county and getting them social auditors, not

just financial auditors? Let us give the Office of the Senator capacity and ability. It is not about funds. This is so that, when I go and visit Kapseng'ere Hospital in Terik Ward or Kobujoi next to Governor Sang's home, which has stalled for some time, and say, where is the public works report, I can go with my researcher and they can brief me.

Mr. Temporary Speaker, Sir, in Kabiyeet, there is a creamery that has been constructed and consumed more than Kshs1 billion, yet we know the ordinary factories will consume Kshs250 million. The Senate Majority Leader might know the name of somebody who is constructing. So, at the end of the day, we must give the capacity and ability for the office of the Senator to do proper oversight.

So, Mr. Temporary Speaker, I support this Bill. We shall vote for it and ensure that the 'Lower' House agrees with us and that it can be assented to an Act of law.

Congratulations, Sen. Ledama. We wish you well.

The Temporary Speaker (Sen. Abdul Haji): Sen. John Methu, please, proceed. My apologies, Methu, we are supposed to go to this side.

Sen. Methu: No problem, I can speak, then Faki will come later.

The Temporary Speaker (Sen. Abdul Haji): No, my apologies. *Pole*. Let Faki speak then you will speak next. Please, take your seat.

Sen. Faki, please, proceed.

Sen. Faki: Sen. Methu, angalia umri pia.

Asante, Mhe. Spika wa Muda, kwa kunipa fursa hii kuchangia Mswada wa Oversight ambayo imeletwa Bungeni na Sen. Ledama Olekina ambaye ni Kiranja wetu katika upande wa walio wachache na vile vile Sen. Kisang, Seneta wa Gatuzi la Elgeyo Marakwet.

Bw. Spika wa Muda, kwanza, nimeona kwamba, masuala ya uwajibikaji au *oversight*, ndio sehemu finyu katika maendeleo ya ugatuzi, ambayo wazungu wanasema ni *the weakest link* katika masuala ya ugatuzi, kwa sababu mara nyingi hapa katika Bunge la Seneti, huwa tunafanya *postmortem* ama ukaguzi baada ya mambo yashaaharibika.

Nimesikia kilio cha Mwenyekiti wa Kamati ya Uhasibu, Sen. Kajwang', akisema kwamba, mara nyingi wakija, hao farasi huwa washatoka katika zizi na inabakia kutafuta na kulaumu ni nani ambaye alisababisha farasi hao kukimbia kuto zizini.

Bw. Spika wa Muda, fedha ambazo tumepewa za *oversight* zimesaidia pakubwa kuleta mwamko katika gatuzi zetu. Kwa mfano, katika Kaunti ya Mombasa, tulizuru *wards* zote 30 na tukaweza kutengeneza ripoti ya miradi ambayo Kaunti ya Mombasa walidai wamefanya, lakini ukifika katika maeneo hayo, hakuna mradi wowote ambao umetekelezwa.

Bw. Spika wa Muda, hivi sasa, hata County Assembly ya Mombasa imeshika nguvu na kuweza kuamka na kuuliza maswali magumu ambayo Serikali ya Kaunti inapaswa kujibu. Kwa mfano, hivi juzi, Kamati ya Mazingira ya Assembly ya Mombasa ilimuita Waziri wa Maji na Mazingira ili aeleze mipango ambayo amefanya hata akatoa zabuni ya Shilingi 17 bilioni kuhusu masuala ya takataka katika eneo la Mombasa.

Bw. Spika wa Muda, hapo awali hio haingewezekana kwa sababu mara nyingi, wawakilishi wa Bunge la Kaunti ni wanyonge kwa sababu wanategemea County Government iwape miradi na iwasaidie kwa mambo madogo. Kwa hivyo, ni vigumu kwako kujaza au kutoa maoni kuhusu yale yanayofanyika katika serikali za kaunti. Kwa

hivyo, sheria hii itaweza kutoa nafasi ya masuala ya *oversight* ili kuhakikisha kwamba ugatuzi unafaulu katika nchi yetu ya Kenya.

Bw. Spika wa Muda, tukiangalia masuala ya kila nyanja, kwa mfano, hivi sasa, Kamati yangu ya Ardhi, Mazingira na Maliasili, inaangalia masuala ya Financing Locally-Led Climate Action (FLLoCA). Ukiangalia, kwa mfano, yale mambo ambayo yamezungumziwa katika mipango ya FLLoCA katika kaunti nyingi ni tofauti na yale ambayo yanafanyika mashinani.

Kwa mfano, juzi katika Kaunti ya Busia, tuliambiwa kuna mradi wa Changara Water Pan Project uliofanyika lakini miaka sita kutoka mradi huo usemekane umefanyika, hakuna chochote ambacho tunaweza kusema zile pesa zilivyotarajiwa kutumika zimetumika pale mashinani, maeneo ya Changara na kuhakikisha wananchi wa eneo lile wanapata maji.

Kwa hivyo, Bw. Spika wa Muda, lazima sisi kama Maseneta tuwe proactive na masuala ya *oversight*. Lazima tuwe mashinani kuangalia ni mambo gani ambayo yanafanyika, kwa sababu mengine yanayofanyika ni dhuluma kwa wananchi wetu katika maeneo hayo.

Ukiangalia masuala ya uajiri, juzi, Kaunti ya Mombasa imeajiri wafanyakazi 628. Tulipowauliza ni wangapi kati ya walioajiriwa ni walemavu, hakukuwa na jawabu yoyote. Vile vile, utapata kuwa, mara nyingi serikali za kaunti zinaongeza makadirio yao ya Own-Source Revenue, au zile pesa amabazo wanaokota katika maeneo yao wazaiongeza.

Kwa mfano, kama mwaka huu wamekusanya Shilingi 2 bilioni, mwaka ujao watasema watakusanya Shilingi 5 bilioni, ili hesabu ikifanywa ionekane kwamba zile pesa ambazo wanalipa wafanyikazi ziko sawa na ile ambayo sheria inavyosema. Kwa mfano, mishahara haipaswi kuzidi asilimia 35, lakini gatuzi nyingi ziko katika maeneo ya asilimia 48 hadi 50. Asilimia 50 ya mapato ya Kaunti yanalipa mishahara, ila hatujui hao wafanyikazi wanafanya nini, ili wawe wanachukua nusu ya mapato na kuweka kwa mishahara.

Kwa hivyo, utapata kwamba, wanaongeza makadirio yao ya mapato ili waweze kuongeza kuajiri watu na watu wale wengine ndio wanatumika kubeba majukwaa, viti, mkoba wa gavana na mengineo.

Bw. Spika wa Muda, tukiingilia *oversight* na tuangalie kisawasawa vile kaunti zetu zinavyofanya kazi, tutaweza kupata manufaa mengi ya ugatuzi na zile pesa ambazo zinavujwa zinaweza kutumika kununua madawa katika hospitali na zahanati zetu, na kuwaajiri madaktari na kutoa vifaa vya kisasa na kupunguza gharama ya maisha katika gatuzi zetu.

Bw. Spika wa Muda, tukiangalia unyonge ulio katika county assemblies zetu inamaanisha ipo haja sisi kama Seneti kusimama zaidi ili kazi zifanyike kaunti zile. Juzi tulipokuwa Busia, tulipata fursa ya kuangalia madeni ya Kaunti ya Busia. Jambo la kusikitisha ni kwamba katika Assembly ya Busia, walikuwa wanadaiwa Shilingi 628 milioni kufikia tarehe 30, Juni, 2025.

Hesabu hiyo ni karibu asilimia 80 ya yale mapato wanayotatikana kupata kila mwaka. Inafaa tuangalie pesa hizi zitalipwa vipi na itachukua miaka mingapi. Hii ni kwa

sababu, wanachopata hakizidi Shilingi 800 milioni, lakini madeni ni Shilingi 628 milioni. Ni lazima tuongeze juhudi zetu kwa masuala ya ugatuzi.

Jambo la pili ni kuhusu mambo ya kuhusisha umma. Nimesikitishwa na malalamiko ya Kiongozi wa Walio Wengi kwamba mahakama zinaingilia kazi ya Bunge. Lakini, mahakama zina haki ya kuamua sheria kulingana na Katiba. Iwapo kuna ushahidi kwamba Bunge la Taifa limefanya ushirikishi wa umma, unaweza kupelekwa mahakamani na mahakama itaondoa amri zilizotolewa ambazo zinazuia sheria ile kutumika.

Bw. Spika wa Muda, haiwezekani kwamba sheria imepitishwa na iwe haiwezi kosolewa kwa njia yeyote. Tunajua saa zingine, Bunge linaweza kupitisha sheria na wengine waseme hawajui. Kama juzi tuliona kwa vyombo vya habari, baadhi ya Wabunge wakisema hawakuona ile sheria.

Yule Women Representative wa Kitui alisema hakuona hiyo sheria katika Bunge la Kitaifa. Haya ni mambo yanaweza kutendeka na ndio maana, mahakama ziko pale ili kuamua haki baina ya taasisi za serikali na pia wananchi kwa wananchi, iwapo wana mizozo yao wenyewe ya kibiashara au familia.

Hii sheria ya ushirikishi umma ni muhimu sana kwa sababu Katiba inasema sheria yeyote itakayopitishwa, ni lazima ipitie ushirikishi wa umma. Ni lazima tuwe na sheria inayotoa mwongozo kuhusiana na yale yanatakikana kufanyika katika ushirikishi wa umma.

Bw. Spika wa Muda, hivi juzi, mahakama ilisema chochote kitakachofanyika katika ushirikishi wa umma kinafaa kutosheleza. Lakini, ipo haja ya kuwa na sheria ya kimsingi. Kwa mfano, tunapozungumzia masuala au sheria ya uvuvi kule Migori, hatuwezi kuchukua sheria ile tuwapelekee wanaokuza *muguka* kule Embu ili waulizwe sheria ile itawaathiri kivi. Ni lazima wale wanaoshirikishwa kuhusiana na sheria ile wawe *stakeholders* au washikadau katika sekta ile iangalie kikamilifu yale masuala inatakikana kuangalia kutokana na ushirikishi wa washikadau.

Ugatuzi utafanya kazi kukiwa na uajibikaji na masuala ya *accountability*. Bila hivyo, itakuwa kila mwaka, fedha zinapelekwa kwa gatuzi zetu na fedha zile zinaishia mifukoni ya magavana, mawaziri na matapeli wengine wanaofanya kazi katika kaunti zile.

Hiyo ni masikitiko na itakuwa ni kinyume cha ndoto ya mwendazake Raila Amolo Odinga ambaye ndiye baba wa ugatuzi katika nchi yetu ya Kenya.

Asante, Bw. Spika wa Muda.

The Temporary Speaker (Sen. Abdul Haji): Sen. Methu.

Sen. Methu: Thank you, Mr. Temporary Speaker, Sir, for this opportunity. When we had our last session, the Special Sitting, the session ended - I do not want to use the word 'acrimoniously,' but I am struggling to find a better word to use. The situation escalated quickly and we could not pass our condolences. I would like to pass my condolences, if you will give me a minute, to the family of hon. Raila Odinga, his wife, the children and our colleague, Sen. (Dr.) Oburu, who is now the new Party Leader of ODM.

The departed Prime Minister is a man who lived one of the most successful political lives any politician would think about. He worked with every regime. They all

came and left him. He worked with President Moi who came and left him. There are many things we can learn from him, but the hallmark of what I learned from him as a young leader is that of being brave; choosing the path of justice even when sometimes it becomes lonely.

In a book that I read called ‘Half a Day,’ though I cannot remember the title, there is a man called Dr. Stockman, who said that the strongest man is he who stands alone in the quest for justice. Therefore, one of the bravest things we can remember from the departed leader, hon. Raila Odinga, is that when he disagreed with his Party then, FORD-Kenya, he voluntarily chose – a very difficult thing and it has never happened again – to resign, get another party, go back to his people, and he got re-elected again in Langata in 1994. That is a record that has not been broken by anybody. We may act brave and courageous, but we have never gotten to that level.

He was one consummate politician who was extremely successful, powerful in government and when not in government. He was just as powerful as when he was in government and as when he was not. He was powerful when he was the Prime Minister, the Leader of Opposition, when he was in the ‘handshake’ government and in the broad-based government as well.

Mr. Temporary Speaker, Sir, I may not have agreed with him when he worked with President William Ruto, but he always pursued what he believed in his heart to be the correct thing, and that is the lesson all of us should carry home.

I would also like to congratulate Sen. Ledama and in the spirit of honouring and remembering the life and times of our departed Prime Minister, one thing we must acknowledge and recognize is the mentorship he offered to young leaders. Sen. Ledama is a fairly young Senator, but not as young as me. He was given a huge role on parliamentary responsibility as the Minority Whip.

The same case applies to Sen. Sifuna, who is the Deputy Minority Whip and the Secretary General of the Party. The same case applies to Sen. Eddy, who is my agemate and is the Chairman of a committee. There are many others as well.

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

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

Madam Temporary Speaker, Sen. Osotsi is the Deputy Party Leader and is also a fairly young person. When we speak about the leaders of tomorrow, he was in the forefront preparing the leaders of tomorrow. You do not speak about the leaders of tomorrow and you are doing nothing about it. There are many people who do not want to give young people opportunities to grow and exercise their talents and leadership capacities they have.

I congratulate Sen. Ledama for this Bill, which in my opinion, wants to operationalize Article 96 of our Constitution. In the quest for hunting for resources to our counties, we work hand-in-hand with the governors. I remember Sen. Ledama sat in the Mediation Committee and we insisted that more money must go to the counties.

“Mr. Temporary Speaker, Sir,” if you saw the kind of canvassing, support and camaraderie we got from the Council of Governors (CoG) - Sorry, Madam Temporary Speaker, I keep on forgetting because there was a ‘Mr. Temporary Speaker’ before you. Please, forgive me.

If you saw the support we got from the CoG, it is the same support that we would require and would not request for it. It is the same kind of support we expect when we are overseeing how this money has been spent. However, once this money has gone, budgets have been passed and we are done with DORA, that becomes the beginning of the sour part of our relationship with the CoG and county executives.

I am happy to see Sen. Osotsi here. During the debate on the formula that we had here, we passed something that had not been there. It was on the affirmative fund that was given to the 12 counties, which we felt required incentives, so that they could grow as much as the others.

Madam Temporary Speaker, his county, Vihiga, and my own county, Nyandarua, among nine other counties, qualified. I know that Sen. Osotsi would have expected this extra Kshs364 million that we got for the counties would have been budgeted in a special budget.

Counties had already done their budget estimates for the financial year. They were supposed to show what they did with the extra Kshs364 million that they got from the Senate, not amalgamating it in the main budget.

Sadly, all that money was put together with the entire money that came from the equitable share and Own-source revenue. One is, therefore, unable to point what the affirmative fund did. Sen. Osotsi, how would you tell that you brought money to the people of Vihiga, yet there is nothing specific you can point out? Sen. Mwaruma, we were together with you.

Can one say, out of the money that we passed in this Senate, we got you an extra, so your roads will be done because you bought machinery, or your harvest will be improved because we got you improved seed or your new hospital will get a new wing; these ECD centres are the ones that we got out of this extra money?

This Bill seeks to cure, in my opinion, how governors look at us with suspicious eyes. They feel that we are witch-hunting them when we want to ask them questions. There are many elective positions. One can choose to be President, Governor or Senator.

Many of the people who are here qualified for all the positions, but governors have chosen the side of being oversights. If you choose to become a governor, then you must be ready to be accountable. This is a constitutional provision.

The same Constitution that has made you a governor is the same one -Article 96 - that tells you that you are Senator, and the Senate will do oversight on the monies that we give you. There is no way you can be coming when we give you money, but when we want to ask you how you are spending this money, you do not want to.

There are two very good things that I want to first speak in the Bill. One is Clause 17, part 2(C), facilitating access to information held by county governments.

Madam Temporary Speaker, you know the case of Busia because you saw it. The Senator for Busia, the hon. Omtatah, had to go to court so that the courts can grant him

the orders to access information from the county. What a sad state. If a Senator cannot get this document, who can?

Access to information is a requirement by law. There are no private documents kept in any government offices. You do not keep your ID, title deed, bank statement or medical records there. Whatever is in that particular office is public records, and they should be readily available to members of public and Senators, as and when they are required.

I laud Sen. Olekina because of this provision that there should be facilitation of access to information to all, not just to the Senator. If an MCA wants information about a project that happened in such and such a place, that information should be provided.

How this project? First, is it in the County Integrated Development Plan (CIDP)? Was it in the Annual Development Plan (ADP)? If it was there then, was it in the budget? If it was in the budget, how was it procured? If it was procured properly, when were the services rendered? If the services were rendered and the certificates have been issued, when was it paid? If it has not been paid, where does it feature in the books of the county? If it was paid, these are the documents that were required and it was paid in such and such a date. That is not private information. Nobody should refuse with it. It should be readily available for everybody.

Secondly, it is in the same Clause 17 (d) to engage communities and interest groups on the formulation of plans for the economic development of the county. For the economic development of a county, there are two guiding documents that are provided for in law. The long-term plan is the CIDP. It is in this CIDP where people say what they expect the governor to do in five years.

Over and above what they have asked that should be done, they also give priorities. For example, in terms of priorities, they would want the governor to start with health. On matters of health, they may want the governor to upgrade J.M. Kariuki Hospital, deal with education, agriculture and all others. Communities must get a voice in matters CIDP.

The second document, which is now the short-term is the ADP. Budgets must be derived from the ADP. Governors have this habit of changing programmes haphazardly. Today, one is speaking of buying, I do not know what.

There is something that they brought in Nyandarua, I think in the first year of our governor. So that we increase in milk production he was talking of giving farmers super napier, so that now the milk production would go up. They put it in the budget the first year, I think Kshs12.5 million, then another Kshs12.5 million in the supplementary budget. Just before that programme kicked off, the next year, the Governor told us now we are no longer dealing with super napier but apples. They would not start giving us apples.

I think the budget was prepared, some people are given apples. Just before farmers in Nyandarua start acclimatizing on how we shall do apple farming, we were told that we are now back to pyrethrum. Just before we even acclimatized with pyrethrum farming, I think now the current programme is coffee growing in Nyandarua.

Madam Temporary Speaker, are all these things in the ADP because this budget must have been derived from there? We must stop this habit of governors changing things

arbitrarily. Just because we found something working in Sen. Mwaruma's county, you want to rush it and customise it in your county.

The factors in Taita-Taveta are not the same. The challenges of Narok are not the challenges of Nyandarua. The challenges of Narok are issues to do with livestock. If I want to teach him on cabbages farming, maybe it does not do as better as it does in Nyandarua County.

Clause 17(f) is one monitoring the spending patterns of public entities within the county. This is also very important. This Bill seeks to give the Senator the powers to monitor the spending patterns, so that we try and cure this issue.

I have been a member of the County Public Accounts Committee. I think I was there for two-and-a-half years. The problem that we have---

I am wondering whether my 10 minutes are gone. I think I speak either very slowly or very fast, so I do not notice when my time goes. Maybe the clock that Mr. Mogere uses when I am speaking is a bit different. I want to be very quick.

We need to cure this problem of the County Public Accounts Committee being a committee of morticians that only deal with matters once they have already happened. This provision is on monitoring spending patterns.

As things are happening, you are able to monitor. You have a view of what is happening in Nyamira. You have a view of such and such that project was there in the budget. How far is it? Has it been procured? Have the services began?

Some projects are long-term. For example, you are given a two-year contract. When the contract is not spent, you are unable to raise questions, even at the County Public Accounts Committee level. If you are supposed to do this project in two years and you have not started one year and six months later, how will you start in the last six months? Note that you are not supposed to ask a question because the contract is alive. This is what Sen. Olekina wants and that is why he brought this particular Bill.

Clause 18(6) states that-

‘the County Executive Committee member shall avail the Senator with all pertinent information necessary to carry out the oversight role under this Act.’

The use of the word “shall” is very critical. It is not a request because this is a public entity. If I want information on any project or any Government programme, I should be given.

We have had a challenge knowing how much was spent by Parliament or the national Government in the National Prayer Breakfast. Nobody knows how much was spent. We are even hiding money that is used during prayers. They do not want us to know how much was spent when we spoke to God. These things should be straightforward.

Clause 19 speaks about these documents being availed to members of the public. I was able to pick Clause 19(2) which states that-

“The Clerk of the Senate may provide such logistical support as is necessary for carrying out of a successful public participation and oversight exercise.”

I want Sen. Olekina to move an amendment, so that he does not leave it as a prerogative of the Clerk of the Senate to either offer or not to. When you say ‘may offer,’

he may choose not to. He can say that Narok County is far, so let us start with Kiambu County. He can also say that Wajir County is so far. That clause should read-

‘the Clerk of the Senate shall provide.’

It should be his obligation to support Senators as they carry out their oversight role.

Finally, as we think about the miscellaneous provisions that are here, I have seen that there are regulations that will be moved by the county executive committee member. One of them states that-

“Notwithstanding the generality of subsection (1), the county executive committee member may make Regulations-

(a) on the processes related to the management and implementation of the project in relation to a public participation facility.”

I want us to be a bit careful here, so that they do not process regulations that will claw back the gains that we have gotten. This is because they may put things in the regulations that will not make it easy for us to know the management and the processes in the implementation of projects.

This is very critical, Sen. Olekina, because these regulations are speaking about implementation. This is where the crust of this matter would be cured. If you want to play a very active oversight role, then it should be in the implementation of projects. Therefore, implementation of projects should be an open book that we can view. Sen. Olekina, if we go by what is provided here, what happens if a county executive committee member says that this information will only be provided after the completion certificate of that project has been issued? If that is to happen, we shall have lost the course. This is something that we must be very careful about.

Miscellaneous provision number 2(b) is on management of finances and number 2(c) is on maintenance of adequate and accurate records, including a system of internal accounts. I am a bit uncomfortable with these miscellaneous provisions because you---

(Sen. Methu’s microphone went off)

The Temporary Speaker (Sen. Mumma): Sen. Methu, you have 30 seconds.

(Sen. Methu spoke off record)

You are actually spending your 30 seconds.

Sen. Methu: Just one minute, Madam Temporary Speaker. Sen. (Dr.) Murango also wants to spew a lot of wisdom.

We must relook these miscellaneous provisions for us not to claw back all the gains that have been made in this particular Bill. We should also not donate so much power again to the county executive committee members after we have won freedom. We should not curtail ourselves with the regulations. I will stop it at that.

Thank you.

Sen. (Prof.) Kamar: Madam Temporary Speaker, I am not getting the microphone. Thank you for the opportunity.

I have gone through this Bill and I do not support it in the format that it is in because it is completely changing the spirit of Article 96 of the Constitution. This Bill is confessing that it is unpacking Article 96 of the Constitution, but Article 96 talks of the role of the Senate. This Bill is talking about the role of an elected Senator. We need to be very clear what it is we are looking for. Is this Bill supposed to take care of the oversight fund that has already come into this House, which we had said we need to deal with or is it dealing with oversight?

My first point is on the title of the Bill. Is this county oversight? I do not know how county oversight and accountability comes in. If it is county oversight, we need to address county oversight. Accountability is a different animal and it should be part of what we are doing.

I appreciate the details that the two Members have brought in, but I want them to think through. If we are talking about county oversight, we should look at the role that was given to this House and the role that was given to Members of County Assemblies (MCAs) in the Constitution. I see this Bill bringing potential conflict between us and the MCAs.

Article 96 of the Constitution states this as the role of the Senate-

“(1) The Senate represents the counties, and serves to protect the interests of the counties and their governments.

(2) The Senate participates in the law-making function of Parliament by considering, debating and approving Bills concerning counties, as provided in Articles 109 to 113.

(3) The Senate determines the allocation of national revenue among counties, as provided in Article 217, and exercises oversight over national revenue allocated to the county governments.

(4) The Senate participates in the oversight of State officers by considering and determining any resolution to remove the President or Deputy President from office in accordance with Article 145.”

When you go through this Bill, you will note that we have broken that role to individual Senators.

Clause 16(1) of the proposed Bill states that-

“the Senate shall, pursuant to its oversight role conferred on it under Article 96 of the Constitution, exercise an oversight role over the national government revenue allocated to the County Governments.”

Clause 16(2) on the other hand states that-

“Each Senator shall exercise power of oversight over their respective county.”

This means each elected Senator. We should come out. If we want it to be each elected Senator, then let us call it each elected Senator, then look for the animal that will take care of the other Senators who are not elected. I have been elected and I have also been nominated. I am, therefore, talking from a neutral ground. You cannot talk of oversight being done by a Senator. I wish the Senator of Samburu was here because we had a very rough time in our Committee today when the Governor of Samburu appeared before us. That is when I appreciated that oversight must be done according to the Constitution.

Sen. Olekina will not succeed if he is to go to Narok County alone neither will the Senator for Samburu County or any other Senator. If it happens, you will hear of goons fighting. The Bill states that each Senator shall exercise the power of oversight yet we have been exercising that power. We do not need a Bill to do it. It is part of what we are doing.

What does the Constitution confer? The Constitution confers the power of oversight to the House and the House has committees. The chapter that deals with committees states that this House shall operate through committees. I want my dear brother, Sen. Olekina, to look at the role of committees *vis-a-vis* the role of an individual person. When looking at the amendments that we want to introduce, I pray that he will find it wise that the Committee gives better service than an individual.

I say this because I was elected. When I was elected, I was able to oversight my Governor through the committees of this House, not through an individual. However, I got a lot of information. My Senate office was getting information from the County Executive Committee Members (CECM) and wherever. I never interacted with the CECM. Why should I interact with the CECM? My own staff, who are equal to the CECM, will interact with the CECM. Once they have interacted, they bring information to my office. They tell me this is the weak area.

I asked a question in this House. I did two very successful petitions. The first petition blocked the Governor from buying a building that the public said was a figure that was higher than the figure. This House did a wonderful job for me because it was the committee that went in, analysed and went through the projects. I am saying this to save ourselves. I believe the problem is that we might actually put ourselves, just because we are thinking about this little money of oversight, we might say to protect the elected and leave the nominated. We need to ask ourselves if that is what we want to do.

Number two, if you look at that, there should be openness and accountability over the county budget oversight process. Why should you even go beyond that? Why do you want to be accountable to a fund that you are using directly? It is an expense to send your people to go and collect data. Why are we looking like we do not want to be suspected? Nobody would suspect the Senate. The job of the Senate is to do oversight. I again think it is good to re-read and see what we can do. We will be introducing our own amendments to take care of that.

Then Clause 17 has concentrated on the Senator. A Senator may facilitate public participation. Let us go to the issue of public participation. My brother, Sen. Olekina, public participation is on-going currently. Before the County Integrated Development Plan (CIDP) is published every five years, massive public participation takes place. Even as nominated, I went to three wards to know if we are actually doing the right thing and giving people what they want. That is public participation number one.

According to the Constitution, you must have a CIDP. Once you have had your CIDP, you must have annual plans. An annual plan is an extract for that year. Hopefully, the county has five annual plans that they do not declare. They declare annually what they are going to do. Once they have declared annually what they are going to do, in that year, that is what they will follow. However, are we going to have a diversion from the annual plan that the Governor will have had?

Another area that I fear may create conflict between Senators and Governors, they have their CIDP and annual plans. It is the annual plan that is going to drive. It is my humble request that we re-read this Bill against Article 96, which is talking about the Senate, because that is what will protect individual conflicts between a Senator and a Governor.

If you go further, Clause 15, I know I am going backward--- The officers shall prepare an annual report on the status of public finances in the respective county, set out with the following information. Currently, the Controller of Budget (CoB) does that. Not annual, but monthly. As a Senator, I used to get monthly reports on my county and my Senator was here. I wanted to know whether he is still receiving that because we used to receive it, but the other Senators must be receiving it.

If we are receiving that from the CoB, is this Bill not going to conflict with the role of the CoB? This is because the role of the CoB is to monitor. So, if we allocate ourselves the role of monitoring the way the budget flow will be, what will be the role of the CoB? Again, let us read the CoB's role before we look at the role of the Auditor-General. I looked at some of the clauses and I think we might step on the toes of the Auditor-General.

Madam Temporary Speaker, with all due respect to my colleagues who have proposed, I like the oversight. We must protect it through law. We must have a Bill. I want to persuade Sen. Olekina that let us re-examine this in relation to what exists and the roles that we cannot change. More than anything, please, let us not take the role of the Senate to individual Senators.

Unless I did not, I was looking for a mention of the Senate Committee in this Bill. The Constitution has not only talked about the Senate. It has allocated the role of oversight of state officers to the Senate itself. Unless it is in an article that I have not seen, why would we not have a mention of the committees of this House? The committees of this House are very powerful. They have been given the power even to arrest. We are told that they are given the powers of the High Court. If they have the powers of the High Court, will an individual Senator have the powers of the High Court? I ask that loudly or we will expose ourselves? I am looking for a way in which we are not exposing individuals, but we are dealing with what the Constitution gave the Senate as an institution.

Sen. Olekina, I like the intention of the Bill. However, as much as I like the intention of the Bill, I would really like to say, let us avoid conflict with MCAs or anybody, the executive, the CoB or even the Auditor-General. Let us remove the conflicts and allow ourselves to run as a Senate that must do oversight as per Article 96 of the Constitution, which this Bill is trying to unpack.

I was going to be brief, because there are a few things that I wish could be corrected beforehand, but I will prepare my articles, because I was also a little confused when it came to the annual infrastructural document, but I want to understand that one more, because I do not want to touch on anything that I have not fully understood.

With those remarks, I have reservations and I would like my reservations to be addressed before I support this Bill.

Thank you.

The Temporary Speaker (Sen. Mumma): Sen. Murang'o, please proceed.

Sen. (Dr) Murang'o: Asante, Bi. Spika wa Muda, kwa kunipa nafasi hii ili niweze kuchangia Mswada huu ambao unahusu uangalizi na uwajibikaji kwenye gatuji zetu. Kwanza, ningetaka kumpa kongole Sen. Olekina wakiwa na Sen. Kisang kwa kuzamia katika jambo hili na kwa tajiriba kutupatia Mswada ulio mbele yetu. Nadhania ni kwa sababu wameona dhuluma na hali ya bahari wakaamua kushona jarife na kutengeneza jahazi ili tuweze kufika kilindini.

Kwa muda, katika mambo ya ushiriki wa umma katika gatuji zetu, imekuwa tu ni hekaya za abunwasi lakini imekuwa haifanyiki vilivyo. Ukiangalia sana, kwa sababu hapo awali nimekuwa mwakilishi wadi wa wadi ya Kerugoya, ni kwamba wawakilishi wadi wanafanya ushiriki wa umma kivyao halafu gavana anafanya kivyake. Katika hali zote zile, fedha za umma huwa zinatumika. Lakini gavana pia huwa anachukua maoni ambayo yeye mwenyewe amefilikisha umma ndio anatumia kutengeneza bajeti. Juzi, nadhani uliona aibu iliyokuweco pale kwetu Kirinyaga. Akina mama wakipigishwa vichongomba na mapinde kukiwa na DJ.

Kukija kufanywa uhasibu, utapata kwamba, fedha zilizotumika katika mambo yaliyokuwa yanafanywa pale itaonyesha kwamba kulikuwa na ushiriki wa umma na kumbe hapakuwa na jambo kama lile.

Bi. Spika wa Muda, unapoongalia sana, kumekuwa na tatizo kwamba, barabara ambayo imetengenezwa na Kenya Rural Roads Authority (KeRRA) pia imeratibiwa kutengenezwa na kaunti. Utapata kwamba fedha zimelipwa kuonyesha kwamba ni kaunti ndiyo imetengeneza barabara ile kumbe imetengenezwa na Serikali Kuu.

Nyumba inajulikana na mwenyeji sio mgeni, ili tuweze kung'amua mbivu na mbichi, inabidi tuweze kupewa nafasi ya kutoa maoni yetu na kukaa katika ushiriki unaofanyika ili tuweze kuelewa zaidi kile ambacho kinaendelea.

Ukiniambia mimi kama Seneta niende kuomba ruhusa kutoka kwa mwakilishi wadi ili niweze kutathimini yanayoendelea, sidhani kama ninaweza kutoshea katika nafasi ile. Na kama ni gavana, hawezi kukubali kamwe sisi kukaa pamoja kuangalia yale mambo wanayofanya kwa sababu, wakati wanapofanya ushiriki wa uma ambayo huwa ni gushi, huwa hawataki kujulikana.

Nitapeana mfano wa seremala ambaye huwa anatumia misumari kushikanisha mbao. Msumari uliowima ndio huwa unagongwa sana na nyundo. Msumari uliokombo huwa unaachwa na hivyo ndivyo ilivyo siku hii ya leo kwamba Seneta ambaye anafaa kufanya uangalizi, anaposema jambo kuhusu ushiriki wa umma unavyoendesha huenda anagongwa sana lakini magavana waliokombo wanaachwa. Kama kungekuwa na haki, jela nyingi zingekuwa zimejaa magavana na wala sio raia masikini.

Bi. Spika wa Muda, kuna msemu wa Kiswahili unaosema kwamba "Ukiona maharagwe yameiva ujue makaa yameteketee."

(Applause)

Unapoona dhoruba na kelele nyingi katika kaunti wakati tunauliza maswali ni dalili ya kwamba maharagwe yameiva na makaa yameteketee na makaa ni fedha za

umma. Ni lazima fedha za umma zifanyiwe uangalizi; ni lazima watu wawajibike wanapotumia pesa za umma.

Njia mojawapo ya kupata majibu kuhusu jinsi pesa zinavyotumika, kwanza ni kuhusisha wananchi ili waseme wanataka nini; wakishasema wanachokitaka, bajeti inayotumika na baadaye kuona bajeti hiyo imefanya nini.

Maseneta kwa sasa wamewachiwa kazi ambayo ni kama kupasua maiti. Na unavyojua, mpasuaji maiti sio daktari. Kwa hivyo, tunapofikiwa na zile ripoti kutoka kwa Mkuu wa Uhasibu wa Fedha za Umma, tunatakiwa kusema ni nini kilichosababisha kifo katika matumizi ya pesa za umma. Lakini hatuwezi kutibu magonjwa ambayo yameuwa fedha ambazo tunapatia kaunti. Kama kutakuwa na nafasi ya sisi kuwa pale na kuhakikisha kwamba pia tunahusika, tutaweza kurekebisha mambo mengine kabla hayajaharibika zaidi.

Bi. Spika wa Muda, wakati tulikuwa tunafanya ushiriki wa umma nilipokuwa Mwakilishi Wadi na kiongozi wa walio wengi katika Kaunti ya Kirinyaga, kulikuwa na tatizo moja. Bajeti inayotoka kwa gavana ndiyo inayopelekwa kushirikishwa kwa umma lakini sio kusema wameulizwa kwanza kwa mujibu wa sheria ndio gavana akuje na majibu.

Inaweza kuwa kwamba bajeti inatengenezwa na gavana. Kuna mwingine alinunua mavi ya mbuzi akasema ni mbolea na akapeana na ukienda kwa uhasibu, hauwezi kuhesabu chembechembe ya mavi ya mbuzi ili kufanya gavana awajibike. Kwa hivyo, inakuwa kwamba yale mambo yanafanyika makusudi kwa sababu magavana wanajua ya kwamba hauwezi kuenda pale na kumfanya awajibike kwa mambo ambayo amefanya.

Kwa mujibu wa sheria, inafaa wananchi waseme wanataka nini; gavana kupitia waziri wake wa fedha, aende atengeneze bajeti; bajeti ambayo inafaa kushirikishwa katika bunge la gatu pia ipelekwe kwa wananchi wakubaliane ama kuwe na maoni kinzani, lakini kwa sasa, sio hivyo. Kwa sasa, gavana huwa anakuja na bajeti yake ili atengeneze mambo ambayo anataka. Halafu ataendaa alipe watu waje wakae katika viti ambavyo vimehifadhiwa katika ushiriki wa umma. Wanapokaa pale, kazi yao ni kupiga makofi na kuimba nyimbo ambazo hazina kiitikio.

Gavana anaposema atajenga uwanja wa helikopta kutua, wanapiga makofi lakini wale wananchi ambao wanafaa kusema kile wanachotaka; wale ambao hawana maji, dawa hospitalini na pia barabara, hawana la kusema. Hii ni kwa sababu majukumu yote ya kushirikisha umma katika mchakato mzima wa kutengeneza bajeti umewachiwa gavana. Hiyo ndiyo sababu kubwa na kwa hivyo gavana hufanya mambo ambayo ni rahisi kufanya kuliko kufanya mambo ambayo yanatakiwa kufanywa.

Bi. Spika wa Muda, ninatoka kaunti ambayo zaidi ya asili mia 99.9 ni wakulima lakini unapata ya kwamba bajeti inayoenda katika kustawisha kilimo ni duni, hata haifiki asili mia tano. Kwa hivyo, unajiuliza ni akina nani hao ambao wanasema kujengwe gorofa? Ni akina nani hao wamesema wanataka kuenda barabarani kupiga vichongoma na mapinde kuliko kusema wanataka vitu ambavyo unaona wazi wazi zinapaswa kufanywa?

Wahenga walisema: “Akili ni nywele---” Sen. Olekina na Sen. Kisang wamefanya kazi nzuri kuja na Mswada ambao uko mbele yetu siku ya leo. Ningeomba kwamba tuunge mkono bila kuangalia mambo mengi kando kando.

Ukuniuliza mambo ambayo yanaendelea leo katika Kaunti ya Kirinyaga ni rahisi sana kukuelezea kama mkaazi. Nikiwa pale mimi ndiye ninafaa kutengeneza ripoti ambayo nitaleta katika Seneti ili iweze kufikia kamati tofauti na waweze kujadili. Katika Mswada tulio nao hapa, hakuna mahali inasema kwamba ripoti itakayotoka katika gatu zetu isifike kwa kamati zetu za Seneti.

Mimi ninaunga mkono na niseme ya kwamba Mswada utakapopitishwa na kuwa asheria iweze kufanyishwa kazi. Ikiwa kuna mabadiliko machache yaweze kufanywa kwa sababu tukiongozwa na Mwenyekiti wa Kamati ya Kilimo na Mifugo tuliwashirikisha umma kuunda Mswada huu.

Jambo moja ambalo linafanya kamati za Bunge ziogope kufanya ushiriki wa umma ni kwa sababu unapoenda, hakuna utaratibu wowote wa kuhakikisha kwamba wale ambao unawakuta wako na maji ya kunywa, ama wameangaliwa vilivyo. Kama Sen. Wambua angekuwa hapa kwa sababu tulienda na yeye huko Kitui na akaona kwamba ni lazima urudi mfukoni kuhakikisha kwamba umeangalia na kutatua matatizo utakayoyapata unapozunguka ukifanya ushiriki wa umma.

Kwa hayo mengi na machache, na kwa sababu sitaki kumaliza wakati na wenzangu wanataka kuchangia, ninaunga mkono na ningehimiza tuunge mkono Mswada huu.

Asante sana.

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

Sen. Osotsi: Thank you, Madam Temporary Speaker, for this opportunity.

From the onset, I want to congratulate the distinguished Senator for Narok County for this very important Bill. I know, that there are one or two issues that need to be improved from the presentation by Sen. (Prof.) Kamar and others, which the owner of this Bill will try and improve. All in all, this is a very necessary and important Bill that we should all support.

The matter of oversight in this country should probably become a national debate. I have heard, rightly or wrongly, complaints from the public that the whole concept of oversight does not seem to be working in this country. There are various reasons why this is the case and we must address them.

I remember very well our departed leader, Hon. Raila Amolo Odinga. One of his main public concerns before his passing was whether Parliament was performing its oversight role effectively. According to him, there was a problem. So, even as we mourn him, we must re-open the public debate on the status of oversight in this country. Has it worked or not?

When we talk about parliamentary oversight, we refer to oversight by the National Assembly, the Senate and county assemblies. If you look at the National Assembly where I served, the committees, particularly the committees' chairs, are behaving as they did in the days before the promulgation of the Constitution of Kenya, 2010. They act like assistant ministers, operating at the whims of cabinet secretaries.

What kind of oversight can be expected if the chairperson of a parliamentary committee spends most of his time in Government offices of Cabinet Secretaries? He even appears before the House to read responses on behalf of the Cabinet Secretary he is

supposed to be overseeing. I believe it is important for us to re-examine the entire concept of oversight.

There is also the issue of the independence of the legislature. For example, at the county assembly level, the assemblies are not independent. I am pleased that this House has passed the financial autonomy law, which has given them some teeth. However, the concern is that implementation of that law is very slow. Something must be done so that Members of County Assemblies (MCAs) begin to have teeth to bite in their oversight roles in their respective counties.

Madam Temporary Speaker, for the Senate, we are being let down by other supporting public institutions, such as the Ethics and Anti-Corruption Commission (EACC) and the Office of the Directorate of Public Prosecutions (ODPP). How many reports and recommendations have we submitted to the EACC that remain unacted upon? How many recommendations have they failed to action? All of this highlights the need to review the entire oversight process in this country to ensure it functions properly.

Turning to this Bill, I would urge the Mover to also consider the roles of other individuals in our counties who contribute to oversight. For example, in our counties, many young men are doing an excellent job, some as bloggers, raising issues related to accountability. Others are in civil society, raising important issues. I believe there is a need to protect these individuals who are doing a commendable job.

I have many of them in my county and they do an excellent work, which I support. This law should consider how we can protect and empower these individuals, so that they can carry out their work in a more structured and secure manner. Some of them have even lost their lives. As you saw in the case of Meru, a blogger was murdered. There are many others. We must establish a system to protect these good citizens who are committed to promoting accountability in our counties.

The role of our partners, such as the Office of the Auditor-General (OAG), is also critical. How can they help us enhance this law? They play an important role by providing the primary data we need to carry out effective oversight. Even as I speak about the roles of other partners, particularly the OAG, I believe there is a need to overhaul our financial accountability system in this country.

Our financial system is based on the Westminster model, which we borrowed from the United Kingdom (UK). It begins with the authorisation of expenditure by Parliament through the budget-making process, followed by the production of financial statements at the end of the year by entities. These are then audited as per the Public Audit Act and the audit reports are submitted back to Parliament. Parliament, through the Public Accounts Committee (PAC) and Public Investments Committee (PIC), reviews those reports.

This system has many gaps. There are better models that this country should consider. For example, in Morocco, which we visited, they have a judicial system known as the Court of Accounts. In this setup, entities appear before a judicial panel, present their reports and judgments are made immediately. If someone has stolen, a judgment is issued to imprison, fine or take appropriate action.

In our system, after the audit review, a report is passed here, recommendations are sent to the EACC and no one acts on them. The entire process is full of gaps that must be

addressed, so that we can establish a tighter financial accountability system to protect our national investments.

Madam Temporary Speaker, let me also address the role of public participation. Public participation in this country is not genuine, particularly at the county level. In the counties, we often see the same individuals participating in public participation forums repeatedly, earning Kshs1,000 each time as if they are employed. If there is public participation today, the same individuals will appear again tomorrow.

If you attend some of these county forums and express an alternative view, you are removed or thrown out of the room. This is because the outcome of the public participation is already pre-arranged and agreed upon in advance. This is not the kind of public participation we want. Public participation should be open. Citizens should be free to express what is in their minds. Something must be done to address this issue. I believe the law on public participation is long overdue. We need a comprehensive legislation to guide the public participation process.

Regarding this Bill, it proposes the establishment of facilities for public participation. I agree with Sen. Kajwang' that instead of referring to them as public participation facilities, we should consider multi-functional town halls in our areas. These can serve other purposes when not being used for public participation. This would prevent some governors from taking advantage of this initiative and start doing monkey business. We need to ensure that there is effective use of our resources. I would recommend that in the amendments, we make it a multipurpose facility which can be used for other things in the society.

Madam Temporary Speaker, this is a good Bill, but as I said, a few things here require panel beating which I think we will be looking at and making improvements where it is necessary.

Lastly, is on the issue of implementation. Oversight is important, but it produces recommendations. How effective is our implementation mechanism in our respective Houses of Parliament to ensure that the recommendations that we make are implementable? So many things are recommended by our committees, but they are never implemented. This matter has come up many times in this House. Some are of the school of thought that we do not need an implementation committee, others are saying that we need to have implementation mechanism within our committees. I still hold the view that we need a substantive committee of the Senate to be dealing with matters of implementation, so that we have a structured way of following up on matters of implementation of the recommendations that we make in our various committees. This will enable us to follow up and act on those issues.

Madam Temporary Speaker, with those few remarks I support with the amendment.

Sen. Consolata Wakwabubi: Thank you, Madam Temporary Speaker, for the opportunity to contribute to this Bill. I begin by acclaiming the proponents of this Bill; Sen. Olekina and the co-sponsor, Sen. Kisang. We want to wrap it at the essence of having public participation. I would love to peg it to the Constitution, for instance, Chapter One of the Constitution talks about the sovereignty of the people and the supremacy of the Constitution.

Sen. Osotsi has presented something on the Constitution; what the Constitution envisaged about public participation. I would like to put the quotations right. For example, we have Article 118 that talks about public access and participation in Parliament. Article 196 talks about public participation in county assemblies and Article 201 talks about public participation on financial matters. I want to substantiate much about these constitutional frameworks that guide this because we all know that the crux of public participation as a tool is actually a core principle for Government operations and the entire legislative process.

Public participation has been there, but in my own honest opinion, sometimes I could say that it has been haphazardly done. Therefore, there is need for us to have whatever the Senators have presented to enable us to do a lot of oversight for purposes of efficacy and performance.

When we relate back to what Baba left us with, I think he had a very good public philosophy on devolution that was goal orientated. We also need to look at these as Senators to monitor the relevance, effectiveness, efficiency or rather the efficacy of all that we have. Counties have got the County Integrated Development Plans (CIDPs), fiscal strategy papers and well documented papers in regard to projects and budget estimates. They also have what we refer to as itemised budgets, but sometimes, as Sen. Methu pointed out, there is a lot of movement of funds from one vote to another, that is virement, which is unconstitutional. This tends to, maybe, curtail the progress of the projects that were intended for and, therefore, also curtailing development for the people.

Therefore, I want us to look at this; that public participation as a tool, occasions for diverse audiences where they have to give input from different counties, perspectives and sectors. Therefore, there is a need for us to re-engineer the public participation tool or rather fundamentally change the design to suit and maybe to offer what it is intended for.

(Sen. Olekina consulted loudly)

The Temporary Speaker (Sen. Mumma): Order, Sen. Ledama. Your *Kamukunji* is a bit loud. Please, consult in low tones.

Sen. Consolata Wakwabubi: Therefore, I conclude by saying that I support this Bill. Conflicts will always be there, especially if you have something objective, they will always be there. However, let us look at the delivery point and the pinpoints with which we are operating.

I submit.

Sen. Omogeni: Thank you, Madam Temporary Speaker. I begin by congratulating the two Senators, Sen. Ledama Olekina and Sen. Kisang, for the thoughts they have put together to bring The County Oversight and Accountability Bill before this House.

I am also privileged to be speaking when the distinguished Sen. (Prof.) Kamar is still in the House because I listened carefully as she raised serious objections to this Bill. First, I want to inform the House that I have had also the privilege of reading through the memoranda of objects and reasons for this Bill. If you read in paragraph three, the Bill actually seeks to give effect to the constitutional provisions on oversight, public

participation and participatory democracy. It cites Articles 96, 174 and 21. For some of us who are lawyers, time and again, our courts of law have made many pronouncements on the importance of public participation. However, by and large, it is us, parliamentarians, who have been a let down to the public because we have failed year after year to enact an enabling legislation that will give full effect to Article 10 of the Constitution that gives prominence on public participation, governance issues, policy decision making, approval of important government appointees *et cetera*.

Madam Temporary Speaker, therefore, we have been accorded an opportunity by these two distinguished Senators to step in and fill the gaps. When you enact a legislation, you give a good framework that should guide our public entities and public bodies on how to undertake an effective and meaningful public participation. So, I hope by the time we conclude the debate, we would have persuaded Sen. (Prof.) Kamar to embrace this very progressive Bill. I do not think that this Bill in any way intends to exclude the role of the entire Senate. By the entire Senate, I mean the 67 of us.

When I look at the Bill, in fact, the biggest beneficiaries are not even us, Senators, but members of the public because they will have a framework that will guide how public participation should be undertaken. Just imagine how appreciated the citizens of this country will feel if we start budgeting for construction of social halls, where budgets will be taken and citizens will make their input before county assemblies or even Parliament that comprises the Senate and the National Assembly pass legislation?

If you look at the decisions that have come from our courts, just to mention a few principles, the court said that public participation must be real and not illusionary. By real, it means that people must get an opportunity to make their input and for their voice to be heard. If you do not undertake public participation because of the fact that you were not able to reach the people, that cannot be an excuse. You must make deliberate efforts to reach the citizens and give them a chance to make their input.

Sen. Ledama, the only problem I have with this Bill is that we have highlighted the importance of citizens, but we have not given them a direct voice on legislation. In Clause 4(f), you have stated that public views shall be taken into consideration in decision-making. I propose that we be more radical and provide that the citizens of this country should do an actual vote on some of the decisions.

If you go to other jurisdictions such as Switzerland, the concept of public participation is mentioned in their constitution the way it is mentioned in our Kenyan Constitution. However, the way they give effect to that provision on public participation is by ensuring that the citizens themselves conduct a vote on a law. If you want to pass a legislation and go to seek the views of the people, if you have, for example, 100 people in the hall, you take a vote. If more than 50 per cent support, then you will say that particular region supports that law. That is the only way we can have meaningful public participation.

I have no intention of casting aspersions to our colleagues in the National Assembly, but we all saw what happened during public participation on the proposed Constitution of Kenya (Amendment) Bill. It is impossible to tell whether the people who turned up for public participation sessions indeed supported the Bill. At times, you could hear heckling. Those who were supporting the Bill would be given an opportunity to

speak while those who opposed were not. Therefore, it was not meaningful. The only way to make it meaningful--- It was not for nothing that the provision was put in the Constitution. We borrowed that from other jurisdictions, including Switzerland and Australia.

In Australia, there is a principle. Our Constitution in Article 10 has a principle on public participation. However, how to make it effective and meaningful is a mandate that has been reserved for us, legislators. If you want to amend the Constitution of Australia, you have to undertake a referendum and the people vote on that law before it is enacted. If you get the majority, then it becomes law. If you do not, it does not. Therefore, Sen. Olekina, the only way to involve the people, I propose that Clause 4 should be amended to provide that public views shall be taken into consideration in decision-making through a vote, so that we do not continue with this business of alienating ourselves from the people.

Madam Temporary Speaker, I was in my county the past two weekends. There is hue and cry concerning how the Kenya Rural Roads Authority (KeRRA) has budgeted for construction of roads in our 47 counties. Some counties have been excluded, including my own county of Nyamira. Not even a single tarmac is budgeted for by the National Assembly, yet the people of my County of Nyamira are also taxpayers, just like the people of the counties of Uasin Gishu, Nandi or Kisumu. If we had effective public participation, the views of my people would have been taken into account and their input would have been heard.

Remember what the late former Prime Minister told us about roadside pronouncements. He said that is what this country was fighting when we enacted the new Constitution. We gave a lot of legislative power to Parliament. We gave immense powers to the National Assembly on the budget-making process, but you still find the same MPs going to public rallies and start lamenting to the President to help them construct a road somewhere, yet that role is reserved for the National Assembly. I really urge my colleagues to support this Bill, so that we start giving effect to the provisions in our Constitution.

Secondly, Madam Temporary Speaker, I have seen what my good friend has proposed, especially in terms of empowering our Senators to undertake effective public participation in Clause 18. Clause 18(2) states that-

“The Senator may employ such officers not exceeding three officers for the purpose of assisting the Senator in carrying out their oversight role in the county.”

Sen. Ledama, look at the expansive counties such as Kakamega, Meru or your own County of Narok. How will three officers assist you in ensuring that you undertake effective oversight in your county?

I propose that you do not be prescriptive. I would rather you delete Clause 18(3) and say that the Senator may employ such officers as may be necessary to assist them undertake their oversight role in the county. Three officers may be useful to the Senator for Lamu, but they would not be helpful for the expansive counties like those I have mentioned.

Still on that, in Clause 18(5), I think we should not limit the role of public participation to the mandate of the Senator. What happens to proposed regulations from

our various Ministries? Let us not make it look like we are shifting the obligation from the respective entities to us. Remember the court said that the person who bears the responsibility of ensuring that there is effective public participation is the body that wants to benefit from the proposed policy or legislation. Therefore, I propose that you consider amending that, so that we leave that task to lie with the respective bodies.

Madam Temporary Speaker, I want to support what the Senator for Kirinyaga said about budget-making process, more so an aspect of the mandate that is reserved for our counties. If you read the Constitution of the Republic of Kenya, agriculture is a devolved function. Counties in the western part of Kenya, beginning from Bomet all the way---

I do not know about Nandi, but at least, I know from Bomet all the way. There has been hue and cry about low bonuses that were paid. However, if you listen to the Council of Governors (CoG), not even one statement has been released by them offering an explanation why farmers were paid low bonuses.

No statement has been issued at all on policy issues by our Cabinet Secretary for Agriculture and Livestock Development. My own Governor, the Governor of Nyamira County, has not spoken anything on this matter of low bonuses to our farmers yet, if you go to the budget, agriculture is not given adequate budget allocation.

Madam Temporary Speaker, if you allow the farmers to meaningfully participate in the budget-making process, I am sure they will put a very strong case on why there should be an enhanced budget in agriculture.

When we were growing up, we used to be told that agriculture is the backbone of our economy. If it is the backbone of our economy, how do you then pay a farmer a tea bonus of Kshs12 when the cost he has used for picking the tea, the fertiliser and the tilling itself is more than the Kshs12? Meaning, they are running at a loss.

Then the Government is mum, yet during the campaigns, this matter was given a lot of prominence by His Excellency the President. He said that he was going to fix agriculture. Now that agriculture is not working and now that there is a lot of pain for farmers, I have not heard any pronouncements from His Excellency the President. If we have effective public participation, the farmers will have a good say on what policies and steps should be taken in the budget-making process, so that the farmers can also have a smile on their faces.

The money they are getting cannot enable them to pay the Social Health Authority (SHA) annually, the way it is being proposed by our Government.

Madam Temporary Speaker, as I conclude, I am very happy that finally, counties that have never known social halls may have the benefit of having them. When we were growing up, we used to hear of Ofafa Jericho Hall in Nairobi. I look forward to also seeing a social hall in Nyamira County, where people can have their facilities and the Governor can budget for a cup of tea or juice. We will name it after our own heroes, such as George Anyona Hall in Nyamira.

I dare say, the contents of this Bill are very progressive. It may have a few problems here and there, but Sen. (Prof) Kamar, if we sit down and discuss, we can find a way of taking on board the concerns of Hon. Senators and enrich it. At least, let us demonstrate to our courts that we have been reading the decisions that have come from

them on this issue of public participation, and also, make our oversight well anchored in legislation.

Madam Temporary Speaker, at times, asking for documents from our respective counties becomes a quarrel between the Senator and the governor. It is like you are committing a crime when you specifically want to get documents on some matters that relate to the expenditure of public money. It is our taxes that end up going to the County of Nyamira, Kisumu and other counties. If you are spending public resources, you should happily be able to account for how you have spent those resources.

With those many remarks, I fully support this Bill and hope that when it is finally enacted, the biggest beneficiary will not be we, Senators, but the citizens of the Republic of Kenya, our bosses, the people, who have elected us to have this forum of speaking, as I am doing this afternoon.

I support and congratulate, Sen. Olekina and Sen. Kisang.

Thank you.

The Temporary Speaker (Sen. Mumma): Sen. Beatrice Ogola, proceed.

Sen. Ogola: Thank you, Madam Speaker, for giving me an opportunity.

From the onset, I resonate with the colleagues who have been on the Floor, particularly because, we have to enhance oversight and accountability in the counties for which the Senate exists. By enhancing oversight and accountability, we will actually be strengthening the main role of the Senate.

I support this Bill because one, it will help to improve efficiency and effectiveness in the counties. Through this Bill, we will be promoting financial accountability.

As I begin to support this Bill, I also want to celebrate and not mourn the life of my fallen Party Leader, Jakom, Baba, the former Prime Minister, the great man who created more greatness even in his death. I say I want to celebrate him because this is a man who lived his life. Not many people reach 80 years old. As we mourn him, we celebrate some of the values he lived for.

Madam Temporary Speaker, in the later days of the life granted to Raila Amollo Odinga, our former Prime Minister, came out as a nationalist and a patriot. When you watch the later videos where he was speaking, he emphasised that we should always think of Kenyans before we think about ourselves. I am beginning to think, even as I was mourning, that we need now to celebrate this man rather than mourn him.

Come to think of it, contrary to our expectations, especially from the community that we come from, Baba was very specific on the hours that he should take when he goes to rest; there is talk of the 72 hours. This is a man who wanted Kenyans and this Republic to move on even as we bid bye to him. What more greatness can we observe in this man?

Madam Temporary Speaker, I celebrate this man because he preached that we should be united. He preached the unity of purpose. In his life, he preached to the people closer to him through his deeds on inclusivity. This is a man who, given a chance, thought about Kenya rather than about the community from which he came. Even when he had an opportunity by the Government which he supported to make appointments, we could only see a Baba who thought about all the communities in this Republic.

That reflected in his cabinet, if you were to have one, that he would actually have all communities in this Republic represented in his Government.

I celebrate a man who preached forgiveness; he was able to work with both foes and allies. Not many of us would even tolerate meeting our competitors after competitions. Come to think of it, a number of us cannot even accommodate people we imagine to be competing over very personal things yet, this is a man who was able to take two steps back and say that Kenya is bigger than himself. He wanted to demonstrate that he had a cause in this country.

I celebrate his tolerance and patience; I celebrate his standing out for the less privileged and marginalised. No wonder, in our party, we talk about social justice. Look at the constituency that Baba insisted on representing in the Republic. Baba is somebody who would be elected in any constituency if not all in this country. However, he yearly went to represent Kibera in Langata Constituency, the place where people think we have the downtrodden, because that was what Baba believed in.

Madam Temporary Speaker, I celebrate this man and cry for the people who lost their lives during his funeral. No Kenyan needed to die because *Baba's* death was equivalent to so many deaths. That is why I am not mourning him, I am only celebrating him.

Madam Temporary Speaker, as I celebrate this man, I remember the life long tears that dripped from this man in his adult life. What could be the symbol of these tears that Baba lived his life crying for this Republic? He was crying for justice and all the downtrodden. However, I am happy, and would like to congratulate Kenyans for mourning Baba in an honourable way. They came out in their thousands. I have never seen such crowds. They came out in their large numbers, but those were very peaceful crowds. So, I celebrate him because this is a man who was honoured in life but more, even in death. We celebrate a patriot. I celebrate a nationalist and a man who gave his life for the sake of Kenyans.

Madam Temporary Speaker, I said he preached forgiveness by what he did. I would like to inform everybody in this Republic that forgiveness is actually a strength and not a weakness. Weak people do not forgive. It is only the strong that forgive.

Madam Temporary Speaker, I know you want to guide me. We celebrate this man, who gave his life to this Republic because the family of Baba had long sacrificed him to this Republic.

Madam Temporary Speaker, let me come back to the Bill. I congratulate my leader, the Senate Minority Whip, none other than the Senator of Narok County and Sen. Kisang', for the County Oversight and Accountability Bill, 2024. As a Senate, we can only enhance county oversight. We must strengthen oversight. However, even as we do that, my leader, I do not think it is for lack of the physical facilities that public participation is not done well.

So, even as we focus on the infrastructure of getting physical halls, let us enhance the Bill in more ways than just thinking of counties putting up social halls for public participation, because I can see even the abuse most of them will do. From here, everybody will be putting multi-billion halls. Let us focus on the actual oversight. Let us strengthen the Senate in oversighting counties. This must also include members of the

public. We call upon members of the public that other than the stipulated oversight authorities like the Senate, the public must also be watchful down where they are in doing oversight even as we improve efficiency and effectiveness in the counties.

Let us be more objective---

ADJOURNMENT

The Temporary Speaker (Sen. Mumma): Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. Sen. Ogola, you still have nine minutes when we resume.

The Senate, therefore, stands adjourned until tomorrow, Wednesday, 29th October, 2025 at 9.30 a.m.

The Senate rose at 6.30 p.m.