



THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT



Fifth Session

Thursday, 19th March, 2026 at 2.30 p.m.

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 19th March, 2026

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

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

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

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

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

(The Quorum Bell was rung)

Order, hon. Senators. We have quorum; therefore, we will proceed with the business of the day. Settle down.

PAPERS LAID

The Speaker (Hon. Kingi): The Senate Majority Leader.

Sen. Korir: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, Thursday, 19th March, 2026 –

THE CIVIL AVIATION (CONSTRUCTION OF VISUAL AND INSTRUMENT FLIGHT PROCEDURES) REGULATIONS, LEGAL NOTICE NO.26 OF 2025

The Civil Aviation (Construction of Visual and Instrument Flight Procedures) Regulations, Legal Notice No. 26 of 2025.

(Sen. Korir laid the document on the Table)

The Speaker (Hon. Kingi): The Chairperson of the Standing Committee on Health or any Member of that Committee.

Sen. Githuku: Thank you, Mr. Speaker, Sir. I beg to lay the following Paper on the Table of the Senate, today, Thursday, 19th March, 2026-

REPORT ON OVERSIGHT AND NETWORKING
ENGAGEMENTS IN KIAMBU COUNTY

Report of the Standing Committee on Health on the county oversight and networking engagements to Kiambu County on 10th November, 2025.

Thank you.

(Sen. Githuku laid the document on the Table)

The Speaker (Hon. Kingi): Next Order.

NOTICE OF MOTION

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

ADOPTION OF REPORT ON OVERSIGHT AND NETWORKING
ENGAGEMENTS IN KIAMBU COUNTY

Sen. Githuku: Thank you, Mr. Speaker, Sir. I beg to give notice of the following Motion-

THAT, the Senate adopts the Report of the Standing Committee on Health on the county oversight and networking engagements to Kiambu County on 10th November, 2025, laid on the Table of the Senate on Thursday, 19th March, 2026.

Thank you.

The Speaker (Hon. Kingi): Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

The Speaker (Hon. Kingi): Statements pursuant to Standing Order No.52(1). Senator for Nandi, you have the Floor.

CENTENARY CELEBRATION OF KAPSABET HIGH SCHOOL

Sen. Cherarkey: Mr. Speaker, Sir, I rise pursuant to Standing Order No.52(1) to make a statement on a matter of national importance regarding the centenary celebration

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of Kapsabet High School, Kapsabet Town, Nandi County, an institution that has for the last 100 years played a pivotal role in shaping Kenya's leadership, promoting academic excellence and contributing immensely to development of our nation.

Mr. Speaker, Sir, founded in 1925 as a Government African school during colonial period, Kapsabet High School, as was known before as Kapsabet Boys, was established to provide secondary education to African students at a time when opportunities for quality education were extremely limited. Over the decades, the institution steadily grew in stature and reputation to become one of Kenya's premium national schools distinguished by its strong tradition of discipline, scholarship and leadership formation. For a century, this great institution has nurtured generations of young men who have gone to serve our country and the international community in various capacities.

As a proud alumni of admission No. 8708, Form 1 West to Form 4 West of Kapsabet High School, I stand before this House with a deep sense of honour and pride to celebrate the centenary of Kapsabet High School, a school that has shaped generations of leaders who continue to serve our nation with distinction. The school has become widely recognized as a cradle of leadership, producing distinguished alumni who have excelled in governance, public service, business, academia, sports and other fields of national and global significance.

Mr. Speaker, Sir, notably Kapsabet High School holds the rare distinction of producing two Presidents of the Republic of Kenya (I do not know of any other school): The late Daniel Toroitich Arap Moi, who served as Kenya's second president from 1978 to 2002, was a proud alumnus of this institution and one of its most distinguished benefactors.

Equally, and I want Sen. Sifuna to listen to this, His Excellency President William Kipchirchir Samoei Arap Ruto, the fifth President of the Republic of Kenya, also passed through the halls of this great school, further underscoring the institution's long-standing tradition of nurturing leaders, who have shaped the destiny of our country.

Mr. Speaker, Sir, beyond the presidency, the institution has produced numerous distinguished leaders who serve Kenya with dedication and distinction, including myself. These include eminent statesmen such as the famous "Total man" Nicholas Kipyator Arap Biwott, one of Kenya's longest-serving Cabinet Ministers and a former Member of Parliament (MP) of Keiyo South in Elgeyo-Marakwet County.

Hon. Henry Kiprono Kosgey, a 30-year-serving MP of Tinderet in Nandi County and a former Minister in charge of industrialization and education among other dockets; Kipruto Arap Kirwa, former MP for Cherangany and a former Minister for Agriculture. Of course, the late Jean-Marie Seroney, who was my grandfather, respected parliamentarian and former Deputy Speaker of the National Assembly, who was widely admired for his courage and commitment to democratic ideals.

Mr. Speaker, Sir, the school has also produced many leaders who continue to serve our country within Parliament and the devolved system of Government. This includes the Governor for Nandi, the MP of Chesumei, and former Nandi MP, Alfred Kiptoo Keter, among other distinguished leaders who continue to make valuable contributions to the governance and development of our country.

In addition to political leadership, Kapsabet High School has produced distinguished professionals who serve the country with excellence in public administration and other sectors. Among them is Dr Richard Belio Kipsang', who has served for the last 13 years with distinction as a Principal Secretary in various Ministries, contributing significantly to strengthening our public service in the Republic of Kenya, as well as Dr Chris Kiptoo, the Principal Secretary of the National Treasury, who has played an important role in the national economic management and public finance administration.

Mr. Speaker, Sir, the school's influence also extends beyond governance and public administration to the international arena through sports and other global platforms. Among its distinguished alumni was my classmate, Julius Yego, the Olympic silver medalist and world champion in javelin, whose remarkable achievements have brought honour and pride to Kenya on the global stage. The centenary celebration of Kapsabet Boys, which was presided over by the chief guest, His Excellency, Dr William Kipchirchir Samoei Ruto, marks not only a significant milestone in the history of the institution, but also an important moment of reflection for our country.

It provides an opportunity to celebrate 100 years of excellence in education and leadership, while paying tribute to the generations of teachers, administrators, students and alumni whose dedication and commitment have built this institution in one of the most respectable centres of learning in the Republic of Kenya. This historic milestone also reminds us of transformative power of education in shaping societies and building strong foundations. For the last 100 years, Kapsabet High School has consistently demonstrated that investment in education is ultimately investment in leadership, national unity, integrity and sustainable development.

The school has nurtured young men from diverse backgrounds and equipped them with knowledge, discipline, values necessary to contribute meaningfully to the progress of our country. As the institution embarks on the second century, it is my sincere hope that we will continue to uphold the values of discipline, integrity, academic excellence and service to the nation that has defined it for the past 100 years. I also urge the alumni fraternity, stakeholders and well-wishers of this great school to continue supporting its growth and development through mentorship, infrastructure development and scholarship opportunities, so that it may remain a beacon of excellence and leadership for generations to come.

Mr. Speaker, Sir, in conclusion, I congratulate alumni students and the entire fraternity of Kapsabet High School which continues to distinguish itself from schools that are like polling stations for this remarkable and historic milestone. May this centenary celebration renew the institution's enduring legacy of excellence and inspire it to continue nurturing generations of leaders who will serve our nation with integrity, patriotism and unwavering support for many years to come.

I thank you.

The Speaker (Hon. Kingi): Next is the Senator for Baringo County, Hon. Kiprono Chemitei.

PROLIFERATION OF ILLICIT ALCOHOL
IN BARINGO COUNTY

Sen. Kiprono Chemitei: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations on a matter of countywide concern regarding proliferation of illicit alcohol in Baringo County.

On 16th February, 2026, residents of Eldama Ravine Town in Baringo County took to the streets to protest against widespread consumption of illicit alcohol in the area which has been contributed to death, of at least 10 people, since December, 2025. The residents raised concerns that the Government's efforts to address the matter have been inadequate. There is urgent need for comprehensive review of the existing regulatory framework and enforcement measures.

In the statement, the committee should address the following-

(1) The number of persons arrested for manufacturing, distribution and sale of illicit alcohol in Eldama Ravine Town and across Baringo County from January 2025 to date, including those who have been arrested, prosecuted, convicted and sentenced.

(2) Initiatives by the national Government and the County Government of Baringo to support rehabilitation and treatment of individuals affected by alcohol and substance use disorder.

(3) Whether the National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA) has any plans of conducting community level awareness campaigns in Baringo County to educate residents on the dangers of illicit alcohol and discourage consumption.

(4) Reforms being considered to address existing regulatory and enforcement gaps to control illicit alcohol, including specific measures to strengthen monitoring mechanisms and enhance coordination amongst relevant national and county agencies.

This statement has been read by Sen. Kiprono Chemitei, Senator for Baringo County. It is dated 6th March, 2026.

The Speaker (Hon. Kingi): The only statement pursuant to Standing Order No.53(1) has been read by Sen. Chemitei. Next is a statement, pursuant to Standing Order No.57(1), by the Senate Majority Leader.

(Loud consultations)

Okay, I will allow comments on the statement by Sen. Chemitei for a period of not more than 15 minutes.

Proceed, Senator for Makueni County.

Sen. Maanzo: Thank you, Mr. Speaker, Sir, for giving me an opportunity to comment on this important issue. Drug abuse is dangerous to many young people in the country. Sometimes it arises out of depression, joblessness and bad company.

The NACADA recently appeared before the Committee on National Cohesion, Equal Opportunity and Regional Integration and explained that they were facing several challenges including funding. One of the things that came out is that they are trying to

expand to the regions but you could see lack of vigour in the team that visited the Senate. There is a lot of discouragement in terms of how it is anchored in the country. It is under the Office of the President but it seems not to be enjoying budgetary provisions.

Some of the things they are supposed to do are running rehabilitation centres which quite a number of them are run by individuals like Hon. Mututho, who at one time, was the chairperson. He has a passion of rehabilitating many young people who have found themselves in drug abuse. In fact, one time during debate in this House, drug abuse was described as an illness or something difficult to get rid of in the society. Unless there are proper plans by the state to make sure that, first of all, there is no cheap and dangerous alcohol available for young people, which is easily abused, especially by those who have not taken a meal. There is also the need of coming up with ways of dealing with those who consume hard drugs in the country.

The framework is not properly embedded in the system we have. Therefore, there is need to make sure that the agency comes to this House to explain what they are doing for every single county in the nation. There is need to have a rehabilitation centres in every single county in the nation. There should also be a method of dealing with drug abuse and prevention.

One of the ways of preventing drug abuse in the country is to make sure young people are gainfully employed, they are out of bad company and they copy good role models from the leadership of the country. Many parents are unable to deal with this situation because many university students have been affected. They, therefore, delay in completing their studies. Some have become hopeless. Some young and also old people who abuse drugs have been killed by alcohol which is very difficult to cure if there are no proper mechanisms.

We have rehabilitation centres where young people who abuse drugs are beaten. They are known because they exist in this country. They are taken through a very rough moment after their parents pay for that to happen. We should have a humane method of dealing with abusers of alcohol and drugs in the country. One of the best ways is to make sure that we lower our taxes so that companies come and invest in our country. We should also lower the cost of electricity and make life affordable, so that many people can gainfully be employed. That way, they will be busy working instead of idling around and getting involved in dangerous activities. They have been misled to believe it is entertainment yet it is an easy way for one to find themselves dead or abusing alcohol and failing to carry on with their education.

This is something that the country must---

The Speaker (Hon. Kingi): Hon. Senators, before we continue with the comments, I will allow Sen. Mungatana to make his request for a statement, so that it becomes one of the statements that hon. Senators will be seeking to comment on.

STATUS OF PROSECUTION OF PERPETRATORS OF ECONOMIC CRIMES IN THE COUNTY GOVERNMENT OF TANA RIVER

Sen. Mungatana, MGH: Mr. Speaker, Sir, I rise pursuant to Standing Order 53(1) to seek a statement from the Standing Committee on Justice, Legal Affairs and

Human Rights on a matter of countywide concern regarding the status of prosecution of perpetrators of corruption and economic crimes arising from the county Government of Tana River by the Office of the Director of Public Prosecutions (ODPP).

Mr. Speaker, corruption, abuse of office and misappropriation of public resources continues to rise within the county Government of Tana River despite the county's pressing development needs.

In the statement, the committee should address the following-

(1) The number and status of files relating to Tana River County officials that have been submitted to the ODPP by investigative agencies including the Ethics and Anti-Corruption Commission (EACC), the Directorate of Criminal Investigations (DCI) and any other relevant agency.

(2) The outcome of the ODPP's review of those files indicating those approved for prosecution, those referred back for further investigations, those closed and the reasons for those decisions.

(3) The status of prosecutions commenced including the number of active court cases arising from the said files, the charges preferred, the offices held by the accused persons and the current stage of progress of each matter before the courts.

(4) The measures and recommendations made by the ODPP or other relevant agencies to the County Government of Tana River to strengthen accountability, prevent abuse of office and deter further corruption and economic crimes.

Signed by Sen. Danson Mungatana, Senator Tana River County.

Sen. Chimera: Thank you, Mr. Speaker, Sir, for this opportunity. I wish to make comments on the statement sought by Sen. Chimitei from Baringo County. I am happy to see the good Senator quickly learning the ropes. I understand why the good people of Baringo sent him to this honourable House.

The rise of illicit alcohol and liquor in this country is becoming a serious problem especially to the lives of the young men and women of this great nation. This problem has continued to exist because of huge deficiencies from our law enforcement agencies especially those people who serve under the National Government Administration Police Unit (NGAPU). It is practically impossible for them not to know that there is proliferation of illicit liquor happening all over the country.

It is time that we really call to extreme measures and actions against NGAPU officers because they are the ones who are charged and tasked with making sure that such liquor does not really find access to the market.

Some time back when the good, honourable, former Deputy President, Rigathi Gachagua, was in office the only thing perhaps he could do then and what he knew best perhaps was he attempted to sanitise this whole issue. I repeat the word "attempted" because he did not go as far as making sure this question was strongly combated and addressed.

Mr. Speaker, Sir, we have access of this liquor even to school-going children. There must be a legal framework that this House or the other House, must come up with towards making sure that this issue is nipped in the bud before it grows into a cancer.

Mr. Speaker, Sir, it might interest you to know that I - Sen. Chimera from Kwale - I am proposing amendments to the Alcoholic Control and Drinks Act. Instead of

allowing our young men to participate in the promotion, the sale, manufacture, distribution and supply of illicit liquor, let them be allowed to have access to what will be affordable traditional brew.

I am happy that the good Senator from Kisii is stamping his feet against these brews. This includes brews such as busaa from western region, muratina from Senator of Nyandarua's area and mnazi.

Mr. Speaker, Sir, I am sure you know mnazi. I would be shocked if you were seated there today and yet were not a beneficiary of this mnazi. I know in your life, Mr. Speaker, you have benefited greatly from mnazi, by way of partaking it.

The Speaker (Hon. Kingi): Sen. Chimera, keep the Chair out of your comments.

Sen. Chimera: Mr. Speaker, Sir, I withdraw and apologise. It is common knowledge that some of us from the coast have actually gone to school through the sale of mnazi. I dare say, mnazi hoyee!

I will be bringing, to this Floor, amendments aimed at making sure that our people in Kenya, if they are to consume---

Sen. Sifuna: Thank you, Mr. Speaker, Sir. I want to make brief comments on the statement by Sen. Mungatana. Let me just say congratulations to Kapsabet Boys for marking 100 years. Given the reputation of that school, the expectation is that anybody who properly went to Kapsabet Boys can properly pronounce the word centenary and alumni. Those words---

(Applause)

We have been told by the Senator from Nandi---

The Speaker (Hon. Kingi): Senator Sifuna---

Sen Sifuna: Mr. Speaker, Sir, let me just finish.

The Speaker (Hon. Kingi): That statement does not attract comments. That statement, it was made under Standing Order 52(1).

Sen. Sifuna: I am not speaking on the statement. I am just saying it has been brought to my attention and also confirmed that there are some people who passed through and others who went to that school. So, we can tell those who passed through.

I would really want an opportunity to go to that school so that they tell us---

The Speaker (Hon. Kingi): Senator Sifuna, make your comments on the other statement.

Sen. Sifuna: So that they tell us if they are proud of some of these names that have been thrown around here such as Biwott, Ruto and these others. They will tell us themselves as an institution.

Sen. Mungatana knows that I am a member of the County Public Accounts Committee (CPAC). Senator, we are working very hard to deliver a report here to this House on the consideration of the reports of the Auditor General for the Financial Year 2024/2025.

One of our biggest frustrations, as a committee, and this is something that previous members of the committee will also attest to, is that we have made multiple recommendations. In fact, sometimes we get so frustrated that we harass the Ethics and

Anti-Corruption Commission (EACC) liaison officer that sits with us in that committee. It is very frustrating that you can find clear evidence of malpractice, even some that have been admitted by the county entities themselves. However, the progress of investigation and prosecution has been so slow that sometimes we just appear like people who are there to lament.

I will tell you, Sen. Mungatana, that when we ask our EACC liaison officer who sits in our committee whether she has a tool that enables her to track the recommendations that we have made as a committee, and also to be able to report back the status of investigations, the findings of the investigators and the recommendations of the ODPP, she says she does not have that capacity. This is something that we have continued to challenge the EACC about. For as long as we, as a House, have no mechanism of knowing or following up on some of our recommendations, it becomes very difficult for accountability to happen.

Mr. Speaker, Sir, we have also seen a situation, hon. Mungatana, that out of some of the conversations we have in the committee, the EACC, without conducting proper investigations, runs to arrest a governor. It is done with so much drama and the expectation of the public and even for us as Senators in the committee, is that they have evidence.

We saw this with the Governor for Trans Nzoia, hon. Natembeya. He was arrested with so much drama, only for the courts to drop those charges just recently. We continue to push that the ODPP and the DCI must do proper investigations and bring some of these things to a close.

Sen. Korir: Thank you, Honourable Speaker. Allow me also to congratulate hon. Cherarkey on the statement that he has brought on Kapsabet School, one of the schools that is performing so well and producing---

The Speaker (Hon. Kingi): Sen. Joyce, do not comment on that statement.

Sen. Korir: Honourable Speaker, I just wanted to comment on the statement that was brought forward by the Senator of Baringo regarding illicit brews. This is one of the challenges affecting most of our youth. I commend the Government, the President and the Cabinet Secretary, for the steps they have taken to ensure a crackdown on these issues.

Mr. Speaker, Sir, across the country, many of our youth are experiencing health problems because of these drugs. We are facing challenges of physical health, diseases and mental health. Despite the efforts of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration regarding youth employment, a number of young people are facing mental challenges due to these drugs.

It is high time we rose to the occasion and streamline these issues. Our youth are becoming addicted to the extent that they cannot work, yet this is the age when they should be assisting the country in development and service delivery.

We have also witnessed a number of deaths caused by these drugs and the frustrations they bring. Others are struggling with unemployment, while others face challenges in their working environment. This has become a major problem in the country. If the House or the relevant Ministry rises to the occasion to streamline and

apprehend the producers of these drugs, we will secure a better generation. Otherwise, I support the statement.

Thank you.

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

Sen. Ogola: Mr. Speaker, Sir, I rise to support the statement by the Senator for Baringo County on illicit alcohol, which is not limited to Baringo County. I rise, with a broken heart as a parent, because I know what happens to our young ones and how pained parents are when they see their children affected by illicit alcohol.

As a country, we should stop looking at alcohol only as a social issue. It should not be limited to social effects. We must go a step ahead and treat the use and overuse of illicit alcohol as a health issue, just as we treated epidemics like HIV/AIDS. Initially, the public saw HIV/AIDS as a health issue, but later we learned that it was also a large social issue. As a country, we put many measures in place to address the epidemic.

In the same way, we must treat the issue of alcohol, especially among our youth with concerted efforts. We need to mobilise resources and put efforts together as a country. Non-Governmental Organisations (NGOs), Community-Based Organisations (CBOs) and all partners in this country must begin to address the issue of illicit alcohol and its consequences on our population.

We must also address the issue of unemployment. A number of our youth, having gone to school and finding themselves with nothing to do, resort to alcohol. I wish to inform our youths and everyone that, traditionally, alcohol was something taken after hard work, as relaxation in the evening or at night. It was not something to occupy productive time during the day. The alcohol is not free. One must work during the day and after work, make a choice to take a little that is not harmful to health.

I also emphasise the role of the church. It must take its place in society in the fight against alcohol and its consequences on our communities. I support this statement and urge everybody in this country to take time to attend to our youth and population. Let us look at this as a health issue, not merely a social issue.

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

Sen. Kinyua: Bwana Spika, asante kwa kunipa fursa hii. Nampongeza Seneta wa Kaunti ya Baringo, Sen. Kiprono Chemitei, kwa kuleta kauli hii. Utumiaji wa pombe haramu umekuwa janga na tishio kubwa kwa afya ya umma. Pale Eldama Ravine, tarehe 16, kulikuwa na maandamano makubwa. Wananchi waliandamana kwa sababu kutokea mwezi wa Disemba hadi sasa, zaidi ya watu kumi wamekufa. Hili ni janga linalosumbua Wakenya.

Tunakumbuka vizuri kwamba aliyekuwa Naibu Rais, Mheshimiwa Rigathi Gachagua, alipigana na pombe haramu na madawa ya kulevya. Nakumbuka watu wa kutoka Bonde la Ufa tulikusanyika pale Nakuru pamoja na Sen. Joyce na wengine, tukilivalia hili suala njuga. Hii ni kwa sababu tusipopigana na pombe haramu, hatutaharibu nchi pekee bali pia maisha ya Wakenya.

Tunafaa tujiulize sababu zinazofanya pombe haramu kuongezeka nchini ni nini. Jambo la kwanza ni umaskini na ukosefu wa ajira. Watu wanapokosa ajira wanajitosa kwa biashara ya kutengeneza pombe haramu kwa sababu wanapata wateja kwa urahisi.

Jambo lingine linalopelekea kuenea kwa pombe haramu ni bei yake nafuu ukilinganisha na pombe zilizokubalika. Kwa sababu ya ukosefu wa pesa, watu wanaendelea kubugia pombe hizi.

Vile vile, kuna suala la ufisadi na ulegevu wa asasi za usalama zilizopewa majukumu hayo. Wanaotengeneza pombe hizi wanatoa hongo au mlungula kwa maafisa wa usalama ili wawakinge. Kwa hivyo, utapata wanaendelea kutengeneza pombe hizi na wananchi wa Kenya wanaendelea kuumia.

Bwana Spika, ukweli usemwe kwani; “mghala muue na haki yake umpe.” Wakati Sen. Chimera anaongea kuhusu utamaduni wetu, watu walimpigia makofi. Lakini, watu wanatumia pombe kama busaa na zinginezo zilizotajwa kama kisingizio cha kuleta pombe haramu.

Kwa hivyo, naunga mkono taarifa iliyoletwa---

The Speaker (Hon. Kingi): Sen. Richard Onyonka.

Sen. Onyonka: Thank you, Mr. Speaker, Sir. First, I wish to acknowledge that I am happy this House has biometric registration. Sometimes, because of old age, we have been misplacing our cards, so I feel much safer and more secure.

Secondly, I am proud to see the student in Form One. Hon. Cherarkey is sometimes bright and brilliant, but at times, he represents behaviours which I often see among my Kisii people. I have never wondered why he behaves like a Kisii yet he went to Kapsabet. When you are a Kisii, you go to Kisii High School, Cardinal Otunga, or St. Mary's Yala.

We treat the issue of alcohol and drug abuse like it is a criminal offence yet it is basically a mental, socio-economic health issue, which I believe, is mishandled. I wanted to correct my brother, Sen. Kinyua. The reason why alcohol has been used and abused is because we, the people who sit in this House, are the ones who sell ethanol that comes from Uganda, Tanzania and South Africa.

If you want to get rich quickly, sell ethanol. We have refused to stop the individuals who are getting this ethanol. This is because they take it without following the standards and they produce some of the things that are killing our people.

Tanzanians have a drink called Konyagi made and brewed in Tanzania. If you go to Uganda, there is a drink called Waragi, made and brewed in Uganda. However, in Kenya, we have never standardised our local brew. So, we allow our people to drink *chang'aa* and whatever is available. The market that we have allows our young people to drink whatever they can.

Secondly, what Sen. Chimera said was very good. There is nothing wrong with this House or any institution that is responsible, to go out there and demarcate areas where our poor people who are not able to afford a beer, can go and buy a drink for Kshs20 or Kshs30. The only thing we need is to standardise and make sure it is packaged well.

I want to thank Sen. Kiprono Chemitei, the Senator for Baringo, where many of my aunties come from, for raising that issue. Keep up fighting for your people. I wish you well in your endeavour to become an excellent Senator.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I want to comment on the issue raised by my colleague, the distinguished Senator of Baringo, Sen. Kiprono Chemitei. I

think he is learning very fast and we are proud of what he is doing at the inceptive steps. I want to discourage people who went to schools that are used as polling stations to know that some of us are proud of Kapsabet Boys.

On the issue of alcohol and illicit brew, I am happy that the Ministry has given chiefs NGAPU. We need to use NGAPU for enforcement in the fight of illicit brew in our counties. The problem is that most of the administration police collect what we call protection fees. Therefore, it is important for Mututho law to be applied. You have seen even some clubs---

The Chairperson of the Committee on Education is looking at me excitedly. Some of the clubs are located next to schools yet it is against the Mututho laws. The issue is not lack of laws. The issue is enforcement of laws.

I appeal that we need to tax exempt Kenya Breweries Limited (KBL) so that they make cheaper, safe and accessible alcohol. We know that the holiday starts tomorrow. There are young people in this city and across many other cities, in Kenya, that do what we call "aluta". This means that you disappear for three days like Jesus Christ and come back to your house after enjoying yourself for over three days.

I also agree with my in-law that mnazi, busaa, konyagi and the rest should be allowed, especially for ceremonies. For example, Muratina is used for blessings and libation.

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

The Speaker (Hon. Kingi): Senator for Nandi, there is a point of order.

Sen. Mandago: Thank you very much, Mr. Speaker, Sir. I rise pursuant to Standing Order No.105. Is it in order for the distinguished Senator for Nandi to mislead the House and the nation that Kapsabet Boys is not used as a polling station, yet he is in this House, courtesy of the votes that are being cast in polling stations?

(Laughter)

Sen. Cherarkey: Mr. Speaker, Sir, as my late grandfather and former Deputy Speaker of this House, Jean-Marie Seroney said, when people rise up to question some of the things, you do not need to answer them. So, I leave it to rest and allow the distinguished Senator for Baringo to come for notes later to distinguish between a polling station, a high school and a national school.

I was saying alcohol is used for blessings especially in ceremonies like circumcision, among others. In December, the Ministry of Interior and National Administration should give us a one month leave so that we ensure our children, who go through initiation ceremony, celebrate well.

Finally, I support the statement on the issue of corruption.

I think my time is well spent but it was taken by Sen. Mandago.

Sen. Wambua: Thank you, Mr. Speaker, Sir. I want to first make a comment on the statement issued by the Senator of Tana River, Sen. Mungatana, my neighbour. The issue of corruption in county governments has really become of serious concern, not just to this House, but to every Kenyan everywhere.

I am happy that this statement has come from Sen. Mungatana at such a time as this. This is because last night, as I watched the news, I got very disturbed. One of the disturbing issues that I saw was the rate at which county governments are absorbing development funds.

Tana River is absorbing only 3 per cent of its development funds. This means that even if they have budgeted billions of shillings in development, a lot of that money stays unutilized, yet, when you go there, you will find hospitals, Early Childhood Development (ECD) centres, dams and markets that have stalled.

Mr. Speaker, Sir, there is need for a broader and deeper conversation about the performance of county governments, especially the absorption of development funds. The whole essence of devolution, if I understand it well which I do, is that it was supposed to make sure that people determine their own development agenda. When county governments plan for development, there should be proper execution, so that it is not just people seated in boardrooms in Nairobi deciding on what needs to be done in Marsabit, Laikipia or Bomet. The people of those specific areas determine their own development agenda and they participate in making budgets to finance their own development.

As I said, there is need for a deeper and wider conversation around that issue of corruption and the rate of absorption---

The Speaker (Hon. Kingi): Hon. Senators, we have fully utilised the 15 minutes that I had allocated for comments. We will, therefore, proceed to the next order.

BILL

Second Reading

THE CULTURE BILL (NATIONAL ASSEMBLY BILLS NO.12 OF 2024)

That order is deferred.

(Bill deferred)

Next Order.

BILL

Second Reading

THE PUBLIC AUDIT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO.4 OF 2024)

(Bill deferred)

BILL*Second Reading*

THE HEALTH (AMENDMENT) BILL (SENATE BILLS NO.12 OF 2025)

(Bill deferred)

MOTION

NOTING OF REPORT ON THE 3RD COMMONWEALTH PARLIAMENTARIANS
WITH DISABILITY - AFRICA REGION CONFERENCE HELD IN
LUSAKA, ZAMBIA

THAT, the Senate notes the Report of the 3rd Commonwealth Parliamentarians with Disabilities (CPwD) Africa Region Conference held in Lusaka, Zambia from 24th -28th February, 2025, laid on the Table of the Senate on 7th August, 2025.

(Sen. Mbugua on 18.03.2026)

(Resumption of debate interrupted on 18.3.2026 – Morning Sitting)

The Speaker (Hon. Kingi): At the interruption of debate, Sen. Joyce Korir had the Floor and you have a balance of 13 minutes. You may take them or you may rest.

Sen. Korir: Thank you very much, Mr. Speaker, Sir. I remember that I was contributing to this report on the Commonwealth Parliamentarians on the issues of People Living with Disability.

Mr. Speaker, Sir, despite the efforts that have been taken by the Kenyan Government, in terms of making sure that they incorporate the PWDs or pupils living with disability within the primary schools, for instance, by providing ramps in a number of buildings, we still have a lot of shortages.

We have a number of PWDs within our villages who are still languishing in poverty. It would be prudent for the relevant Ministry to come up with a formula of how they can have data of these the PWDs.

Despite the fact that we have the cash transfers that are made for these people, you find they are given peanuts, that is Kshs2,000 per household and yet the challenges are so much. They cannot use it even to pay fees; they cannot use it even for basic needs. It is high time we relooked at the whole issue of capturing the data across the country so that, at least, we ascertain the number of PWDs per county. Not only that, we also need to ascertain the number of school-going students, we also need to ascertain the number of families that are having extreme issues of poverty. I am saying this because even as we speak, I am trying to put up a house for one of the families in Bomet County, where they

have three children living with disability and the family is living in a very deplorable state.

We cannot do it as individuals, but if the Government could take the initiative, just like other countries where these PWDs are being taken care of by the governments, we would set up an independent body to be looking at these people so that their issues are addressed.

Mr. Speaker. Sir, I want to make a plea. It is not enough. We have the representation within the county assemblies, we have the representation within the National Assembly, but still their issues are not addressed. Despite the fact that the Government has come up with a number of programmes, with regard to issues of cash transfer, sometimes you find the women representatives also trying their best in terms of making sure that there is a system in terms of starting their businesses. It is still a challenge in this country. We also have a lot of them who are not captured. There is even the issue of registration, where they have to go far to be registered. If we can have a way as a Government where they can move to the villages to make sure that they do the registration at the grassroots level, we will sort out this menace once and once for all. We will be able to assist these people.

Away from politics, because sometimes, for example, when we are going for campaigns, most of the time you find things that are happening are just being done because of political mileage, I believe this should not be happening, especially for these PWDS. When you make a visit to their families, you really see the way they are going through a very rough time.

The parents of these children cannot do anything. A number of them are not employed, so they need to leave their kids inside the house to go look for their daily bread and it becomes difficult. Some of them even do not have assistive devices to assist these children to move around. So, it becomes a challenge. We need to look into this.

I know there is a Bill that was brought by hon. Sen. Crystal Asige. I believe that there are a number of amendments that we need to come up with. I still believe that this issue is not adequately addressed. I am of the idea that we have to relook at this.

I must commend the parliamentarians for really touching on this issue, but I still want to believe that we have a long way to go. We need to sort this issue once and for all. We need to have an independent body dealing with the PWDs. We need to have the correct data. We need to have all of them who are supposed to be assisted or who are vulnerable. They must be in the list of those who are being assisted by the Government. I also want to urge the Government, through the relevant committee, that we need to look into ways of increasing this stipend of Kshs2,000 that is being given on monthly basis, because it is a challenge.

Yesterday during the registration in some of the counties, you would find an elderly person, at the age of 60, who has not been able to register as a citizen. If those people are not registered just because of the--- I can talk about vastness of the county, vulnerability and understaffing in some of these Ministries, what of these people living with disabilities who cannot go anywhere? It is high time we moved to the grassroots and made sure that we have all these details at hand so that, as we are planning and budgeting, we make sure that all these families are assisted.

I beg to support.

The Speaker (Hon. Kingi): Sen. Wakili Sigei, you have the Floor.

Sen. Wakili Sigei: Mr. Speaker, Sir, my request earlier on was to comment on the previous statements which you since passed on that and the second request, of course, was to move my Motion. So, I do not know whether the opportunity granted to me is to---

The Speaker (Hon. Kingi): The opportunity is to contribute to the Motion.

Sen. Wakili Sigei: Well, I will pass so that I move my Motion.

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

Sen. Wamatinga: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to contribute to this Motion, one of the most important topics that we, as Africans, because of the very traditions that we have, are shy to speak about. When you talk about disability, we visionalise physical disability. It is, indeed, very important, and I want to concur with my colleague, that this is a topic that we need to go in-depth.

Disability does not stop at physical limitations. It does go a long way even in mental limitations. It is a matter that we are all alive to, that, some students in school do suffer from dyslexia, dyscalculia and many other disorders that put them at a very, very high disadvantage especially when they are put in the same class with average students.

These are some of the issues that we must build, as a country. We must build capacity for teachers in schools, for the community, and, indeed, for the larger society to take note that there are kids who suffer from these disorders and, therefore, do need a lot of attention.

In developed countries, we know that kids who are gifted differently sit different exams. This is one of the few countries in this part of the world that generalise the exam for everybody and expect that everybody will perform well without taking note of the limitations that the students have.

Mr. Speaker, Sir, it is imperative that we, as a society, parents and teachers, start taking into account disability that affects pupils from an early age. It may not be understood by a common person how disheartening, demotivating and demoralising it can be for an average student who is put into the same classroom with someone who is suffering from dyslexia to perform the same way. This should even inform the curriculum that we use to train our teachers and to teach our kids in school. We cannot equate two learners, who do not have the same mental capacity, to undertake the same exam. As we explore this subject of disability, it must be defined further. It must be broken down into smaller units. We must go down to not only those sitting on wheelchairs or blind alone but we must also go deep down further to those who also have limitations, mental limitations, by the nature of some limitations that they have, so that we are able to design a curriculum for them that will take care of them and carry them along.

As I was listening in a meeting that I attended yesterday, and I had an opportunity of interacting with children who suffer from different forms of disability, I was surprised how gifted they are and whether their parents nurture them right from the right age. A child who can barely speak; a stammerer, when given a microphone and they start to sing, you would barely believe that they have any challenge. That is only possible if that is identified right from the word go, nurtured, and most importantly, encouraged to take that flow. Same as those students who are gifted in arts. Some of them are very talented,

but once they are pushed into the normal curriculum, they lose their touch and their talent gets wasted along the line. They end up getting wasted, and therefore, we, as a House, must be in the frontline in ensuring that we capture all the categories of disability, but most importantly, the allocation, as has been said by my colleague, is barely enough to see them through.

Having said that, it is also imperative that we conduct a lot of civic education. We know that Africans, most of us, because of the very way that we have been brought up, we are mostly ashamed of saying that we have children or families that are abled-differently. That is why we must go back to where we were and conduct civic education. Saying that being differently abled does not mean disability; that being disabled does not mean that you are not able-bodied because we have seen heavily talented children and people.

I do remember in our time, Stevie Wonder, who was one of the greatest musicians who has ever lived in his time, that he was a bright person. That never limited him from becoming one of the greatest singers of all times. Therefore, I do believe that it is important for this House and we, as a country, to acknowledge and take note that, rather than those who are just physically disabled, there are people here who have mental challenges. Some of these conditions you are not able to detect them from the onset, and therefore, it is important that we train our teachers so that they are able to detect these cases early enough, right from early childhood

These can be mainstreamed to ensure that their talent and confidence do not get eroded, and most importantly, that they walk the journey depending on the challenges they have to ensure that the talent that they have does not go to waste.

Thank you, Mr. Speaker, I support.

The Speaker (Hon. Kingi): Sen. Mandago? Sen. Okenyuri?

(Loud consultations)

Clerk, do we have a quorum so that I proceed to put the question now that we have nobody wishing to comment further? Sen. Mbugua, the mover? Is the mover present, Clerk? I will then proceed to put the question.

(Question put and agreed to)

Next Order.

MOTION

ADOPTION OF REPORT ON PETITION ON PROPOSED AMENDMENTS TO THE COUNTY GOVERNMENTS ACT (CAP.265)

Sen. Wakili Sigeti: I beg to move the following Motion: -

THAT, the Senate adopts the report of the Standing Committee on Justice, Legal Affairs, and Human Rights (JLAHRC) on a petition to the

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Senate by Hon. Isaiah Maina, a Member of the County Assembly of Nandi, representing Ol'lessos Ward on proposed - I am still learning how to use these gadgets - amendments to the County Governments Act, CAP 265, laid on the Table of the Senate on Wednesday, 11th March, 2026.

Mr. Speaker, Sir, the report to this petition is in the gadgets and I would like to request Members to have a look at it because we received the petition on 23rd September, 2025. Once it was committed to the JLAHRC, the committee undertook what it normally does, that is to conduct stakeholder engagement.

Hon. Maina is a Member of the County Assembly of Nandi, where my good friend from Kapsabet Boys, Sen. Cherarkey, comes from and represents. This particular Member of the County Assembly is seeking in his petition, several proposed amendments to the County Governments Act. To be precise, he is seeking to amend eight sections in the County Government Act, those are Sections 31, 32, 33, 35, 45, 46, and 58.

The objects of his petition, once, of course, tabled before this committee, is to seek to align the functions of the county government in terms of enhancing efficiency of devolution and the principles that have been enshrined in the Constitution, particularly Article 10, 174 and 175 on matters of devolution and protection of county government.

Mr. Speaker, Sir, a while back, we had the statement by my learned senior, Sen. Mungatana, on an inquiry of the status of cases, particularly regarding his County Government of Tana River from the Office of the Director of Public Prosecutions. What Hon. Maina is seeking to do in his petition is more or less what the Statement by Sen. Mungatana was seeking.

Once we enhance and facilitate the importance of devolution and the protection of devolution by the oversight role of this House, the law governing the administration of functions at the county level is Cap 265, that is the County Governments Act. This is the one that Hon. Maina is seeking in his petition to amend. However, upon engaging several stakeholders among them, the Office of the Attorney General (AG), the Council of Governors (CoG), the Kenya Law Reform Commission (KLRC), the Law Society of Kenya (LSK), among others, various memoranda were availed before the Committee. They largely spoke to an already substantial provision of almost all the aspects that he sought to amend in the County Governments Act, and their position generally was that we already have enough laws.

We have laws having been enacted all the way from the supreme law of the land; that is the Constitution, as well as the County Governments Act. What is missing is the governance on how we implement or enforce the provisions of law. In fact, the Committee, in its recommendation, which I will shortly get into, rejected substantively all the proposals, but proposed only one, which, in its wisdom, sought to implement the provisions of the law that are being sought to be amended by hon. Maina.

Mr. Speaker, Sir, among them, to be specific is that, for example, the first proposal that he made is the amendment to Section 2 of the County Governments Act. In his desire, hon. Maina sought to say that we need to define in law what the absence of the governor or deputy governor in office means and for what period of time does it require a replacement. However, in the law as it is, Article 182 defines temporary absence of a governor or a deputy governor from office and subsequently, it also explains what actions

are available to a county assembly or to the governor in circumstances where that particular officeholder is absent from office.

That is actually the basis upon which the Committee and the other stakeholders said that this then is not warranted because we have over-legislated on that aspect. Secondly, the Constitution provides for instances and action that need to be done in the event of absence of such an officeholder. Therefore, amending the existing law in itself will be going against the provisions of the Constitution and, therefore, the Committee rejected that proposal.

The second proposal on the amendment to Section 30(2)(d) spoke about the appointment of the County Executive Committee Members (CECMs). In this case, hon. Maina is saying that before a governor appoints any individual, he must advertise. He must seek from specific competent institutions, certain individuals so that the law according to him would require a uniform appointment or organizational structure and process of appointing these people subject to now the county assembly approving.

Mr. Speaker, Sir, we are aware that county executive committee members are political appointees and, therefore, legislating on this aspect will take away the autonomy of a county governor who has been elected by a majority of the public from that county, so that he is controlled on how he will do it.

Secondly, he desires to say that all county governments have uniform structure. That is, obviously, not possible because the County Government of Nairobi, for example, has got more than 80 wards, whereas the county I represent of Bomet has got only 25 wards.

If, therefore, we were going to say that we will amend the law to have a uniform structure, it means that I have got 11 CECMs in Bomet. The Nairobi City County Government, which is bigger and larger, would be required by law to have the same number of CECMs. That is not possible. It is not practicable and the Committee as well as the stakeholders that appeared before the Committee rejected that proposal. This is because we have different county governments with divergent interests and divergent views in terms of the departments that they would create. For instance, the County Government of Nairobi would have a department of disaster management or even the regeneration of Nairobi River, whereas a county in North Eastern that does not have a river does not necessarily require such kind of a department. That proposal equally was rejected.

It was seeking to sort of have a prescriptive way of creating departments within county governments and, therefore, it could not convince the Committee that, that was required.

Mr. Speaker, Sir, I am picking a bit of those which are critical. In Section 58(a), hon. Maina is making a proposal that we create a timeline within which, where there is an existence of a vacancy in the office of the chairperson or the secretary to the County Public Service Board (CPSB), that timeline is made limited, so that we do not have a longer period of time where a county public service board cannot sit to either employ, discipline or to undertake the role of that office because of the absence of a chairperson or a secretary.

In most cases, what happens is that when a rogue county governor, like the Governor for Bomet, who is very rogue; when he does not want to run the county government appropriately and in the event of absence of an office - like in this case, we had him reconstituting the CPSB the other day, we were without one for almost six months - then that law, as it is right now, has given the governor the leeway to decide when he can fill that position. This proposal by hon. Maina requires that it should not be vacant for a period of more than three months. Actually, the proposal says that in the event of a vacancy arising in the office of the chairperson of the CPSB or that of secretary, a period of 14 days should not lapse before a replacement or a process of replacement begins.

Mr. Speaker, Sir, in that way, it protects the operations of the CPSB, it protects the employees who are employed by that board and ensures that rogue governors are not given the leeway to decide that there is no CPSB and, therefore, there cannot be anything that can be done within that period.

Secondly, the proposal seeks to give quorum in law, that as long as there are no less than three members of the board, the board is correct for purposes of transacting its business. In that way, it also cushions the CPSB from conducting its business as long as they have the number that the law provides.

That is the proposal that the Committee agreed with hon. Maina and, therefore, sought to recommend that, for purposes of making sure that we cushion the CPSB and have it able to operationalize its mandate, then we should have in law the quorum as well as a timeline within which in the existence of a vacancy, we have the governor required within a period of 14 days to advertise and thereafter recruit members to the CPSB.

There is another proposal that the Committee made that requires the CoG as well as the CPSB to establish a policy framework on the procedures, which are generally required for purposes of making a report to this House.

Remember, under Article 96, this House is mandated by the Constitution to protect our county governments and devolution. Where there is no policy framework on how CPSBs as well as the Senate can as well undertake oversight of such institutions, we fail to do what the Constitution requires of us to protect the county governments. The Committee is making the proposal that we have the CoG as well as the CPSBs create a policy framework to ensure that such reports arising from the CPSBs can get to this House, so that we get the opportunity to interact with them and where necessary, make additional oversight recommendations. Section 58(a), which is a proposal to be introduced, is what the Committee agreed with hon. Maina and we will make that proposal to amend the law.

Mr. Speaker, Sir, as I end, I thank the Members of the Committee. I can see some in the House who participated in engaging the stakeholders in understanding the Petition and why they rejected the proposals which hon. Maina, as well as also making far-reaching recommendations with regard to the administration and management of CPSB.

I beg to move and ask my neighbour, Sen. Mungatana, to second.

Thank you, Mr. Speaker, Sir.

Sen. Mungatana, MGH: Mr. Speaker, Sir, may I start by congratulating Sen. Sigei, who is the Chairperson of the Senate Committee on Justice, Legal Affairs, and Human Rights (JLAHRC), for bringing this Report before the House. I beg to second.

Mr. Speaker, Sir, Sen. Sigei is one of the most hard-working chairpersons. Through his effort, we have seen the Senate Committee on Justice, Legal Affairs and Human Rights has been able to meet early in the morning, unlike all other committees. So, I really thank him and his team for the good work they have done in this Report.

I would like to also recognise Hon. Isaiah Maina, who is a Member of County Assembly for Ol'lessos Ward. This Hon. Member is and should be a good example to all other Members of the County Assembly listening to me across the country today. Hon. Isaiah Maina, whom we are mentioning in this House, should be honoured. He has looked at the County Governments Act and said there are things, if we change this law, would benefit all the county governments in the Republic of Kenya. He has taken time to make various proposals through this Petition to the Senate Committee on Justice, Legal Affairs, and Human Rights.

Mr. Speaker, Sir, this gentleman is a good example of what cooperation can be between county assemblies and the Senate, how we can work together to make sure the laws that we are using are fit for purpose. He has brought several proposals through this Petition to the Justice Committee of the Senate, and two of these proposals have passed.

Mr. Speaker, Sir, in the first proposal, he says we have got to have a law that is uniform for all governors, deputy governors and County Executive Committee Members, who are serving in terms of leave and absence from office. There is no uniformity in terms of these policies across the 47 counties. In fact, there are several county governments that do not have any policies on leave. As a result, there is a county governor who goes on leave without saying. You do not see him in the county or doing any executive work, but he is not in the county. No one knows where he is. They just disappear. There is no leave policy. The deputy governor who is consistently in the county is not given any responsibility.

For instance, there is no letter that shows the County Governor of Tana River County has travelled to Nairobi. Therefore, all matters for the next one week must be handled by the deputy Governor. He is the acting governor for the period he is away. This will ensure that business in the county continues. There is no such policy. I know it is not just my county, but across the 47 counties. Governors do not bother. They travel abroad and spend one month or three weeks outside the county. The deputy governors are there, but there is no policy on who is supposed to make executive decisions.

Mr. Speaker, Sir, our Governor, Hon. (Dr.) Dhadho Godhana, went to Belém in Brazil for three weeks. The requirement is that you must show the public benefit for your travel and file a report. That report has never been filed. He stays in the county for a shortwhile. Now, they have made a plan. In fact, there is a letter by a gentleman called Maurice Osono, the County Chief of Staff, requesting a rural county called Woodlands in Alberta, Canada, to invite them, so that they can go to learn about governance in that county. They will stay there for many days. If you just calculate just for seven days, it will cost the County Government of Tana River at least Kshs4 million to keep a governor

there. This is contrary to the requirements of public travel for governors. They must show the public benefit for that travel.

This is a second-term governor who has been a Member of Parliament, an Assistant Minister and a Major in the Army. Why would you want to take money from the county, with a delegation of people, to go and stay in a rural county called Woodlands in Alberta to learn about governance? It is a shame. I have made a formal complaint to the Canadian High Commissioner to say that they should not be given any clearance to travel. I have made a complaint to the Cabinet Secretary in charge, so that we can have real-time oversight on these things. There is no policy of travel. People just absent themselves. They feel like having a holiday and take off.

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

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

Mr. Deputy Speaker, Sir, we must have this policy. These offices do not belong to you, governors. You are just public servants. I do not know why people forget this. The office belongs to the people of the county. You are just public servants for a period of five years. These people have grown horns. They think they are some demi-gods. Imagine, just because Tana River County is hot, you leave your car running, so that the air condition is running as you give a speech, so that when you come back to your car, it is cool and nice. What is that? If you remove that person from office today, he would never leave their car running.

It is not just my county governor. They employ people to carry your podiums and chair. Who do you think you are? During the campaigns, you are standing under trees and talking to the people. What is the difference between talking to the people when you do not have a podium or when you employ someone to carry these things? These stupid and wasteful habits must stop.

Mr. Deputy Speaker, Sir, I am saying this because this is one of the rogue governors who has refused to come to the Senate County Public Accounts Committee (CPAC). In the accounts time period ending June 2025, this man was given an adverse opinion by the Auditor-General of the Republic of Kenya for the County Executive. We need to have clear policies. Governors must write down these policies.

The county offices across the nation are not personal. You can be sick. So, who makes the decisions? The deputy governors must be given that opportunity to act as governors. If you are a County Executive Committee Member (CECM), you are not well and you travel abroad, there must be a policy that allows another CECM to act for you during that period. It is not your personal office. Why do people hold these offices like they belong to them? Why do people change so much? Is it the title, “His Excellency” or “honourable?” You are servants of the people. I do not know why people change and suddenly think that they are so big, so important, and yet, these are public offices.

Mr. Deputy Speaker, Sir, I agree with this Member of County Assembly (MCA), Hon. Isaiah Maina, when he says that we need to codify and make laws that require proper policy in terms of leave of absence when a governor, a deputy governor and a

CECM leave office for whatever reason. This is so that our county governments can run without a hitch and decisions can be made without a problem. Let us not personalise these offices.

The other recommendation was given through the Justice, Legal Affairs and Human Rights Committee of the Senate, accepting what Hon. Maina had said through the petition he filed. He says that there must be a uniform law determining how quorum is found within all the county public service boards.

The County Public Service Boards in the 47 counties have become a source of grief for the people of Kenya. I speak with a lot of pain from the people of Kenya. Many applications are done to them, where you see advertisements, people are called for interviews and then, the whole thing goes quiet. You do not know if you are successful or not. Then all of a sudden, some people are given letters and others are left out. Our young people are left hanging, not knowing what has happened to them.

The County Public Service Boards have become a law unto themselves. They do not respond to inquiries, they do not operate transparently and even when they employ, they do not have a clear transparent manner in which they return the results of those employment applications. The County Public Service Boards have become a source of many audit queries.

I am speaking for the County Public Service Board in Tana River. There have been a lot of queries in terms of high legal costs. People sue the County Public Service Board and the kind of fees the County Public Service Board is paying them is unreasonable. They prefer to use a lawyer on very simple cases that can be resolved just by discussions, because one hand gives and the other hand collects.

Mr. Deputy Speaker, Sir, we must bring order. I really agree with Hon. Isaiah Maina, the member of Ol'lessos Ward from Nandi County in this proposal that has been approved by the Senate Justice, Legal Affairs and Human Rights Committee. I encourage the Committee to move quickly because time is not with us. Let us make a difference on how our counties operate.

Let the proposed amendments of that Section 58(A) of the County Governments Act come and we very quickly debate. It will come here as a Committee amendment and so, we will move it very quickly on the Order Paper. I know that this Senate will support it very quickly, so that we can start making our counties function properly.

As I sit, I just want to repeat to the MCAs across the counties that, please, do not just sit there; let us keep on cooperation. If you see that the law is not working, come and talk to us the way hon. Isaiah Maina did. We will listen to you and improve the workings of our county governments. For the time that we will serve in this Senate, we will assist you.

Mr. Deputy Speaker, sir, I wish hon. Isaiah Maina was here because, this is the kind of public servant that deserves all the support. I know if Sen. Cherarkey goes to be a governor, he will support the hon. Maina to be the Senator for Nandi County, so that he can come here and help us make laws. These are the kind of people who should help develop our legal system and make our places of work better.

Mr. Deputy Speaker, Sir, with those many remarks, I beg to second this Report.
I thank you.

(Question proposed)

The Deputy Speaker (Sen. Kathuri): Before I open the Floor for debate, let me make this Communication.

(Interruption of debate on Motion)

COMMUNICATIONS FROM THE CHAIR

MR. OBINO NYAMBANE'S VISIT TO THE SENATE

Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of Mr. Obino Nyambane, HSC, who is in the Senate on a courtesy call to Sen. Essy Okenyuri, MP.

Hon. Senators, Mr. Obino Nyambane, HSC, is a multifaceted individual with a passion for education, culture and arts, and a known thespian, who has graced the stage numerous times with captivating performances to his audiences. His love of arts led him to take on leadership role as a Director of Culture in the County Government of Kisii. He worked tirelessly to promote and preserve the rich cultural heritage of his community.

He is also an educated teacher with a strong commitment in shaping young minds and his impact extends beyond the classroom. As an Abagusi cultural ambassador, Mr. Obino has championed his community's traditions, customs and values. He has showcased the unique aspects of the Abagusi culture, promoting cross-cultural understanding and appreciation.

These outstanding contributions have not gone unnoticed. During the 2023 Mashujaa Day Celebrations, he was honoured with the Head of State Commendation (HSC) by His Excellency, the President, for outstanding service and exceptional contributions to education, culture and arts.

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

Thank you.

Sen. Okenyuri, since this is a bit comprehensive, you can use maybe two to three minutes to welcome the visitor, Mr. Obino Nyambane, HSC.

Sen. Okenyuri: Thank you, Mr. Deputy Speaker, Sir. I wish to take this moment to also welcome Mr. Obino Nyambane, a man well known to me for quite some time now and congratulate him for what he has been doing for quite sometime, even before he was recognised.

It is interesting to note that just recently, courtesy of Mr. Obino, I got to identify that the clan which I come from, Omosweta in Kisii, is actually named after that. From the information I gathered from Mr. Obino, it is said that when Osweta was born, he was very hairy and they equated that to a colobus monkey. Later when monkeys attacked

fields of other persons in Kisii, his maize field was never attacked. Courtesy of that, our clan accommodated a monkey as a friendly guardian in the community.

Mr. Deputy Speaker, Sir, I feel this is the reason we need to notice and acknowledge such kind of persons in our communities. It is not just Abagusii but all other communities that make we, people, proud Kenyans. It reminds us of where we come from, so that you can proudly walk knowing your roots well.

For the students and teachers who are visiting the Senate this afternoon, I encourage the teachers to also take a moment and mention about culture, so that we bring up a society which takes pride in their culture. That goes beyond this kind of recognition.

Mr. Deputy Speaker, Sir, I also want to commend the Senate for always pushing agenda that promote culture. We have Senators who have been on the frontline for promoting their culture. Just to mention a few, we have Sen. Boni Khalwale and the Nandi warrior, Sen. Cherarkey, who have always spoken passionately about their cultures.

With that, I felt it fit to have Mr. Obino recognised by the Senate this afternoon. Thank you, Mr. Deputy Speaker, Sir, for fulfilling that request.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I have another Communication to make.

VISITING DELEGATIONS FROM KIANJOGU SECONDARY SCHOOL
AND KIENI COMPREHENSIVE SCHOOL, NYERI COUNTY

Hon. Senators, I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting teachers and students from Kianjogu Secondary School and Kieni Comprehensive School in Nyeri County. The delegations comprise 12 teachers and 90 students who are visiting the Senate for an academic exposition. On behalf of the Senate and on my own behalf, I extend a warm welcome to the delegations and wish them fruitful learning.

(Applause)

I understand the Senator for Nyeri is still talking to the other group that was large.

(Sen. Methu spoke off record)

I will give Sen. Mandago the opportunity to welcome the students and teachers from Nyeri County.

Sen. Mandago: Thank you so much, Mr. Deputy Speaker, Sir. On behalf of my colleague Commissioner, Sen. Wamatinga, the Senator for Nyeri, I take this opportunity to welcome students and teachers from Nyeri County and wish them a beautiful learning exposition as they visit the Senate to understand how legislation is done and functions of the Senate in supporting devolution.

As you are aware, Early Childhood Development and Education (ECDE) is devolved and is part of the foundation of education in this country. That is a function of

counties that we, as a Senate, including the distinguished Senator for Nyeri, oversight. We also have vocational and technical training centres.

Mr. Deputy Speaker, Sir, we wish these learners all the best. Hopefully in the near future, some of those seated today in the Public Gallery will be in this House to debate and make progressive laws that are going to take this country forward. I wish them well and also extend a warm welcome to them to visit Uasin Gishu in the future.

I thank you.

The Deputy Speaker (Sen. Kathuri): Fair enough. Now let us go back to our normal business. I now want to open the Floor for debate on the Motion by the Committee on Justice, Legal Affairs and Human Rights.

Proceed, Sen. Cherarkey Samson.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I also join you in welcoming the great students from Kianjogu Senior School in Nyeri County and wish them well. I am happy they just walked in when the debate on a report of the Committee on Justice, Legal Affairs and Human Rights was going on. I hope one day one time---

Nyeri is a distinguished county because it produced the third and most innovative president who revolutionised the economy of our time; that was His Excellency Mwai Emilio Kibaki. We hope you will emulate the standard that he set.

Nyeri is also a beautiful county where the Mau Mau uprising took place. We have a fake Mau Mau veteran who looks like one but we know the original ones that were in Nyeri. Of course, they joined Koitalel and the rest to fight for liberation of this country.

Feel most welcome. I hope you will learn as much as you can.

(Resumption of debate on Motion)

Mr. Deputy Speaker, Sir, as the Nandi County Senator or Senator of the Republic of Kenya from Nandi County, I congratulate the Committee on Justice, Legal Affairs and Human Rights, led by the distinguished Senator for Bomet, Sen. Hillary Sigei Wakili, for considering this petition by Hon. Isaiah Maina who is the current Ol'lessos Ward Member of County Assembly (MCA) on the issue of various legislative proposals. I am happy with how they have considered the interventions.

Hon. Maina is serving his first term as Ol'lessos MCA in Nandi County Assembly. I am happy because we need this conversation. County assemblies and the Senate play their roles subsequently. Others are primary but we do secondary oversight. I thank him for finding it wise to bring such proposals to the Senate.

There is also a former MCA of Nandi Hills Ward called Gideon Koech. During the last session, he also brought proposals on issues of tea. This House is ready to welcome any innovative idea, so long as our main aim is to make devolution work.

Meru is my second home. The MCAs there have been good friends of mine and I want to encourage them. That is the role that MCAs should play.

Mr. Deputy Speaker, Sir, you and I know that MCAs face a lot of challenges. I am happy that you moved a Motion to give them financial autonomy. When they have financial autonomy, they should do oversight without fear or favour to anybody. The

President has assented to that law. They will have their vote in the National Treasury that will be overseen by the Controller of Budget (CoB).

The problem we have with some MCAs is being appendages of county executives where they explain programmes more than governors. When you go to a function, you may think that some MCAs are County Executive Committee Members (CECMs) because they speak much about county executives as opposed to doing their oversight work.

I know the challenges that MCAs face like the issue of salaries. I want to thank His Excellency the President because during the County Assemblies Forum (CAF), he assured them that the Salaries and Remuneration Commission (SRC) and the Prime Cabinet Secretary Office will sit down and address challenges of salaries and allowances. The issue is building ability and capacity for MCAs to do their job.

Mr. Deputy Speaker, Sir, you and I know that whenever problems occur in our villages, the first place Kenyans go is to the MCAs. I know Sen. Methu understands that because he served in Nyandarua County Assembly at some point as a Personal Assistant (PA) to one of the speakers who wanted to be our representative but he did not succeed. Therefore, we are building the capacity.

The MCAs should also be given mileage and sitting allowances and be allocated offices to enable them get researchers who can do a good job the way Hon. Isaiah Maina has done by petitioning us. Therefore, I want to assure MCAs of this country---

My friend, Wa Maria from Naivasha, used to be a good friend of mine. He used to be one of the biggest supporters of the United Democratic Alliance (UDA) Party but now Sen. Methu has convinced him to preach another gospel. Coincidentally, Sen. Methu is a sharp person. I had not realised that until today.

When they were receiving a former nominated Senator, that is hon. Omanga, whom we served together in the previous Parliament who was also our prolific UDA campaigner, the only person who was sharp not to wear the Democracy for the Citizens Party (DCP) cap was Sen. Methu because he is still in UDA.

I call upon the UDA Party to punish the MPs for Embakasi Central and Naivasha for promoting another political party contrary to the law. I challenge the UDA Party Disciplinary---

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

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, there is a point of order by Sen. Methu John.

Sen. Methu: Thank you so much, Mr. Deputy Speaker, Sir.

The Senator was going on very well until he--- I was just quiet because, yesterday, you were really on my case when I tried to defend myself against the aggression of Sen. Cherarkey. I think he has continuously misled the House that I was at the party headquarters receiving hon. Millicent Omanga.

Mr. Deputy Speaker, Sir, may I inform you that I have been in Parliament since 8.00 a.m. I have not been to the party headquarters. My not wearing a DCP cap is only because I was not in that function. He should not celebrate and first mislead the House that I was there. In the event I was there, I would have won that DCP cap.

The Deputy Speaker (Sen. Kathuri): So, on your point of order, what did you want to achieve?

Sen. Methu: No, I wanted the records to be set.

The Deputy Speaker (Sen. Kathuri): You wanted him to clear the point?

Sen. Methu: No, I wanted it to be expunged from the records of the Senate that I was in that function.

The Deputy Speaker (Sen. Kathuri): If you do not request, we do not push you because your point of order is irrelevant.

Sen. Methu: It is not irrelevant because it is him who has stated that I was there. I have stated that I was not there.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Cherarkey.

Sen. Cherarkey: Mr. Deputy, Speaker, Sir, I hope the party leader of DCP is watching because even Jesus Christ was denied three times. Senator Methu has denied before the Floor of the House that he is not a member of DCP and he has been lying to the people of Nyandarua. The party leader who will give out nominations should mark that this is Simon Peter who denied Jesus three times.

Besides that, let me proceed with my submissions. I was borrowing from his experience as a member and one person who worked within the Nyandarua County Assembly in the last session. I appeal that we take care of the interests of MCAs. We are not saying, and Kenyans should get this right, that MCAs be paid for the sake of them being paid. We want them to build ability and capacity, the way you have done, Mr. Deputy Speaker. Your legislative proposals are brilliant and beautiful.

Mr. Deputy Speaker, Sir, as a Meru Njuri Ncheke elder, you saw the legislative proposal through and you know that the best way for MCAs to do their work independently is to give them financial autonomy. We need to improve on their own allowances, salary, mileage allowances and office operations, so that they can have researchers and people who can assist them.

In the proposal from the petitioner, they want deputy governors not to be assigned the roles of County Executive Committee Member (CECM). The reading of Article 179 (4) (5) says that the chief executive of a county is the governor and the deputy chief executive is the deputy governor.

The reading of Article 179 (5) says that when the governor is absent from office, they are supposed to delegate their role to the deputy governor, yet the governors and their deputies campaign together because of different dynamics in counties. However, when they get elected, they start fighting over positions because of power. People want power. You saw our colleague, the Senator of Siaya, saying: "We want power. Tunataka power." That is when the fight begins.

You saw what happened in Kericho between the governor and the deputy governor. Since they were elected, they have never seen eye to eye. You remember in the last impeachment against the Kericho Governor, the deputy governor was also among the complainants accusing the boss of corruption.

In Uasin Gishu, the the former deputy governor resigned out of frustration from the governor and the executive of Uasin Gishu, Eng. Barorot. In Trans Nzoia, the matter

of Philomena Kapkory, the distinguished lady deputy governor was even brought to the Senate. There was an issue of disrespect to women by the Governor of Trans Nzoia.

I thank the ODPP. I have seen they have appealed against the acquittal of charges on corruption against the Governor of Trans Nzoia. I am worried, and I do not know whether colleagues saw, in the verified social media platforms, the distinguished Governor of Trans Nzoia trying to profile some communities within the county. Trans Nzoia is a cosmopolitan county. I appeal to the National Commission on Cohesion and Integration (NCIC), because I saw in the verified social media platforms, the Governor of Trans Nzoia trying to profile some communities, especially the Kalenjin. I do challenge the NCIC to move with speed, arrest and investigate that incitement that was carried by the Trans Nzoia Governor, which is contravening the NCIC Act.

I remember the last time I made a comment, I was put in a Land Rover that did not have brakes. I went through the process in Milimani Law Courts. I slept in many police stations because of that, but later I was acquitted because what I said was not construed to be incitement.

The Governor of Trans Nzoia should be stopped. If we allow him to profile communities--- Why would a governor of a county want to profile communities? I thought he is a governor of everybody.

You saw when the Siaya Governor brought the deputy governor, hon. William Oduor here, we refused to impeach him because we found that it was political vendetta. The Governor went ahead and locked the deputy governor William Oduwole out of office. They took the car from him and sent goons in Siaya Town. The deputy governor of Siaya cannot access his office up to today.

That is why when I saw the Governor of Siaya yesterday trying to lecture the President, I was shocked because who comes to equity must come with clean hands. What can Governor Orengo tell us about the rule of law and democracy? Who is he teaching since he is intolerant against his deputy, who he was elected jointly with, yet he cannot access the office? Then he tries to lecture the President of the Republic of Kenya. That is shameful.

Even my own county, Nandi, the deputy governor has just been reduced to a flower girl, only to go to the office, stay, go away and read newspapers. I think the intent of the Constitution was that it would be the wisdom of the governors to ensure that deputy governors are assigned duties. I am happy that a number of governors have assigned duties to their deputies.

Mr. Deputy Speaker, Sir, I do not know your new deputy governor of Meru. I have not known much about her except the other day when she was being nominated, I saw her landing in a chopper.

I know women leaders such as Sen. Joyce would not be just excited that women are nominated to be deputy governors. That is not enough. They must be given real power to exercise.

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, it is only that I am not on my usual seat as the Senator of Meru. In my mind, I do not remember when a deputy governor for Meru came to Meru on a chopper for that purpose. Sen. Cheruiyot could ask

on my behalf for you to substantiate, because that is not a statement of fact. Maybe you saw something on social media that you should verify your information.

Sen. Cherarkey: I think it was one of the CECM nominees who landed in a chopper. Sorry, I think I mixed it up and I apologize.

The point I am trying to make is that governors, out of Article 179 (4) (5) --- I wish the Chairperson of the Committee on Justice, Legal Affairs and Human Rights would have sat because the drafters of the Constitution imagined that the county executive would function properly where the governor and the deputy governor are able to work in peace.

The examples I have given to the House on the deputy governors were to ensure--

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The Deputy Speaker (Sen. Kathuri): Sen. Wakili, is it a point of order or information?

Sen. Wakili Sigei: I overheard Sen. Cherarkey asking that the Chairperson of Justice and Legal Affairs Committee should have sat here, yet I am on my seat here. I just wanted to give him the comfort that I am following his contribution, because this is our Motion. That statement could be misinterpreted to mean that I am not a serious Chair by those who are sitting out there. I am present, seated and keenly following your contributions.

The Deputy Speaker (Sen. Kathuri): Sen. Sigei, you should have comfort. Sen. Mungatana gave you all the accolades that you are one of the best chairs. As the Chairperson of the Liaison Committee, I confirm that you are doing so well in your committee. So, when yours truly is seated here and as the Chair of the Liaison, then you have all the comfort and feel okay that you are doing very well in your committee.

Sen. Cherarkey, proceed.

Sen. Cherarkey: Thank you, Mr. Deputy Speaker, Sir. I had seen the Chair of the Standing Committee on Justice, Legal Affairs and Human Rights consulting with Sen. Methu on a few matters of national importance.

I appeal to the Chairperson of the Senate Standing Committee on Justice, Legal Affairs and Human Rights, led by Sen. Wakili Sigei that Article 79 is not in idle four and five. I would be hesitant to amend the Constitution to provide specific roles for a deputy governor. This would mean we would also need to amend the Constitution to provide specific roles for the Deputy President.

The law envisages that the deputy governor should be the principal assistant and advisor. In any case, they are called, “governor-in-waiting”. I know this becomes sensitive, but they are indeed governor-in-waiting. I am aware that when we had impeachment proceedings of a particular governor, the deputy governor, as governor-in-waiting under the law, had already bought a suit and was preparing and rehearsing how to take the oath of office.

I know this is uncomfortable for most governors, but it is a fact. The deputy governor is called governor-in-waiting in case of incapacity, death, resignation or any other legal matter that might arise. Therefore, the deputy governor should remain as is. We appeal to the wisdom of the governors to put proper measures in place.

Finally, on the County Public Service Board (CPSB), I agree that we need three members. The CPSB has been interfered with by governors. You will recall that I brought a statement where a Governor in Trans Nzoia County went ahead and locked the CPSB offices in Kitale Town. This is impunity. The CPSB should exist independently.

That is why ghost workers are emerging. You saw what happened in Rift Valley counties yesterday. Close to Kshs1 billion was paid to ghost workers. Nandi County paid Kshs66 million to ghost workers; Kericho County paid over Kshs100 million to ghost workers; Uasin Gishu County paid over Kshs100 million to ghost workers; Samburu County paid Kshs75.8 million to ghost workers; Elgeyo-Marakwet County paid Kshs66.8 million to ghost workers; Garissa County paid 321 ghost workers, Kshs731 million. As per the Report of the Office of the Auditor-General for the Financial Year 2024/2025, close to Kshs1 billion was paid to ghost workers.

I believe that the CPSB should be independent. In Nandi County, the Governor purported to fire more than 2,000 staff from 2024 to date. Those young men and women are suffering. They are not comfortable because they have no livelihood. They cannot pay rent or school fees because the Governor, out of lack of wisdom, decided to fire them without following due procedure of the law, even after vetting was done.

That is why it is very important that the issue of appointments of the County Executive Committee Members (CECMs) and CPSB members must be taken seriously. I challenge counties to be run efficiently. For example, Homa Bay County, in the Financial Year 2024/2025, underutilised Kshs814, 515, 050 in their budget, yet you still find ghost workers. This means no work close to Kshs1 billion has been done in Homa Bay County. They also have pending bills. I have received a petition from contractors amounting to Kshs1 billion on pending bills.

As you saw in the Report of the Auditor-General on the Financial Year 2024/2025, due to expenses in staffing and CPSB, most counties have gone beyond the 35 per cent ceiling on wage bill. In Wajir County, among the pending bills, Kshs1.5 million goes to employee emoluments, which cannot be accounted for by the Governor. Even in Nandi County, we have a pending bill of more than Kshs1 billion. A number of people have not been paid personal emoluments.

I believe an efficient CPSB is in place. That is why the underutilisation in Homa Bay is concerning. For example, Kshs1.4 billion was allocated to Shauri Yako, Nyandiwa and Rusinga Old Town Roads. That is why we wanted the Governor of Homa Bay County to appear yesterday and answer such questions.

Mr. Deputy Speaker, Sir, this Report is wonderful. It is a progress report that we need. I commend and congratulate the Committee on Justice, Legal Affairs and Human Rights. Let them continue with the same spirit. As the former Chair, I am proud. For your information, I was the best Chair in the last Session. You can confirm with the HANSARD. Sen. Wakili Sigei is following my footsteps.

The Deputy Speaker (Sen. Kathuri): You have one minute to conclude.

Sen. Cherarkey: My people.

The Deputy Speaker (Sen. Kathuri): Who is “my people”?

Sen. Cherarkey: Sorry, I meant Senator, but you have your people from Meru.

The Deputy Speaker (Sen. Kathuri): You have one minute.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I wish to comment on the issue of the wage bill and CPSB. I am happy that the Chair of the County Public Accounts Committee (CPAC) is here. The reason there are so many ghost workers is dysfunctional CPSBs and direct interference by governors. I have given the example of payment of Kshs731 million to 321 ghost workers in the Garissa County Executive led by Governor Nathif Jama. These issues must be condensed and addressed.

Mr. Deputy Speaker, Sir, with those remarks, I congratulate the Committee. I support the Report and look forward to seeing the legislative proposals, which I will support at the appropriate time.

Thank you.

The Deputy Speaker (Sen. Kathuri): Very well, Sen. Korir Joyce Chepkoech.

Sen. Korir: Thank you, Mr. Deputy Speaker, Sir, for giving me this chance to contribute to this very important amendment brought forward by the Hon. Member of the County Assembly (MCA). I also thank the Chair, Sen. Wakili Sigei, who happens to be my Senator and the Chair of the Standing Committee on Justice, Legal Affairs and Human Rights. I commend him for the wonderful job he is doing for this country and the Committee.

Our MCAs are facing many challenges. These challenges arise from high public expectations and role confusion, which has made them unable to perform their oversight and legislative roles properly. A number of counties are facing serious challenges. I believe in the amendments brought forward by the MCA, having served in the County Assembly.

I thank the Committee because I believe they will ensure that the County Governments Act is reviewed to support MCAs in carrying out their oversight role effectively. MCAs are facing many challenges ranging from funding and resource constraints. Despite the Senate fighting day-in, day-out to ensure resources are sent to county governments, it remains difficult for MCAs to play their role because of the differences between the Executive and MCAs.

High expectations from the public is another challenge. The public believes that MCAs should also play a role in development. At some point, they have been fighting for the Ward Development Fund (WDF), similar to the National Government Constituencies Development Fund (NG-CDF). However, many have never been given this opportunity because some governors feel uncomfortable equipping MCAs with such resources. Indeed, we have several challenges.

Mr. Deputy Speaker, I thank Sen. M. Kajwang'. At some point, he made suggestions which, if taken keenly and looked into, could solve some of the problems we are facing in this country. Despite sending many resources to county governments, you will be shocked by how they do their budgets and allocate resources to development. Most of the resources go to recurrent expenditure. In many county governments, there are numerous pending bills and white elephant projects, which have become a challenge. This is because at the end of the day, members of the public believe that development is only done by the national Government, not bearing in mind that devolution has been effected to make sure that resources move closer to the people. So, it is still a challenge.

I thank this House for assisting Members of the County Assembly (MCAs). I remember when we were dealing with the issues of the two-third gender in the Committee on National Cohesion, Equal Opportunity and Regional Integration, a number of assemblies were facing a lot of challenges, ranging from budgeting and oversight role. This is because of a number of Acts that need to be rejected. So, we have made some steps in terms of embracing devolution and it has gone full circle. As we speak right now, we have former governors who are Senators and former Senators who are Members of the National Assembly and former MCAs who are in the Senate and the National Assembly.

The only challenge that we have is relooking at the Act where there is a lapse, which makes MCAs to not do their work diligently. You find at some point, they are intimidated. That is why you find most of the time, we are handling issues of impeachment in this House. It is just because of some Acts that are not clear and need to be relooked at, to be able to equip the MCAs and deputy governors to play their role accordingly.

Mr. Deputy Speaker, Sir, it is time to equip MCAs, so that at the end of the day, they can assist Senators on the oversight role. Remember, they are the ones who do the budgets of county governments. They are the ones who are supposed to assist in terms of oversight. Despite the fact that Senators oversee county governments, MCAs are supposed to be the first ones because they are in the grassroots. They are the ones who do itemised budgets and are in charge of projects within the various wards. Therefore, they can tell which projects have been done and which ones are not.

Indeed, this country is facing a lot of challenges and resources are not used prudently. So, we are going to assist MCAs by making sure that the amendments that have been put forward by the hon. Member go to the Committee. I believe they should still go back to the County Assemblies Forum (CAF), so that at least they can give us their views, as per counties. This is because this is something that is affecting the 47 counties. We will be able to address this issue, make some progress and put some governors on their toes.

I remember the Vice-Chair of the Committee on National Cohesion, Equal Opportunity and Regional Integration, Sen. Mungatana, raising the issue of a certain governor who was summoned to appear before the Committee but never appeared.

I almost rose on a point of order because we do not want to give leeway for governors of this country to believe that if they are called by the committees, they can refuse to attend and that is the end of the story. No. They have to face the full force of the law and adhere to the rules of this House. They have to explain to Kenyans how these monies are utilised.

There is no single cent that is going to be budgeted for and left unaccounted for. Such cases should take precedence in this House to make sure that some of the governors who have been summoned and have not appeared before this House, the next course of action takes effect. We need to show Kenyans that we can use the resources that we have been given prudently. The monies that we request, through the Senate every now and then is supposed to be used for the intended purpose.

I want to support the Committee on Justice, Legal Affairs and Human Rights and MCAs. I request this House to equip MCAs and give them the opportunity to assist us in terms of oversight and legislation, so that at the end of the day, we can have concerted effort in terms of making sure that this country is moving in the right direction.

I support.

The Deputy Speaker (Sen. Kathuri): Sen. Methu had requested to contribute as indicated on my system.

Proceed, Sen. M. Kajwang’.

Sen. M. Kajwang’: Mr. Deputy Speaker, Sir, thank you for this opportunity to make my comments on this Report by the Committee on Justice, Legal Affairs and Human Rights on the Petition that was submitted to this House by the Hon. Isaiah Maina, an MCA from Nandi.

I want to congratulate this gentleman for ensuring that he undertook his civic duty to petition Parliament, which is a right available to all Kenyans. Any Kenyan, wherever they are, can petition Parliament on any matter. This Senate has treated very favourably Petitions that have come from members of the public. I find this particular Petition to be extremely interesting and timely. I believe that even if we did not have a Petition, this House should proactively address some of the Statutes that pertain to devolution. It is now more than 10 years and it is important to carry out a legislative impact assessment.

I know that the Committee on Devolution and Intergovernmental Relations had started to do so. I know that in the last Parliament, towards the end, I chaired it and we had a workplan where we said we needed to look at the County Governments Act, the Public Finance Management Act, the Public Procurement and Disposal of Assets Act and the regulations that pertain to county governments, the National Cohesion and Integration Commission Act on the provisions of ethnicity in county governments and the various regulations and circulars that we have issued pertaining to county governments.

Recently, I was dealing with a county that had challenges in ensuring that the ceilings that the Senate had given with respect to expenditure on premises or residences of speakers was concerned.

About four or five years ago, we gave a ceiling of about Kshs35 million for speakers' residences, Kshs40 million for deputy governors' residences, and Kshs45 million for governors' residences. The reality is that inflation has rendered those ceilings untenable. We need to come back and look at some of these ceilings that we set up for residences and for headquarters. I think it is a conversation that should fully occupy the Committee on Devolution and Intergovernmental Relations. This is because that is when we will be doing justice to county governments.

I also take note that in this Report, the Committee has indicated that they got feedback from very important stakeholders, the Council of Governors (CoGs), the County Assemblies Forum (CAF), the Kenya Law Reform Commission (KLRC), as well as the Office of the Attorney General. Let me talk about the CAF. County assemblies have legislative and oversight powers, just like the Senate.

In fact, the power that the Senate has to summon any person is available to our county assemblies. That is why I believe that we must have a conversation with the county assemblies. We must strengthen the CAF. We have had some problems with them

from an accountability perspective. For example, initially, each county assembly would contribute Kshs5 million every year to support the operations of CAF. That brings it to more than Kshs200 million a year. The problem we have had is that the amount is not audited and there is no oversight on it.

The conversation we have been having with county assemblies is that they could petition Parliament. This is because there is some legislative proposal that is before the National Assembly. This House has already processed it, but we do not know whether it will see the light of day. This is because even in the last Parliament, a similar proposal was not concluded.

If they could petition Parliament in the interim, it would be possible for us to advise CAF and the Society of Clerks-at-the Table (SOCATT-K) that it would be okay for member assemblies to contribute, provided that those contributions can be audited by the Office of the Auditor-General. That has been the missing link.

If we could build the capacity of the CAF and the clerks who serve in the county assemblies, I believe that the quality of legislation would improve and they would have the necessary competence and capacity to petition the Senate to amend the national legislation.

Mr. Deputy Speaker, Sir, it took the Hon. Isaiah Maina, a Member of the County Assembly of Nandi from Ol'lessos Ward, to make these proposals via a petition. What if we gave the County Assemblies Forum (CAF) the capacity to look at the landscape, the statute, the regulations, the circulars and the guidelines and the policies around devolution and we committed CAF to tell us where the shoe hurts.

We can ask the Council of Governors to do so as well, but from what we have seen, they have been looking at things from the perspective of the governors and from the perspective of the County Executive.

This petitioner requested that the Senate consider a few things that I think are valid. One of them is on accountability of governors to county assemblies. I have not seen very clearly what the Chairperson has proposed, but I think that this is something that is long overdue.

There is a County Government defined in the Constitution as comprising of the County Assembly and the County Executive. It is a misnomer that a governor would take a journey from Meru to come and appear before the Senate in Nairobi, but refuse to appear before the County Assembly in Meru. It is a misnomer. It is a misnomer and I do not know where we set that precedent.

There was some court ruling in Bungoma that used to be referred to way back in the past. I do not know whether it is still valid. There is no reason why a governor elected to represent the people of Meru, the people of Bomet or the people of Homa Bay should never be subjected to oversight by the County Assembly. That the only time they go to the County Assembly is when they are doing a State of County address or when they are opening the Assembly.

The problem we have is that we want to equate governors to the President of the Republic of Kenya. In as much as we have 47 county governments, we are a unitary state. We do not have 47 Presidents. We have only one President in the Republic of Kenya. The

rest are heads of governments. It is the name that has changed. They used to be called Mayors and Chairmen of Councils.

Today, we have a situation where some imperial mindset has entered the leaders of the devolved units and they look at County Assemblies as small places and Members of County Assemblies as small people who they cannot be subjected to and yet, you know, as is in the case of Meru, it was the County Assembly that decided who is the Governor today. The people decided, but because that Governor looked down upon the County Assembly and was not doing the things that the Assembly had passed, the Assembly decided to impeach that governor.

If an Assembly has the power to impeach a governor, how then can we argue that an Assembly has no power to call a governor to appear before it, to respond to financial issues, to respond to issues of statute?

If we have not granted that prayer, I would want to recommend to the Justice and Legal Affairs Committee that we rethink it. Governors are not presidents. They are heads of a government that is defined as comprising of the executive and the county assembly. Primary oversight can only happen if the government subjects or submits itself to the county assembly.

Mr. Deputy Speaker, Sir, one of the things we are dealing with on a day-to-day basis that is giving us problems here in Nairobi in CPISFC and CPAC, we are oversighting implementation of regulations passed by county assemblies. Most of the funds that my brother, Sen. Osotsi, deals with are funds established by regulations of county assemblies. So, Sen. Osotsi has to sit with the regulations of the county assembly and ask the governor why the governor is not complying with a law passed by the county assembly. That discussion should be held at the county assembly.

We have seen cases of a few county assemblies that are doing an excellent job. Kakamega County, for example, appeared before us and they told us that they had already considered and processed the report of the Auditor General for the County Executive and the County Assembly of Kakamega. We were happy. We did not even have to waste time to do another interrogation. We adopted the report of the County Assembly and said that we are going to make sure that the recommendations are implemented.

Another County Assembly that did so was Makueni and so, inasmuch as there is this cynicism that county assemblies might not have capacity, we are seeing that capacity progressively coming in. A county assembly is not just as good as the members. A county assembly is as good as a secretariat that supports them.

Mr. Deputy Speaker, Sir, I do pray that we could reconsider this matter of accountability to the county assembly and the proposed amendment to Section 33A of the County Governments Act.

Section 32(3) of the County Governments Act talks about assigning the Deputy Governor executive portfolios. I believe that if I was a governor, I would make my deputy a substantive County Executive Committee Member (CECM). Otherwise, if you are a governor who is a workaholic, who is in the office Monday to Friday, 8.00 a.m. to 8.00 p.m., what then does your deputy governor do?

Do they just sit there and wait for you to die or wait for you to be impeached so that they can take over? In fact, they can be so idle that they can start cooking up schemes to have you impeached. I believe that a deputy governor, instead of just sitting there as a flower boy or a flower girl, should have a substantive responsibility within the county.

Should we define what it ought to be? Perhaps not, because it should be left to the governor and it should be left to the professional strength and competency of the deputy governor to have a substantive role but I see no reason why a deputy governor should be sitting in a county executive committee just to read newspapers and to praise the governor or to pray for the governor to be impeached so that they can take over.

I hope that that prayer on assignment of executive portfolio to the deputy governor is a prayer that the Committee has affirmed, but I think the petitioner did not want the deputy governor to be given executive roles. I believe that the deputy governor should be given executive portfolios and that needs to be mandatory. It should not even be at the discretion of the governor. If it is at the discretion of the governor, some governors do bad things. They frustrate their deputy governors and they push them to the point where they are rendered useless; push them to the point where they even resign, so that they can be able to appoint the person that they desire and that appointment is never subjected to the people.

The initial election of a governor and a deputy governor is competitive. They campaign, they go and seek a mandate and the people say that these two are going to run this government, so that when one is busy, the other one is in place. The minute you then end up with another governor or deputy governor through a process that is not people-centred, there is a problem there.

It is something that we must think through, because even at the national level, the same situation persists. People went into an election, elected a president and a deputy, but today the players have changed. They have not changed through universal suffrage; they have changed through elite consensus. It is a risk to democratic processes.

Mr. Deputy Speaker, Sir, another prayer by the petitioner was on the issue of leave and absence. I think this is important. I see the committee has given the argument that governors and CECMs are State officers and therefore should not be regulated in the manner of public officers but this is a loophole that has been abused.

In West Pokot, in the last Parliament, this Senate was called upon several times to advise the County Government of West Pokot on the prolonged absence of the Deputy Governor. The Deputy Governor for five years was absent. On one hand, I think the Governor was happy that the Deputy Governor was absent, but the people were unhappy because they were paying salaries to an absentee.

The story was that the Deputy Governor went to the USA to look for donors, to look for medical equipment and for five years, that Deputy Governor never showed up in office. Is that acceptable? Should we be paying salaries to such a person? Is that even consistent with the principles and values in the Constitution?

In Nakuru, just recently, the Governor went on maternity leave and it was very difficult to deal with it, because there was an appointment with the County Public Accounts Committee and the Governor wrote that she has gone on maternity leave. What

do you do? Do you ask for doctor's records? Do you ask for evidence of pregnancy? Do you ask for evidence of a child?

I can honestly tell the House that we took it as true, that the Governor was on maternity leave. I do not know. Maybe a male Governor will tell us one day when he is supposed to come before CPAC that he is on paternity leave and it will be very difficult to challenge it. I do not know how long a paternity leave is.

The Governor for Murang'a, recently wrote that he had a small accident and his foot was injured and so, he was taking a medical leave for the duration of the audit period. So, he has handed over power to the Deputy Governor. This is what these governors are going to do because in this phase, they have realised that the Senate is not shaking, not being cowed and is not succumbing to their illegal demands.

What they will do, because the law does not treat them as state officers, not subject to the regulations of public officers, what if the Governor of Tana River and I listened to the statement by Sen. Mungatana, decided that he has caught malaria or nagana caused by tsetse fly, which I believe is in Tana River and that from January to 31st March when he is needed before the committee, he is on medical leave and so it is his deputy that can come? How do we deal with that kind of situation?

I think even though governors and County Executive Committee Members (CECMs) are State officers, there must be certain regulations to compel them to be in office and to attend to important public functions. We know governors who, before the war, were spending more time in Dubai than in their counties. We know governors who are always seen in Nairobi at Serena Hotel instead of the counties that they represent. They only go to the counties when there is an exchequer release. They go, have a cabinet meeting, sign up and come back to Nairobi.

We know governors who are always lingering around somewhere. Out of seven days, they spend six days out of the county, only one day in the county, just to come, sign and to make authorisations. We need to regulate it. I believe that it is a matter that is ripe for consideration and regulation. We should move away from this argument that these people are small presidents and therefore, what happens to the presidency at the national level is what should happen to them at the county level.

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

The Deputy Speaker (Sen. Kathuri): Do you wish to be informed by Sen. Mungatana?

Sen. M. Kajwang': Definitely, he is my senior. I wish to be informed.

Sen. Mungatana, MGH: Mr. Deputy Speaker, I just want to inform our very respected chair that, in fact, in the USA, the practice is that the moment the governor leaves the state, the alternate governor, they call him the lieutenant governor, would take over and it is like a given. In our counties like the way the chairman was saying, these people lived here in Nairobi, Mombasa or Dubai before the war started yet in America, even when you leave the boundaries of your state, you have to write a letter so that executive decisions are taken.

So, yes, this practice must be encouraged. If we are following the system of democracy where we have borrowed heavily under the Constitution of Kenya 2010, then let us do it all the way to governors.

I thank you.

The Deputy Speaker (Sen. Kathuri): Sen. M. Kajwang', proceed.

Sen. M. Kajwang': Thank you, Sen. Mungatana, for that very important information. I hope we can put it in law, regulation or in certain procedures and policies. There is a time the joke was that every day at 6.00 p.m., the governors of Mombasa and of Kilifi counties would bypass each other at the bridge, because the Governor of Mombasa would be going to Vipingo and the Governor of Kilifi would be coming to Nyali and it was a daily occurrence. I hope we can have some regulations to ensure that people take their work a bit seriously.

Finally, of the many good proposals that the petitioner had presented, a clear merit-based process for sourcing, shortlisting, nomination and appointment of CECMs. We should also consider this one. We have seen round pegs in square holes. You find a CECM for Finance and Economic Planning coming before my committee. His background, perhaps, is international relations. There is absolutely nothing wrong with studying international relations. It is a very important course. However, it is not very relevant to issues of Public Finance Management (PFM), public sector accounting standards or international public sector accounting standards.

I have never seen a situation where an Attorney-General is a doctor. The Attorney-General must be an advocate; a member of the legal profession. So, it follows that if you are going to be a CECM for health, then you need to have a health background and some health competence. We cannot just say that these are State officers.

In fact, even for chief officers, I have seen a Chief Officer who is an Early Childhood Development (ECD) teacher responsible for finance and has absolutely no idea when it comes to financial matters. That is why they end up getting embarrassed when they come before my committee. Perhaps you are a livestock technician, you have been made chief officer because you are a relative of the governor. Then you come to the committee, I ask you questions about accrual accounting and cash basis accounting, you start fumbling, then you go and say that the Senate is embarrassing people.

They are embarrassing themselves by putting the wrong people in the wrong jobs. I hope that despite the recommendations made by the committee, this is something that we can push forward, so that we have enough competent people to serve as CECMs and chief officers in the entire Republic of Kenya in a merit-based process. There should be enough doctors to run the health sector, enough water engineers to run the water sector, enough accountants or finance people to run the county treasuries. Let us encourage merit and move away from these things of political patronage, being politically-correct and hiding under the guise of state officers.

Mr. Deputy Speaker, Sir, counties are not countries. We have one country run by one President. Let us not try to replicate it 47 times, so that the bad behavior---

The Deputy Speaker (Sen. Kathuri): Give him one minute to conclude his submission.

Sen. M. Kajwang': Thank you for your kindness. I just want us, as a House, to again, after the Justice, Legal Affairs and Human Rights Committee is done with this petition, that the Committee on Devolution and Intergovernmental Relations could finish

the job of doing a legislative impact assessment on the various statutes and regulations pertaining to the devolved space.

Also to encourage the county assemblies that this Senate will look at them with favor if they petition us to find a framework to allow the financing of the County Assemblies Forum (CAF). This is because in this public participation, we can see the value the CAF can add when it comes to national legislation.

Thank you and I support.

The Deputy Speaker (Sen. Kathuri): Very well. Hon. Senators, from my dashboard, there is no other Senator willing to contribute to this Motion. Therefore, I request the mover to reply.

Sen. Wakili Sigei: Mr. Deputy Speaker, Sir I want to thank you as well as the following colleagues who have taken time to contribute to this very important Motion: Sen. Mungatana, Sen. Cherarkey, Sen. Joyce Korir, and finally, Sen. Moses Kajwang’.

In a very quick reply to three or four of the comments that came up, one is that, indeed, Hon. Maina, the Member of County Assembly who brought this petition, is one such very critical member of our respective county assemblies for having taken time to, in fact, just even read the County Governments Act to understand the provisions and understand that as a representative of the people, he has got a role which he needs to play as he has done in this particular case. Therefore, as a chairperson of the committee, I want to applaud him for exercising the constitutional right under Article 119 of the Constitution to bring the petition before this House.

Sen. Mungatana spoke and proposed that the agreement by the committee regarding the timeline within which the governor as well as the deputy governor in an office of the county government ought to be treated in law as when he or she is absent, this is something that in his contribution, part of what he has stated is what a number of stakeholders had indicated.

Most of these governors, whenever they travel out without any accountability in the absence of any policy on travel, sometimes they just get to their destinations and do not appear before any committee or a conference, if they were going for a conference. In fact, I dare say that some of them take photographs outside the conference halls just for purposes of documenting that they, indeed, travelled. As to whether they get in to participate is completely a different story. I agree with Sen. Mungatana that this policy is critical and if we were to anchor it in law, it would help us deal with the corruption menace that is in almost all the representations at the county governments.

Mr. Deputy Speaker, Sir, secondly, as to the independence of County Public Service Boards, most of them, as ably put by Sen. Mungatana, are undergoing serious legal challenges because of their inability to exercise the autonomy that the law permits them under the provisions of Article 235 as well as Section 57 of the County Governments Act.

It is envisaged in law that CPSBs should not be politically interfered with, but, unfortunately, they are interfered with by the governor who, on one hand forwards members to that board from among his supporters. The extent of independence will largely be interfered with because the people whose names have been forwarded by the

governor, appointed ultimately to be CPSBs members and approved by the county assembly will interfere with their independence because of possible conflict of interest.

This is something that is currently exhibited in the County Government of Bomet where the CPSB previously was fully micromanaged and controlled by the governor. Several matters have been filed in court, including one that was today before the court in Nakuru where the governor is the subject of a contempt of court proceeding. Both the Employment and Labor Relations Court as well as the Court of Appeal have directed that the governor takes back over 595 former employees to the payroll and he has refused to do it. The reason and the foundation for that legal challenge is the interference by the executive or the governor for that matter with the CPSB, where employees are sacked by a stroke of the pen or directions of the governor.

Mr. Deputy Speaker, Sir, I am aware that the Court of Appeal agreed with the former employees and directed that they should go back to their employment. This is a cost which from the calculations arrived at was from the documents filed in court. The county government is required to pay over Kshs495 million of arrears as salaries to these employees. This is a court decision. The governor risks being cited for contempt and he has no option, but to comply.

If we were to amend the law to ensure that the autonomy of the CPSB is protected, we would not be having such issues where we are getting into legal battles, there are legal fees involved and employees who are fathers and parents are languishing in poverty. They are dragged into court sessions and yet they are supposed to enjoy that right. I would like to appreciate Hon. Maina for bringing up such a proposal, so that we support the autonomy of the county governments.

The issue of ghost workers that Sen. Cherarkey raised will also be protected by ensuring that CPSBs are independent and they are not a subject of extreme control by the appointing authority in the case of this current law as it is.

Sen. Joyce Korir appreciated the fact that the operational autonomy of county assemblies is affected by the political patronage, by those who are running county governments; that is the governor who is in law and sends names for approval and sits in the county assembly.

Lastly, Sen. M. Kajwang', the legislation impact assessment is supposed to have been done. We have had the Constitution of Kenya for over 15 years, a period of 10 years is ordinarily sufficient for an institution like the Senate to run through an impact assessment, so that if there are laws that ought to be amended, it is right for them to be amended.

This is something that under the recommendation (f) in this report by JLAC, we have invited this honorable House to permit and recommend to JLAC that additional proposals that will come from Members as addition to the ones proposed by Hon. Maina and which were agreed upon by the committee and those have now been pushed by Members, including the one I have just talked about on the amendment of Section 33; which is ordinarily required to give the county governments a standard procedure of appointing, identifying and also approving nominated members to sit as CECMs.

That is a welcome proposal, Sen. Kajwang'. We, definitely, as a committee will take that one up and once this Motion is approved, we will make a legislative proposal to

accommodate a requirement that gives a standard and a uniform mode of nominating members of the CECMs of counties. However, the position that the committee has taken is that; because of the diversification in our various counties, the standard for nomination is acceptable in law, but as to the numbers and the structure of our various county governments, let that be left out to the decision of the governors because our counties are different in terms of size, population and the kind of departments that they can create.

Mr. Deputy Speaker, Sir, secondly, this is one of the issues with regard to the position of the deputy governor. It is true that the committee recognised that a deputy governor is supposed to be left as a joint ticket that brought him or her into office with the governor, but at the same time, they should be given an opportunity to have some executive role that will make them able to run and be engaged throughout in the office of the deputy governor. The committee definitely welcomes that because it will give the county governor the mandate to still have the deputy governor as his substantive assistant, but at the same time, have an entitlement to also give him the discretion to a department which will give the deputy governor a role within the county government.

Mr. Deputy Speaker, Sir, with those remarks, I once again thank the Members who have contributed to this Motion and pursuant to Standing Order No.66(3), I request that you defer the putting of the question to a later date to enable the quorum of the House to be available for us to put the question. I thank you and thank the Members who have supported this as well as those proposals which we have been given. We accept to run with them.

The Deputy Speaker (Sen. Kathuri): Thank you, Chairperson. The putting of the question is deferred to the next sitting.

(Putting of the Question on the Motion deferred)

Now, hon. Senators, I want to reorganise the order of business. We defer Order Nos. 13 to 21 and then we go to Order No.22.

MOTION

NOTING OF REPORT ON ACTIVITIES AND OPERATIONS OF SELECT COMMITTEES DURING THE THIRD SESSION (2024)

THAT, the Senate notes the Report of the Liaison Committee on the activities and operations of Select Committees during the Third Session (2024) pursuant to Standing Order 224 (2), laid on the Table of the Senate on Wednesday, 28th May, 2025.

(Motion deferred)

BILL*Second Reading*

THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT)
BILL (SENATE BILLS NO.46 OF 2023)

(Bill deferred)

BILL*Second Reading*

THE COMMUNITY HEALTH PROMOTERS BILL
(NATIONAL ASSEMBLY BILL NO.53 OF 2022)

(Bill deferred)

BILL*Second Reading*

THE KENYA HEALTH PRODUCTS AND TECHNOLOGIES REGULATORY
AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO.54 OF 2022)

(Bill deferred)

BILL*Second Reading*

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

(Bill deferred)

BILL*Second Reading*

THE ENVIRONMENTAL MANAGEMENT AND COORDINATION (AMENDMENT)
BILL (NATIONAL ASSEMBLY BILLS NO.66 OF 2023)

(Bill deferred)

BILL

Second Reading

THE AUTISM MANAGEMENT BILL (SENATE BILLS NO.19 OF 2025)

(Bill deferred)

BILL

THE PUBLIC SERVICE INTERNSHIP BILL (NATIONAL
ASSEMBLY BILLS NO.63 OF 2022)

(Bill deferred)

BILL

THE BASIC EDUCATION (AMENDMENT) BILL (NATIONAL
ASSEMBLY BILLS NO.59 OF 2023)

(Bill deferred)

The Deputy Speaker (Sen. Kathuri): Here is the Motion by the Senator for Murang'a County, Sen. Joe Nyutu. Call out the Order first.

MOTION

INCLUSION OF TEACHER TRAINING COLLEGE
STUDENTS IN HELB FUNDING MODEL

Sen. Joe Nyutu: Thank you, Mr. Deputy Speaker, Sir. I beg to move the following Motion-

AWARE THAT, the Constitution of Kenya under Article 43(1)(f) guarantees every citizen the right to education, and Article 53(1) (b) provides that basic education is free and compulsory;

FURTHER AWARE THAT, the Government of Kenya launched the New Education Funding (NHEF) model in 2023, primarily targeting University and Tertiary and Vocational Education and Training (TVET) students, leaving a significant gap in the financial support for students in Diploma and Certificate Teacher Training Colleges (TTCs);

CONCERNED THAT, students enrolled in Public Teacher Training Colleges are discriminated against and not expressly and fully

provided for under the prevailing higher education financing framework, thereby limiting or excluding their access to structured government support for tuition and accommodation;

COGNIZANT that the transition to the competency-based curriculum (CBC) requires a highly skilled teaching workforce and that the financial burden on teacher trainees, many of whom come from marginalized backgrounds, threatens the sustainability of the teacher supply chain.

NOW, THEREFORE, the Senate urges the Ministry of Education, in conjunction with the Higher Education Loans Board, and the Universities Fund (UF) to-

(1) Formally integrate teacher training college students into the new funding model to ensure equity, quality and inclusivity in the education sector

(2) Develop regulations and guidelines to define the eligibility criteria for teacher training college students covering tuition and reasonable accommodation and upkeep costs.

Mr. Deputy Speaker, Sir, as the Motion clearly states, we have had problems with teachers' training colleges over time because they have not been included in the regulations governing access of funds from either the Higher Education Loans Board (HELB) or the University Fund (UF). This being tertiary education, we have identified that there is a gap. In fact, by including students in technical training institutes, they will be able to access funding from the Government, sometimes sponsorship and even loans from the HELB.

Mr. Deputy Speaker, Sir, we come to this House, elected by the people, so that we can identify the gaps and seal them. We have had very many students of these particular teachers' training colleges dropping out of college for lack of fees. So, if the Ministry would include them in their model of funding, we would solve most of the problems that we have with the students.

It must be noted and considered that we need to train as many teachers as possible because schools and the population are growing. With the Competency-Based Education (CBE), we need to train teachers even more. As we talk of retooling, we may need, perhaps, in future, to have teachers go back to college. Finances will be needed for this. The system that we have may have its challenges, because I know that we have challenges with the new university funding model, which I do not want to discuss because it is not exactly the subject matter of this Motion. However, since we have that particular model and facility, as well as university funding, it is important that we onboard teacher training colleges into this particular programme, so that they can also benefit. In any case, the more we train teachers, the more we are sure that our schools will be better staffed tomorrow.

Mr. Deputy Speaker, Sir, with the Government boasting of employing many teachers since it came to power, there are many questions as to how many have been employed on permanent and pensionable basis. When we have trained teachers, employed by the Government or not, then we have a good pool of professionals who can be called upon any time to come and serve in our schools. For that reason, we need to

empower these students, especially with this biting economy, so that the burden of parents may be eased through this particular kind of funding. This is a self-explanatory Motion. I do not need to gainsay about it because I do not want to believe or think that any legislator in this or the lower House could go against its intent and motive.

Mr. Deputy Speaker, Sir, I beg to move, as I call upon my very good friend and deskmate, Sen. Joyce Korir, to second this Motion.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Sen. Joyce Korir, please proceed.

Sen. Korir: Thank you, Mr. Deputy Speaker, Sir, for giving me this chance to second this Motion by my deskmate, Sen. Nyutu.

Mr. Deputy Speaker, Sir, indeed, our teachers have been going through many challenges, bearing in mind that this Government has been trying as much as possible to make sure that they employ the highest number of teachers since independence.

The Teachers Service Commission (TSC), under the Ministry of Education, has employed over 100,000 teachers across the country. We still have another 16,000 that are coming in. Despite the fact that the Government is trying to absorb these teachers, we still have a lot of challenges. One of the challenges is the counter-funding or the tuition fee that they are also supposed to enjoy, just like other learners in this country.

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

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

Mr. Temporary Speaker, Sir, the Motion that has been moved by Sen. Nyutu is seeking the Ministry of Education to make sure that teachers also benefit from this funding. Indeed, they deserve to be given these funds because education is a basic need and the beginning of the knowledge. This is one of the key components when it comes to development of a country. Education is what matters most. So, if our teachers cannot be given these resources, they are going through a lot. I support the proposal that these teachers be given this tuition.

In addition, the Ministry of Education should come out with a criteria of covering this tuition fee. They have already done a number of them. Recently, they did one for the Technical and Vocational Education and Training (TVET) tutors across the country. However, for the teachers, it has been lagging behind.

It is high time that the Committee on Education assists us in terms of making sure that this Motion is implemented to the letter by ensuring that the guidelines or criteria that is going to be used to make sure that these students are eligible for this tuition fee is adhered to. It is high time that the Ministry of Education looks into this, and ensures that they assist us in ensuring that these students are also given this tuition fee. I will also challenge the Committee, so that during this budget-making process, they make sure that they include that in their budget.

I beg to support.

Thank you.

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

(Question proposed)

Now, Hon. Senators, having proposed the question, the Motion is available for debate.

I invite Sen. Kiprono Chemitei to make his contribution.

Sen. Kiprono Chemitei: Thank you, Mr. Temporary Speaker, Sir, for the opportunity to contribute on the Motion which has been moved by the Hon. Member from Murang'a County.

I rise to support the Motion because the students in teacher training colleges are students just like any other students in the universities. Therefore, they have a right to be given a higher education loan just like the other students. During their studies, they undergo very difficult situations and, therefore, they need support from the Government.

I support the Motion.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Chemitei. I am seeing that the Deputy Speaker who just walked out, is actually on the request list---No, this is not the Deputy Speaker, I am sorry about that.

Sen. Nyutu, proceed.

PROCEDURAL MOTION

ADJOURNMENT OF DEBATE UNDER STANDING ORDER NO.110(1)

Sen. Joe Nyutu: Mr. Temporary Speaker, Sir, pursuant to Standing Order No.110(1), I request that the debate on the Motion on the Inclusion of the Teacher Training College Students in the Higher Education Funding Model be adjourned to allow Senators to contribute to it in the next sitting.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Joe Nyutu, the Chair is cognisant of the provisions of this particular Standing Order and also takes note of the Motion itself. It is a very important Motion to the extent that teacher training college students, as ably put by Sen. Chemitei, are supposed to equally benefit from higher education loans from the national Government. Therefore, it is something that requires a lot of support and contribution from Members.

Therefore, the request made, pursuant to Standing Order No.110(1), to adjourn the debate on the Motion on the inclusion of the teacher training college students in the Higher Education Funding Model is hereby granted to allow Senators to contribute to it in the next sitting.

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

(Question, that debate on the Motion be

now adjourned, put and agreed to)

Clerk, call the next Order.

Sen. Okiya Omtatah, who is supposed to be the Mover of this Motion, is not present in the Chamber. That Motion is therefore deferred to the next sitting.

MOTION

PROVISION OF COUNTY GOVERNMENTS' IFMIS REPORTS TO THE SENATE

THAT, AWARE that, Article 96 of the Constitution provides that the Senate represents the counties, and serves to protect their interests, determines the allocation of national revenue among counties, as provided in Article 217, and exercises oversight over national revenue allocated to the County Governments;

FURTHER AWARE THAT, in the case of *Senate v Council of Governors and 6 others* (Petition 24 and 27 of 2019 (consolidated) 2022) KESC 57(KLR), the Supreme Court affirmed that the Senate's oversight authority extends to both nationally allocated and locally generated revenue;

CONCERNED THAT, that Senators are constrained by lack of access to real time to data from the IFMIS system for the respective counties they represent, thus affecting effective oversight of County Governments;

FURTHER CONCERNED THAT, in some instances data and information presented to the Senate by the Auditor-General and the Controller of Budget are received and considered late as a result of the backlog resulting into too much information not getting properly reviewed by Senators;

NOTING THAT, as a result of unchecked financial information and systems, County Governments have continued to accumulate pending bills resulting from unplanned expenditures, unaccounted for and inflated cost of projects;

NOW THEREFORE, the Senate resolves, that the Cabinet Secretary in charge of the National Treasury shall on a monthly basis forward to the Clerk of the Senate all IFMIS transactions and reports for each County Government for onward transmission to the respective Senator for information on accountability and transparency, in order to strengthen their constitutional oversight and promote good governance in the management of public finances.

(Motion deferred)

Hon. Members, we now may rise.

(Hon. Senators stood up in their places)

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, there being no other business on the Order Paper, the Senate stands adjourned until Tuesday, 24th March, 2026 at 2.30 p. m.

The Senate rose at 5.48 p.m.