



THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT



Fifth Session

Wednesday, 1st April, 2026 at 2.30 p.m.

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 1st April, 2026

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

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

PRAYER

DETERMINATION OF QUORUM
AT COMMENCEMENT OF SITTING

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

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

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

(The Quorum Bell was rung)

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

PAPERS LAID

The Speaker (Hon. Kingi): The Chairperson, Standing Committee on Finance and Budget.

(Sen. (Dr.) Lelegwe Ltumbesi consulted the Clerks-at-the-Table)

REPORT ON THE DIVISION OF REVENUE BILL
(NATIONAL ASSEMBLY BILL NO. 2 OF 2026)

Sen. Faki: Thank you, Mr. Speaker, Sir. I beg to lay the following Paper on the Table of the Senate, today, Wednesday, 1st April, 2026.

Report of the Standing Committee on Finance and Budget on the Division of Revenue Bill (National Assembly Bill No.2 of 2026).

Thank you.

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(Sen. Faki laid the document on the Table)

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

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate-

REPORT ON NEW LOANS CONTRACTED BY THE GOVERNMENT
FROM 1ST SEPTEMBER TO 31ST DECEMBER, 2025

Report to Parliament by the National Treasury on all new loans contracted by the Government of Kenya from 1st September to 31st December, 2025.

REPORT ON THE NATIONAL GOVERNMENT, MINISTRIES,
DEPARTMENTS AND AGENCIES FOR FY2024/2025

Report of the Auditor General on the National Government, Ministries, Departments and Agencies for the Financial Year 2024/2025.

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

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

REPORT ON PETITION: DISCRIMINATION, INTERFERENCE AND
VIOLATION OF CLINICAL OFFICERS' PRACTICE RIGHTS BY
THE MINISTRY OF HEALTH, COG AND SHA

Sen. Mariam Omar: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, Wednesday, 1st April, 2026-

Report of the Standing Committee on Health on a Petition to the Senate by the Kenya Union of Clinical Officers (KUCO) regarding alleged discrimination, interference and violation of Clinical Officers' practice rights by the Ministry of Health, the Council of Governors and the Social Health Authority.

Thank you.

(Sen. Mariam Omar laid the document on the Table)

The Speaker (Hon. Kingi): Sen. Abass, kindly, take your seat.

Hon. Senators, as you may have noted, the Senate Majority Leader has laid on the Table of the Senate this afternoon a report by the National Treasury and Economic Planning on all new loans contracted by the Government of Kenya from 1st September, 2025 to 31st December, 2025. The report contains details on all new loans signed between the national Government and various creditors.

As hon. Senators are aware, Section 31(1) of the Public Finance Management Act states as follows -

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“The Cabinet Secretary shall submit to Parliament every four months a report of all loans made to the national Government, national Government entities and county governments in accordance with Article 2(11)(ii) of the Constitution”.

Now, pursuant to Section 31(3) of the Public Finance Management Act, the report submitted to Parliament is required to contain the following: The names of the parties to the loan, the amount of the loan and the currency in which it is expressed and in which it is repayable, the terms and conditions of the loan, including interest and other charges payable under terms of repayment.

The amount of the loan advanced at the time the report is submitted and the purpose for which the loan was used and the perceived benefits of the loan and such other information as the Cabinet Secretary may consider appropriate. Now, hon. Senators, given the significance of a national debt in our Public Finance Management Framework, I hereby commit the report of the National Treasury and Economic Planning on all new loans contracted by the Government of Kenya from 1st September, 2025 to 31st December, 2025 to the Standing Committee on Finance and Budget for consideration. The Committee is required to table a report on the matter at the appropriate time.

Thank you.

Next Order.

NOTICES OF MOTIONS

The Speaker (Hon. Kingi): Sen. Karungo Thang’wa.
That business is deferred.

PROMOTION OF ARTIFICIAL INTELLIGENCE AND INNOVATION POLICY IN KENYA

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

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

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

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

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

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

CONCERNED THAT the absence of a comprehensive framework may hinder innovation among local start-ups and youth-led tech enterprises and slow down Kenya's ability to harness AI for inclusive growth;

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

- i) promoting research and development of locally relevant AI solutions;
- ii) facilitating ethical guidelines to ensure responsible and beneficial application of AI;
- iii) creating innovation-friendly 'Sandboxes' for supervised testing of AI and emerging technologies;
- iv) strengthening public-private partnerships to build digital skills and innovation ecosystems; and
- v) integrating AI and coding into the education curriculum to prepare the next generation for the digital economy.

(Notice of Motion deferred)

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

ADOPTION OF REPORT ON PETITION ON DISCRIMINATION, INTERFERENCE
AND VIOLATION OF CLINICAL OFFICERS' PRACTICE RIGHTS BY
THE MINISTRY OF HEALTH, COG AND SHA

Sen. Mariam Omar: 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 a Petition to the Senate by the Kenya Union of Clinical Officers (KUCO) regarding alleged discrimination, interference and violation of Clinical Officers' practice rights by the Ministry of Health, the Council of Governors and the Social Health Authority, laid on the Table of the Senate on Wednesday, 1st April, 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). Proceed, Sen. Veronica Maina.

PARTICIPATION OF THE SENATE DELEGATION
IN CSW70 IN NEW YORK

(Statement dropped)

The Speaker (Hon. Kingi): Statements pursuant to Standing Order 53 (1).
Is Sen. Veronica Maina not here?
That statement is dropped.

CONSTRUCTION ACTIVITIES IN
KARURA FOREST RESERVE

(Statement dropped)

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

ACID ATTACK CASE ON MARIE CLAIRE

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations on a matter of national concern regarding the recent acid attack in Nairobi on a 24-year-old gospel artist, Ms. Marie Claire.

This is not just about the attack on the said victim, but also the broader Government response to victims of Gender Based Violence (GBV) in the country.

The incident was allegedly perpetrated by her estranged partner, who has since been arrested and charged in a court of law. The systemic gaps have raised grave concerns about law enforcement, responsiveness and victim protection in addressing GBV. The fact that the victim had previously reported an earlier assault involving the same suspect raises serious concerns regarding the adequacy and timeliness of action taken by law enforcement agencies and the effectiveness of existing mechanisms for the prevention of GBV and protection of persons at risk.

In the Statement, the committee should address the following-

(1) The identity of the perpetrator, the status of investigation and charges preferred, including a detailed report on how the prior assault report against the same suspect was handled, actions taken and why preventive measures failed.

(2) Details on Ms. Marie Claire's current condition and medical, social, psychological and financial assistance extended or planned by the Government.

(3) Existing controls on the sale and distribution of corrosive substances and assessment of their adequacy.

(4) A review of the existing penalties and enforcement mechanisms under current GBV laws and identify gaps requiring reform in GBV.

(5) Detailed mechanisms for victim protection such as shelters, restraining orders, emergency services, coordination among agencies and reforms to ensure timely investigation, prosecution and accountability on the perpetrators of GBV in the country.

PERSISTENT POWER OUTAGES IN
NAIROBI CITY COUNTY

Sen. Sifuna: Mr. Speaker, Sir, I rise pursuant to Standing Order No. 53 (1) to seek a Statement from the Standing Committee on Energy on a matter of countywide concern regarding the persistent power failures in several areas of Nairobi City County.

Although I received a communication from the Ministry regarding previous similar Statements, the recent heavy rains and flooding have worsened the already fragile electricity infrastructure in Nairobi.

Many neighbourhoods have been experiencing prolonged power disruptions and in some cases, complete outages for several months. These persistent power failures have contributed to increased insecurity and severely undermined residents' ability to engage in income-generating activities.

The poor maintenance of existing power lines across the city is a matter of serious concern, particularly because informal settlements continue to face power and economic marginalisation, placing livelihoods at significant risk.

In the statement, the committee should address the following-

(1) Reasons for the prolonged failure of electricity supply in certain neighbourhoods in the city, including Maili Saba Street in Njiru Ward of Kasarani Constituency, which has been without power for over four months.

(2) Whether the Ministry and the relevant agencies can undertake a comprehensive audit of the power distribution infrastructure in Nairobi City County to assess the sustainability and effectiveness of the existing distribution network and to identify areas experiencing long-term power outages.

(3) Measures put in place to ensure efficient and reliable power distribution to avert continued electricity crisis in the City of Nairobi.

MEDICAL EQUIPMENT SUPPLY INITIATIVE
BY THE PRESIDENT

Sen. Chute: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on Health on a matter of national concern regarding the recent launching of medical equipment supply initiative intended to enhance access to modern diagnostics and treatment tools in public and county health facilities across the country.

The Government recently announced a medical equipment initiative under the National Equipment Service Project (NESP) aimed at supporting health facilities with modern machines without requiring counties or hospitals to make upfront purchases.

The initiative is presented as a measure to expand access to essential health technologies and ease financial constraints in the delivery of health care services. However, matters relating to the nature of the equipment, procurement arrangements, financing framework, implementation across the counties and the long-term sustainability of the programme remain of public interest.

In the statement, the committee should address the following-

(1) The categories of medical equipment included in the initiative and the number of units already ordered or delivered to the health facilities.

(2) Procurement arrangements, including overall cost of the equipment, the suppliers engaged, the country of origin and warranty terms attached to the supplies.

(3) The counties that have received equipment so far, any payment already made to suppliers and the source of financing for the initiative, whether through Government allocation, donor support or combination of both.

(4) Initiative cost implication to counties, the payment structure under the scheme and the timelines attached to any financial obligations relating to the equipment or associated services.

(5) The measures in place to safeguard transparency and value for money, as well as arrangements for delivery, servicing and maintenance of these equipment to ensure improved health outcomes for Kenyans.

The Speaker (Hon. Kingi): Sen. Veronica Maina, you had two Statements; one under Standing Order No.52 (1) and the second one under Standing Order No.53(1). You may take both.

PARTICIPATION OF THE SENATE DELEGATION IN THE CSWC70 IN NEW YORK

Sen. Veronica Maina: Thank you, Mr. Speaker, Sir, for that accommodation.

I rise pursuant to Standing Order No. 52 (1) to make a Statement on a matter of international and national importance, namely the participation of the Senate delegation in the just concluded 70th Session of the Commission on the Status of Women (CSWC) held in the United Nations (UN) Headquarters in New York from 9th to 19th March, 2026.

Mr. Speaker, Sir, the Commission on the Status of Women (CSW) is the highest global authority dedicated to the promotion of gender equality. This year's session was particularly significant as it addressed a priority theme, 'ensuring and strengthening access to justice for all women and girls.' The deliberations focused on dismantling structural, economic and social barriers that continue to hinder women from fully realising their rights despite existing legal protections.

I am proud to report that our delegation, led by me and comprising Sen. Catherine Mumma, Sen. Agnes Kavindu Muthama, Sen. Essie Okenyuri and Sen. Crystal Asige, ensured that the Senate of Kenya was a leading voice in these global negotiations. Our engagement was defined by a commitment to showcase Kenya's progress in strengthening access to justice for women and girls, while advocating for solutions rooted in the lived experiences of our citizens.

The key highlights of the delegation engagements included-

(1) As a panelist in the IPU-UN Women Parliamentary Meeting, I informed the global parliamentary community of Kenya's legislative strides, specifically the Constitution of Kenya (Amendment) (No.2) Bill 2025. I highlighted how the proposed top-up mechanism sought to resolve the decade-long two-thirds gender rule impasse, ensuring that our Parliament is constitutionally compliant and representative of all Kenyans.

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(2) Combating Technology-Facilitated Gender-Based Violence (TFGBV): Sen. Crystal Asige served as a panelist in a high-level session on scaling the solutions for digital violence. She articulated the urgent need for a robust regulatory framework to address emerging harms such as the AI-generated deepfakes and online harassment, which disproportionately target women and persons with disabilities;

(3) Realising maternal justice through accountable health systems: Sen. Catherine Mumma participated as a panelist in a critical session on building accountable local systems to realize maternal health justice. She shared Kenya's experience in decentralising health oversight and emphasised that access to justice for women must include the right to safe, dignified and accountable maternal healthcare at the county level; and

(4) In the Judiciary flagship event, our delegation supported the Hon. Chief Justice Martha Koome at the Ford Foundation Center, where discussions centered on Kenya's multi-door justice model. This model is anchored in the Social Transformation through Access to Justice (STAJ) blueprint, which was celebrated globally for its focus on moving justice from distant courtrooms into local communities through the Alternative Justice System (AJS).

Mr. Speaker, Sir, the session concluded with the adoption of the agreed conclusions. Member states reached a powerful consensus on a roadmap to dismantle structural barriers to justice. These conclusions provided a comprehensive framework for member states and for us as a House of oversight to ensure that justice systems are well resourced, that legal aid is expanded, that recognition and support are given to community justice workers, and that we prioritize the development of a human rights-based framework for digital justice and AI governance.

In conclusion, the lessons from CSW-70 reinforce the fact that rights on paper mean little without the power of enforcement. The key takeaways are that justice is not merely the absence of discrimination, but the presence of accountable systems.

I, therefore, urge this House to maintain its oversight of the health and justice sector and to fast-track the implementation of the two-thirds gender principle. Parity is not a favour; it is a constitutional benchmark. As the Senate, we must ensure that the justice gap for women and girls across our 47 counties is not only identified, but also decisively closed.

I thank you, Mr. Speaker, Sir.

Mr. Speaker, Sir, I have another request for the statement.

CONSTRUCTION ACTIVITIES IN KARURA FOREST RESERVE

Mr. Speaker, Sir, I rise pursuant to Standing Order 53(1) to seek a statement from the Standing Committee on Land, Environment and Natural Resources on a matter of national concern regarding the ongoing construction activities currently taking place within the Karura Forest Reserve.

Karura Forest is not merely a green space, but the ecological lungs of our capital city and a global symbol of conservation safeguarded through the legacy of the late Nobel Laureate Prof. Wangari Mathaai. It is therefore of grave concern that, as of March 2026, heavy machinery was deployed to clear an indigenous canopy and erect container

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barracks for National Youth Service personnel, despite a subsisting court order halting such works. The matter demands urgent accountability and clarity.

In the statement, the committee should address the following-

(1) Intervention from the Cabinet Secretary for Environment, Climate Change and Forestry to ensure there will be no further destruction or excision of any part of Karura Forest for infrastructure or residential purposes.

(2) Whether the Ministry has complied with the court order of 25th March 2026 halting construction at the Rangers Village Site and explain why NYS personnel are still present on site despite the public outcry and legal stay.

(3) Why the Kenya Forest Service permitted construction in a zone designated for indigenous forest restoration under Karura Forest Management Plan 2021 to 2041.

(4) Immediate restitution measures by the Ministry to remove the machinery and barracks and the strict timeline for replanting indigenous species and restoring the cleared area while ensuring the site is returned to its natural state as a core conservation zone.

(5) Whether any environmental impact assessment or public participation was conducted before the tree falling, as envisioned by Article 69 and 232(1)(d) of the Constitution.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Statement pursuant to Standing Order No.58(1), Sen. Allan Chesang, you may proceed.

SENSATIONAL HEADLINE PUBLICATION
BY THE STANDARD NEWSPAPER

Sen. Chesang: Mr. Speaker, Sir, I rise, pursuant to Standing Order No.58(1), to make a statement on a matter of concern regarding a publication by *The Standard* Newspaper under the sensational headline, “The mastermind of Harambe House tender scam,” made on 20th March, 2026.

This article directly and recklessly alleged my involvement in fraudulent dealings, yet failed to present any credible evidence or substantiated findings to support such grave accusations.

The Standard Group PLC, as an institution, enjoys the freedom and independence guaranteed under Article 34 of the Constitution of Kenya. This freedom is indispensable in safeguarding democracy, transparency and accountability. However, freedom of the media is not a license for irresponsibility. It carries with it the solemn duty to report truthfully, fairly and with respect for the dignity of individuals.

There exists a clear line between legitimate journalism and the deformation of character, a line which this newspaper has crossed and not for the first time. The article in question explicitly named me, associating me with alleged fraudulent activities purportedly linked to Harambe House, yet no documentary evidence, investigative reports or official confirmation was provided to substantiate these claims. This reckless approach is not an isolated incident.

For instance, in 2023, the Standard Group PLC was found liable by the Nairobi High Court for publishing defamatory material against former police officer, Ms. Linda Okello, resulting in damages and a mandatory apology. Similarly, a retired judge

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successfully sued the newspaper for false corruption allegations, with the court awarding over Kshs7.6 million in damages.

These are just a few of the cases that demonstrate a disturbing pattern of repeated lapses in responsible journalism. In view of the very malicious and defamatory allegations against me, I am proceeding with legal action against the Standard Group PLC.

While I uphold and defend the independence of the press, I must equally assert that the repeated publication of unsubstantiated allegations is harmful and just unacceptable.

The line between holding leaders accountable and defaming them exists to protect both the integrity of public institutions and the reputations of individuals. By crossing this line, *The Standard* Newspapers has not only inflicted reputational harm upon me, but also jeopardised public confidence in the media as a pillar of democracy.

Mr. Speaker, sir, I, therefore, strongly condemn the *Standard* for its reckless and defamatory publication. I urge the newspaper to exercise greater editorial responsibility, ensuring that its reporting is grounded in verified facts and presented with fairness.

I further call upon the Communication Authority of Kenya (CAK) to look into this matter and take the necessary measures to deter a repeat of such occurrences in the future.

Moreover, I demand that *The Standard* issue a publicized and public apology in the same spirit, prominence and manner as the false allegations it carried against me. Media freedom must be exercised within the bounds of truth, accuracy and respect for individual reputation. Where serious allegations are made, they must be backed by credible evidence, not speculations or insinuations.

In conclusion, while I respect and defend the constitutional independence of the media, I call upon the *Standard* to recognise the critical distinction between investigative journalism and defamatory reporting. The repeated crossing of this line is unacceptable. It is imperative that media institutions uphold professional standards, for only then, can they maintain public trust and continue to play a vital role in strengthening democracy.

I thank you, Mr. Speaker, sir.

The Speaker (Hon. Kingi): Is Sen. Tabitha Mutinda not here? That Statement is dropped.

STATUS OF INCLUSIVE EDUCATION FOR LEARNERS
WITH AUTISM AND INVISIBLE DISABILITIES

(Statement dropped)

Hon. Senators, pursuant to Standing Order No. 45(2), allow me to rearrange today's Order Paper. We will move to Order No.15 in today's Order Paper.

Clerk, kindly call that order.

Yes, Senator from Nairobi City County, proceed.

Sen. Sifuna: Hon. Speaker, Sir, there is a matter of great concern to the Members of this House that we had brought to your attention. Perhaps, we could address it while

the transgressors are still around because as we speak, they might finish what they are doing and just take off, which is very disrespectful to this House.

Should I say something or you will guide us?

The Speaker (Hon. Kingi): What exactly is this matter that you brought to my attention?

SAMBURU GOVERNOR LATI LELEITI PRESSER
FROM THE SENATE GATE

Sen. Sifuna: Mr. Speaker, Sir, there is a spectacle that we witnessed yesterday in the precincts of Parliament. When I was elected to this House, I was guided that there are rules of admission to Parliament.

When our Clerk, on behalf of our committees, writes to governors to appear before a committee of this House, they are told to appear on a specific day, before a specific Committee, in a specific room and for a specific mission. That invitation by the Clerk is not for the governor to pick a time and place of his choosing and come and have tea in the Office of the Clerk.

Yesterday, I saw the Governor of Nairobi City County here. Whilst I respect him as a former Senator, what we witnessed yesterday was an abomination. I feel that, as a House, we have to address this matter.

Mr. Speaker, Sir, even if you go to the rules, there are school children who come here every day and they all have a pass. They have been admitted to Parliament by the Speaker and the administration of the Senate. How is it possible that people can just decide to come, enter the precincts of the Senate, take pictures and address the media out there saying, “you were looking for me, now I am here”.

I think we need to put a stop to this circus. We are a serious House, a serious institution that must be respected. Even this afternoon, there is a governor who is the subject of a very specific warrant of arrest. The Inspector General (IG) of Police told us, as a Committee of the County Public Accounts Committee (CPAC), to give him a day on which we want him to produce this governor before us.

The order is to produce the governor before a specific Committee of this House on a specific day. Is it in order for the Governor of Samburu County to arrange to have the media waiting for him at the gate of the Senate’s Parking, *piga* lap out there and then address the media from the precincts of Parliament saying that he is now here, to those people who were looking for him?

Mr. Speaker, Sir, even we, as Senators, do not address the press from here. You directed that if we have press conferences, like we did this morning, we go to the press room. What sort of disrespect is this? As a person who is supposed to defend his House, I want you to stand very firmly and kick these characters who have no business being here today, out of Parliament. He must come to this House before a specific committee on a specific day for specific business.

I have just familiarised myself with Rule 3, that in fact, a senior government official can be allowed to come, but only when in line with his duties; not to come and dramatise things here, we are a serious institution. At this rate, I think we are being taken for a circus.

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Thank you.

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

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I have two quick things to say. Number one; sometimes, even we, in the Senate, are our own worst enemies; our processes take far too long. The reason I have not raised that issue with you is because, at around 2.40 p.m., you assured us that a statement was being prepared, and after which, something will be done. It is now 3.20 p.m., more than an hour later and a statement is still being prepared.

Surely, how long does it take to type a statement, just saying there are parliamentary procedures that people need to follow? We are willing to assist if the Clerk does not have enough drafters to draft some of these very simple matters.

Secondly, for the last two days, I have been wondering what is happening. Curiously, when you drive into the Senate, there is a battery of journalists that have coalesced around the main entrance to the Senate. Yesterday, I thought maybe there is something that they are doing, but I have found them there again this afternoon. Of course, since they are people that I know, I just said hi to them and walked to the House, only for me to realise that they are part of a scheme to do what governors are calling “setting.” They want to show the country that this institution summoned them, they are now here and nothing is happening. How can you allow that to happen?

Mr. Speaker, Sir, let me tell you about your powers. Son of Kamale, a very powerful human being, I have seen the Speaker of the Senate order police out of the precincts of Parliament, what about journalists and governors? This House and Parliament as a whole must be respected. You cannot have a governor who has an active warrant from the House loitering around the streets and sipping our tea.

Mr. Speaker, Sir, this afternoon, I urge you to immediately order; first of all, the journalists to retreat to the press booth because that is the reason it exists. Secondly, it is good for any governor who has an active warrant of arrest because as a criminal, they have brought themselves here. They should be processed to be taken to the Parliament Police Station.

(Applause)

They should stay at the Parliament Police Station until the next sitting of the Committee. They have made a fatal mistake because CPAC has no meeting tomorrow. The next meeting will be after Easter Holiday. So, the Governor of Samburu County can spend his time at the Parliament Police Station until next week.

(Loud consultations)

No, I have to address something also, because I do not want to appear disrespectful to my colleagues.

We were seated with my counterpart, the Leader of Minority, Sen. Stewart Madzayo, trying to actually discuss the things that are happening. Then, the Governor of Nairobi City County walked into the office. As a former colleague, of course, I could not have kicked him out, but we had no prior arranged meeting. What I found curious though,

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is that he had a camera in tow and he said, “oh no, I just want to have a good photo,” only for me to see the same photo in blogs later, saying that Sen. Madzayo and I have done what we call “dry cleaning” services for him. I can swear, Sen. Madzayo is here, there is no business that we transacted with that gentleman.

At least---

(Loud consultations)

The Speaker (Hon. Kingi): Order, hon. Senators. Majority Leader, order. Order, Sen. Eddy. Order, hon. Senators. Can the Majority Leader be heard in silence?

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, you can suspect me, but what about Sen. Madzayo? Surely, it is completely unfair. This is a serious matter which will require your urgent attention. I know these proceedings are being followed live, issue directions before the Governor of Samburu disappears. Let him be taken to the police station here in Parliament.

Sen. Wambua: Thank you, Mr. Speaker, Sir. The way Sen. Cheruiyot is laughing, I do not know what transpired between him and Sen. Sakaja, but it is very curious. It is curious that we should allow strangers to just walk into Parliament, meet our leadership and walk out. What is even more annoying is that the Governor of Nairobi, who is my friend and a former colleague, a person I have fought so many battles with in this Senate, goes and says, “I will not appear before the Committee.” Then, in the morning, he sends a letter to the Committee and says, “gentlemen and ladies, I am willing to appear. When can I come to appear before you?”

Mr. Speaker, Sir, these games that are being played with Parliament must be brought to an end. The only person that can bring that game to an end is the Speaker of the Senate of the Republic of Kenya. Stand your ground. You cannot have people coming from Samburu to address the media inside Parliament. We do not do it ourselves. As a leader in this House, I cannot go out there and address the media inside Parliament. I cannot. You have directed where I can talk to the media. That is where I go to talk, at the Media Centre. How can a fugitive, a person who has a warrant of arrest hanging on his neck, come to Parliament, address the media and call our bluff? How can that be allowed?

Mr. Speaker, Sir, my request is very simple; direct Major Sorobit, the Chief Serjeant-at-Arms, to personally get the Governor of Samburu arrested and locked up in Parliament Police Station until the next time the County Public Accounts Committee (CPAC) will be sitting. Then they can be produced to us and we can have a conversation.

These games must come to an end, Mr. Speaker, Sir. I thank you.

The Speaker (Hon. Kingi): Hon. Senators, you have made your point. Sen. Eddy, the point has been made. Which clarity are you seeking, Sen. Eddy?

Sen. Oketch Gicheru: Mr. Speaker, this is a very serious matter.

An hon. Senator: He will run away. We want to go and arrest him.

Sen. Oketch Gicheru: A citizen's arrest in Kenya is actually a legal mechanism that allows private citizens to arrest people who are suspect under our laws; if you read the Criminal Procedure Code, CAP 75. How come these two governors have appeared before this Parliament precincts and they are not arrested? I request, if you can allow us

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to go and do a citizen's arrest to these people and take them to the police. If that is allowed, we can do it because it is allowed by the law. That is the request I wanted to make.

I rest my case, so that you can make the ruling very fast. I want to go and arrest this Governor of Samburu.

The Speaker (Hon. Kingi): Hon. Senators, I had indicated earlier on that I was going to make a communication on this matter. That communication is being prepared. In the meantime---

(Sen. Cherarkey spoke off record)

Senator for Nandi, I am speaking. In the meantime, I will order the Serjeant-at-Arms to escort the Governor of Samburu, if he is still within the precincts of parliament, to the nearest police station.

(Applause)

(Loud consultations)

Order! Order, Senator for Nairobi. Order, Hon. Senators. I am saying that because the Governor of Samburu is under a warrant of arrest.

Secondly, for the journalists that are milling around the inner gate of the Senate, again, I order the Serjeant-at-Arms to escort them to the Media Centre, where they are all expected to ply their trade. I will give a detailed communication on this particular matter.

Let us proceed.

(Several hon. Senators walked out of the Chamber)

Order, Hon. Senators.

BILL

Second Reading

THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILLS NO.2 OF 2026)

The Senate Majority Leader (Sen. Cheruiyot): When the Speaker's statement is ready---

(Sen. Olekina spoke off record)

Mr. Speaker, Sir, Sen. Ledama is inciting me, but the inciteful words are very appealing to me. Why should we send money to people who do not want to appear before

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us? What we can do is; we progress this Bill until the point where we need to vote, and then we hold it until the time they appear first before us.

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

Sen. Cherarkey: Mr. Speaker, Sir, I rise under Standing Order No.1 of the Senate Standing Orders. We need your guidance on the issue of the Division of Revenue. Is it in order for the Senate to discuss and pass the Division of Revenue Bill and allocate resources to governors who have failed to appear before our committees and shown impunity to account for the public resources that we allocate to them as per Article 210 of the Constitution? Is it in order that you direct the Majority Leader to stand down the Division of Revenue Bill until and unless the governors account for the resources that we are doing?

Remember, there are two governors who have warrants of arrest. You saw the Governor of Nairobi, but I was later informed he came to sign a condolence book. He did not appear before the Committee.

There is the Governor of Samburu, who our colleagues have gone to arrest. Is it in order that we discuss The Division of Revenue Bill, yet the issue of warrant of arrest has not been addressed and cleared? Is it in order that we continue with this, yet 11 governors were named and shamed for failing to appear before the Committee - 29 governors refused to appear to account for money?

If we allow the debate on the Division of Revenue Bill to continue, we shall be complicit in passage and participating in corruption and impunity that will allow the governors to hold resources without accountability; not to mention Kericho County, which has an adverse opinion. In fact, as a House, we should be invoking Article 225 of the Constitution to order stoppage of funds because the intention is likely to be misused and abuse of resources.

Under Standing Order No.1, we need your direction that the Majority Leader of the Senate withdraws and stops the Division of Revenue Bill until the governors account for the resources that we give to the people. That is the message across the country. They must be held accountable.

The Speaker (Hon. Kingi): Now, hon. Senators, who is out of order? The Senator for Nandi County was on his feet on a point of order. Senator for Nandi County, the Majority Leader is quite in order to move that business. You have to understand that quite a number of governors appeared and accounted for the resources that are given to them. There are other consequences under the law for those who did not appear for purposes of accounting for the resources that were made available to them. It is those consequences that shall follow. Not debating the division of revenue is not one of the consequences for governors not accounting.

So, Senate Majority Leader, you may proceed.

(Loud consultations)

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I had sent Sen. Sifuna on an important assignment and he has responded. Can he first report to the House whether his mission was successful?

The Speaker (Hon. Kingi): Senate Majority Leader, just proceed, please.

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(Loud consultations)

What is disorderly about the Senate Majority Leader? If it has nothing to do with the Majority Leader, then I will overrule you.

Sen. Olekina: Mr. Speaker, Sir, the business that the Majority Leader is about to transact is business that determines the amount of leverage that this House has over accountability and sending money to counties.

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

Sen. Olekina: Currently, we have a situation in this country where the citizens expect us to task these county governments to be able to account for the money that we are fighting for them to go there. If you read Article 217, we decided that we are sending more money to counties.

The moment we finish this, Article 219 dictates that that money cannot be delayed. Why should we be continuing discussing sending money when those who are receiving this money cannot account for it? I think it would be fair, so that we can transact business effectively, that the gentleman who was sent to carry out a task reports to this House if they succeeded in their citizen's arrest or not, and the orders that you gave. You did order the Serjeant-at-Arms to escort a witness to the nearest police station. It will be in order for us to get an update of what has happened, so that we can proceed well.

Thank you.

The Speaker (Hon. Kingi): Sen. Ledama, the point of order you have raised is the very same point of order that Senator for Nandi County had raised and if you listened carefully, I overruled that point of order. On the issue of citizen arrest, I had not ordered or instructed anybody to go effect arrest. I had directed the Serjeant-at-Arms to escort the Governor of Samburu County, in case he is within the precincts of Parliament, to the nearest police station.

You may proceed, Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, the governor has run away, but you know the police warrant of arrest is active. So, we want to tell the Inspector General (IG) that he is somewhere within the Central Business District (CBD) and he should be located immediately. This is because it is clear that he wants to do business with this House, only that he does not want to come on his own volition. He wants to be brought here. Maybe later you can amend your guidance and instruct the IG to locate him within Nairobi, so that it is easier.

I know my colleagues, Sen. Cherarkey and Sen. Ledama, have raised this issue. Why should we proceed with the division of revenue while we have this conversation? These are senior legislators. They understand that passage of a division of revenue, number one, is time-bound, and two, is a process. We are not concluding on this exercise today.

(Loud consultations)

No, I am not certainly convinced that we need to drop this business at this point because---

The Speaker (Hon. Kingi): Senate Majority Leader, I called you to proceed. Kindly proceed. Why are you debating whether to proceed or not?

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to move that The Division of Revenue Bill (National Assembly Bills No.2 of 2026) be now read a Second Time.

The Division of Revenue Bill (National Assembly Bills No.2 of 2026), was published in the Kenya Gazette's Supplement No.14 of 2026, dated on the 19th of February, 2026. The Bill was passed by the National Assembly on 10th of March, which is two weeks ago, and referred to the Senate for consideration.

The principal object of this Bill is to provide the vertical sharing of revenue raised nationally between the two levels of government, the national Government and the county governments, for Financial Year 2026 and 2027, in accordance with Articles 202, 203, 205, 218 of the Constitution of Kenya.

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

The Speaker (Hon. Kingi): Proceed, Majority Leader. Have you concluded?

The Senate Majority Leader (Sen. Cheruiyot): There is somebody shouting "point of order."

The Speaker (Hon. Kingi): Order, Senator for Nandi County. Is it a clarification or a point of order?

Sen. Cherarkey: It is a point of order for purposes of procedure.

The Speaker (Hon. Kingi): Proceed.

Sen. Cherarkey: Mr. Speaker, Sir, I rise under Standing Order No.159 on withdrawal of Bills-

"(1) Either before the commencement of business or on the Order of the day for any stage of the Bill being read, the Senator in charge of a Bill may, without notice, claim to withdraw the Bill.

(2) If the Speaker is of the opinion that the claim is an abuse of the proceedings of the Senate, the Speaker shall decline to allow the withdrawal of the Bill.

(3) A Bill that has been withdrawn may, subject to Standing Order 130 (Introduction of Bills) and re-publication, be introduced again.

(4) If a Senator in charge of a Bill desires to withdraw a Bill before it is introduced in the Senate, the Senator shall, in writing specifying the reasons for the withdrawal, notify the Speaker of the withdrawal and paragraph (3) shall apply to such Bill."

My only concern under Standing Order No.159 on withdrawal of Bills is that the Senator of Kericho County, who is the distinguished Majority Leader, has the powers as per this Standing Order, to withdraw this Bill of Division of Revenue because what we are discussing is under Chapter 13 on Principles of Public Finance on Accountability and Transparency, under Article 10 on National Values and Principles of Governance, under Article 174 on Objects and Principles of Devolution on Accountability and Transparency of Resources. That is sufficient constitutional provisions that suffices for the Majority Leader. I hope he is listening.

Senate Majority Leader, you are very wise and you have Solomonic wisdom. It is in the interest of this country that you withdraw this Bill pronto, so that the Kenyans can see we are serious on accountability and transparency.

I yield back.

The Speaker (Hon. Kingi): Majority Leader, the Floor is yours.

(Loud consultations)

It is upon the Majority Leader. If you look at that particular Standing Order, you cannot force the Majority Leader to withdraw.

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

The Speaker (Hon. Kingi): What is your point of order, Sen. Kathuri? Majority Leader, take your seat.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I wanted to plead with you that given that you are not a---

Sen. Kathuri: I have the Floor, Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Just 10 seconds. I wanted to request, given that you cannot be a leader without followers, I want to listen to the wisdom of my colleagues before proceeding.

(Applause)

So, if you could allow for a few interventions, then I will make the decision.

The Speaker (Hon. Kingi): Sen. Omogeni, please, proceed. The Senator for Nandi County has spoken from this side. Let us move to this side, then I will come to you Senator for Meru County.

Sen. Omogeni. Speaker, Sir, I think we need to send a statement to these guys calling themselves “their excellencies, governors.” In fact, there are some of our former colleagues, such as the one who was here this afternoon, hon. Lelelit.

As the Parliamentary Service Commission (PSC), we normally allow our former colleagues to have access to this House, as long as they conduct themselves in an honorable manner.

Information that has reached me indicates that the moment you made a pronouncement, hon. Governor Lelelit has been captured running like a hundred-meter stag. He has run faster than Omanyala out of the precincts of this House, to escape the implementation of your directive. I have never seen somebody run as Governor Lelelit has run out of Parliament.

This gives us an opportunity to sit down and consider whether, as a House, we should relook at our Standing Orders and give this House powers to pass a resolution to bar some of these characters from getting access to Parliament.

It is a shame for that governor to walk to Parliament and line up the media, without even the permission of the Speaker. You know what happened to former Speaker of the House of Commons, John Bercow? He was the only Speaker in 200 years who was denied the power of peerage. He is not called a Lord, and does not get access to the House of Commons.

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People such as Governor Sakaja frequents our bar here. We should bar him. He comes to take a drink in our beautiful bar here, but he cannot appear before a committee to answer to the audit questions that have been raised by the Auditor General.

On the issue of the Bill that has been moved by the Majority Leader, we have said that there are times we request for a few minutes to go and consult and reflect before we proceed with an order that is on the Order Paper. Sen. Cheruiyot, the Majority Leader, knows that we went through that Motion when we were discussing the Fourth Formula. We could adjourn for a few minutes, go deliberate among ourselves, then we come back.

Mr. Speaker, Sir, so I am requesting that you allow the House to adjourn for a maximum of 20 minutes. We retreat, as Senators, to consult before we go to the business that has been introduced by the Majority Leader.

Sen. Kathuri: Thank you, Honourable Speaker, for this opportunity also to weigh in on this matter of national interest. When I was following up the proceedings from 2.30 p.m., as now a citizen--- I was not in this Chamber and all radios and televisions are on the Senate today.

When I approached the Senate as I was coming in, what is happening at the gate of the Senate is total shame. Yesterday at around 4.30 p.m., when I was walking out of this Senate, I think all the international and local media were just focusing on the Senate. I even asked, “who is this VVIP who is coming out of the Senate?” All cameras were glaring at this gentleman. One of the journalists told me they were waiting for Governor Sakaja, who is a former Senator, to leave the Senate.

Yesterday, I felt it was okay, but today again? What is at the gate of the Senate is total shame. If we allow all these shenanigans to continue, then the Senate of the Republic of Kenya is in total shame. How can 29 governors fail to appear before the Senate CPAC? How can this happen and they are walking the streets, coming to the Senate to portray that they are even stronger and powerful than the Senate of the Republic of Kenya? Who is this giving the governors access to the Senate?

When you are invited as a governor and you fail to attend the Senate sessions and then you are given an opportunity to come to offices--- This is total shame.

Mr. Speaker, Sir, with your authority, because you are our Chief Executive Officer, we want to convince the Majority Leader to drop this discussion today.

I am aware there are counties that appear before the CPAC; there are counties that are doing well. The Governor of Meru appeared before the CPISFC and CPAC and attended all those sessions. They are really trying to see how they can also come--- Today, I even shared with them the observations and conclusions about their appearance at CPAC and CPISFC.

Some counties have complied but for the interest of this country, I cannot allow Meru to be given this money when Nairobi is suffering. Nandi and Kericho did not comply. It is worse. Even governors that have come before us under impeachments are still out there trying to be bullies.

For the interest of the Republic of Kenya and so that we can also be seen as the Senate of the Republic of Kenya that is truly taking care of the interests of the counties that we have, let us step down any business that belongs to the county governments and then we agree or disagree. How can the Governor of Nairobi City County bring media or media houses to the Senate? Who has given him those powers?

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I was very frustrated today when Sen. Sifuna was speaking to the media and his background was showing the National Assembly, yet he is a Senator. Can we also have a media centre for the Senate that when we are also discussing issues--- Madam Commissioner, can we have a media centre for the Senate as we have also for the National Assembly?

I want to convince my younger brother, Sen. Cheruiyot, that we suspend Senate business even if it means suspending in totality, so that we can handle these governors. We cannot massage these governors. Let us deal with them *mundu khu mundu*, man to man.

The Senate Minority Leader (Sen. Madzayo): Mr. Speaker, Sir, I think this Bill has brought a bit of interest. In my view, I am looking for a way on how we can temporarily suspend this sitting and adjourn this debate and then we can reconvene maybe after 20 or 30 minutes. With that direction, we can know exactly what necessary directions we should take.

Sen. Wambua: I thank you, Mr. Speaker, Sir. I also thank the Majority Leader for accepting to listen to input from Members on this matter.

Mr. Speaker, Sir, it is your business to read the mood of the House. If this Bill continues to be debated, chances are that it will collapse. You do not want that to happen. The best thing to do is withdraw the Bill. I have no business advising the Chair on what to do in such a time as this. However, I know there is a Motion that is coming up by Sen. Ledama Olekina on the behaviour of governors, which is very relevant to the issues we are discussing. That would be the best Motion to debate in order to deal with the wayward behaviour of governors.

Secondly, I accompanied Sen. Sifuna and a number of my colleagues out there. What happened in the precincts of Parliament is a shame. That the Governor of Samburu County has the audacity to bring together more than 50 media houses to Parliament to speak ill of Senators. Which is easier; to call the media out there or appear before a Senate Committee and respond to audit queries? We cannot understand this.

Mr. Speaker, Sir, I want to address this. It is important since the Senator for Wajir County is here. The leadership of the Council of Governors (CoG) has never been so incompetent and downright wrong as it is now. When you have a council as important as CoG, led by a governor whose understanding of Parliament is only the building he sees in the city centre, it is amazing. I am embarrassed on behalf of the people of Wajir County.

(Applause)

It was a great honour for the people of Wajir County that the CoG gave them the opportunity to lead this institution. However, the governor who has been given that role is now ordering---

I wonder what happened to our former colleagues in the Senate. Hon. Sakaja used to do so well when he was here. We used to look at him as the defender of devolution. Hon. Irungu Kang'ata was very firm on devolution. Hon. James Orengo was so firm on devolution. Hon. Kihika Susan was doing so well. Hon. Ochilo Ayacko was the Chairperson of the County Public Accounts Committee at some point. It is amazing.

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(Loud consultations)

Mr. Speaker, Sir, I urge the Senate Majority Leader to kindly withdraw the Division of Revenue Bill (National Assembly Bills No.2 of 2026). We cannot be discussing how we are going to allocate money to counties, when the governors have decided they cannot account for what they have received. We cannot.

As I conclude, even if it means---

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

Sen. Wambua: Mr. Speaker, Sir, I spoke in defence of the people of Wajir. I never said anything wrong about them. I do not know---

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

Sen. Abass: Mr. Speaker, Sir, it is so unfortunate that the Senator for Kitui County---

Sen. Chute: You rise under which Standing Order?

Sen. Abass: Stop *Bwana*. Stop it!

(Laughter)

Mr. Speaker, Sir, Standing Order No.105.

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

Sen. Abass: Mr. Speaker, Sir, the Governor for Wajir County is the Chairperson of the CoG. I have brought my governor here many times and he has appeared several times. There is nothing to be ashamed of. If you have failed to commit him for his mistakes, then I have no responsibility for that.

The Speaker (Hon. Kingi): Can you conclude, Sen. Wambua?

(Loud Consultations)

Order, Hon. Senators.

Sen. Wambua: Mr. Speaker, Sir, for the record, the Senator of Wajir County is not on trial. The people of Wajir County are not on trial. It is one individual called the Governor of Wajir County. He has committed atrocities against this House. That is the man on trial.

(Loud consultations)

Mr. Speaker, Sir, as I conclude---

(Sen. Abass stood up in his place and spoke off record)

There cannot be an exchange between the Senator for Wajir County and me.

The Speaker (Hon. Kingi): Proceed, Sen. Wambua. Sen. Abass, kindly take your seat?

(Sen. Abass spoke off record)

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Sen. Abass, take your seat.

(Sen. Abass resumed his seat)

Good. Conclude, Sen. Wambua.

Sen. Wambua: Mr. Speaker, Sir, let me conclude by saying this. These governors---

Sen. Chute: Tell them!

(Sen. Abass almost punched Sen. Chute on the face)

Sen. Wambua: Mr. Speaker, Sir, the Senator for Wajir County is being violent.

The Speaker (Hon. Kingi): Order. Sen. Abass, I order you to leave the Chamber immediately for the remainder of the day.

Sen. Wambua: Is it that serious?

The Speaker (Hon. Kingi): Sen. Abass, leave the Chamber immediately?

Sen. Wambua: No, we cannot behave this way. Gentleman, we cannot behave this way. Colleagues, we cannot behave this way. We cannot do this.

(Loud consultations)

Mr. Speaker, Sir, as I conclude---

The Speaker (Hon. Kingi): Serjeant-at-Arms, kindly escort the Senator for Wajir County out of the Chamber.

(Sen. Abass was escorted out of the Chamber by the Serjeant-at-Arms)

(Sen. Abass threw a water bottle at Sen. Chute)

(Loud consultations)

Sen. Wambua: Mr. Speaker, Sir, let me conclude. There is a serious concern on the matter of the funds that the governors have been put in charge of. My point is made. Senate Majority Leader, please, withdraw the Bill. Let us retreat and have a conversation about this Bill. At a later date, we can debate it.

Mr. Speaker, Sir, I submit.

The Speaker (Hon. Kingi): Senator for Nairobi City County.

Sen. Sifuna: Hon. Speaker, the Senate Majority Leader had requested me and a small group of Senators to proceed to the place where the Governor for Samburu County was addressing the press. We were to do that, so that we escort him into the precincts of Parliament, put him somewhere---

(Sen. Lemaletian spoke off record)

Hon. Speaker, please, I would not like to be heckled this afternoon. I am in a foul mood.

The Speaker (Hon. Kingi): Sen. Hezena, may the Senator for Nairobi City County be heard in silence? You will have your moment.

Sen. Sifuna: Thank you, Hon. Speaker. The reason I am in a foul mood is, I have been assaulted at the gate. I will get there. When we arrived there, we found the Governor of Samburu County speaking to the press. Since you had asked that the Serjeant-at-Arms to escort him to the police station, they were already there.

Hon. Speaker, as Hon. Members, we asked him to walk with us into Parliament, so that he can be taken where you had ordered him to be taken. One of his goons grabbed me by my coat. I do not say it is an expensive suit, but it is now ruined. Were it not for Sen. Eddy, I would have found myself in a very difficult situation.

Mr. Speaker, Sir, we need to stop making a mockery of this House. We need to stop making a mockery of devolution. We need to stop making a mockery of the processes that are required to be done constitutionally. I am happy that I saw a letter from the Governor of Nairobi City County saying he is now prepared to appear before the County Public Accounts Committee (CPAC).

This decision not to appear before a specific committee of this House is a collegiate decision by the Council of Governors (CoG). That is why I like what the Senator for Meru has said, that this is no longer about our individual counties. One of the things that I agree with the Chairperson of the CoG, the Governor for Wajir, is when he spoke yesterday he said, in fact, the oversight mandate of this House is not upon individual governors.

I, as the Senator for Nairobi City, I am not the only one expected to oversight Nairobi. The Governor of Meru and the Governor of Samburu are also subject to my oversight as Members of this House. Where we differ is that the responsibility to account for money is an individual responsibility for them. My responsibility is to account to the people of Nairobi how I have been able to execute the mandate they gave me at the ballot.

The people of Nairobi have seen that I have exhausted every single tool, including sending the Inspector General (IG) of Police to present my governor before the committee, so that we can have conversations about those matters that we were highlighting yesterday.

You talk about Kshs21 billion that this House, not Sifuna, gives Nairobi. If the Senator for Bungoma, sitting in a committee, cannot ask Gov. Sakaja questions about utilisation of those resources, then how will I be able to convince you next time that you need to support me for more resources for Nairobi? So, honestly speaking, what is required now is some level of sobriety and maturity, not from this House, but from the CoG. We have had enough.

You cannot subject this House to the sort of ridicule that we are seeing. You know very well, you are invited to a specific committee at a specific time and date, to discuss a specific matter. Then, you bring a battery of journalists out here to tell them, “there is nothing I am doing here and no one has asked me any question.” That is not how we are supposed to relate. Intergovernmental relations are not supposed to be this acrimonious.

Majority Leader, you have said you want to hear our wisdom. I am also saying that, as the Senator for Nairobi City, I am willing to drop that business of today, so that we can sort out all these problems.

Finally, I want to remind everyone that this House has not been intransigent in this impasse. In fact, I remember the Speaker of this House directing the CoG that we are prepared to have a meeting, as the leadership of this House with the leadership of the CoG, to iron out any concerns that they have. The only condition was that you cannot suspend a constitutional provision. All they needed to do is to attend those meetings for that week and then we would have had the meeting. We cannot countenance a situation where somebody sitting somewhere can suspend a constitutional imperative. It is something we cannot do. So, I hope that other governors will follow.

I have spoken to the Chairperson of the CPAC. I do not see him in the House today, but he is on his way. However, the Vice-Chairperson is here. We are ready to issue a schedule as soon as tomorrow for people to come and account for the monies that they have been given as county governors.

Immediately that process is going on, we can come to this House and say as the leadership, they can sit with you, the Speaker, if they do not like Sifuna's face. It is fine. This is not about Sifuna. I have said and repeated that there is no Senator here who cannot do the job that I do. That is the reason why all of us were elected. So, if Sifuna's face at the CPAC is somewhat unpleasant, we can try Sen. Mundigi's face; I do not have a problem. We can also try Sen. Joyce Korir. If they think she will not ask about money being taken from the County Aggregation and Industrial Parks (CAIPs) project to throw a *bash* for *boda bodas*, they are very mistaken. If they think Sen. Korir will allow them to withdraw money from the county coffers, so that they can throw a housewarming party, like they did in Vihiga, it is not going to be possible.

Can you imagine, they say we embarrass them? A governor comes and his records are so bad that when he is asked to read, he says he has forgotten his glasses at home. This is because he knows that if he reads that thing, he is going to be so ridiculous. Who is embarrassing who? This House only operates on two reports. The report from the Auditor-General is brought to us and the responses from the governors. Their responses are so bad that they are embarrassed to read them, but somehow, Sifuna is the problem. So, I agree with my colleagues who are saying---

The Speaker (Sen. Kingi): Sen. Sifuna, would you wish to be informed?

Sen. Sifuna: By all means. This is a *Njuri Ncheke* elder. He has some information.

(Laughter)

Sen. Kathuri: Thank you, Mr. Speaker, Sir. The Senator for Nairobi City is my good friend. What happened yesterday, is that the CPISFC and CPAC reports already departed from those committees. They are now in this House. So, my friend, Senator for Nairobi City, Sen. Sifuna, already, the reports are the property of the Senate. They have already departed from the committees. So, what we need to do is to discuss these reports now, as the Senate. Whatever we want to do with the governors---

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They have already left the committees. Governors should appear here, the way CSs appeared before us, so that we can also interrogate them.

(Applause)

We especially need to deal perpendicularly with the 29 governors who have shown us the middle finger.

The Speaker (Sen. Kingi): Senator for Nairobi City County, conclude your thoughts, please.

Sen. Sifuna: Mr. Speaker, Sir, I want to conclude by saying that I agree with what the Senator for Meru is suggesting. In fact, it will be good for the whole country to see for themselves the sort of amazing things that we are told in the CPAC. You ask somebody to show you what they utilised money on and they tell you that they gave supplements to wild animals. Wild animals are being given special food, yet there are children in this country going hungry. I want them to stand there and be live on all media stations and say those things.

Let us see if Sifuna is the problem. So, I want to very strongly say---

Sen. Cherarkey: Sen. Sifuna, you are now doing *linda* county.

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

(Laughter)

Sen. Sifuna: Let us drop this business. We are amenable as a committee. None of this business is the property of any committee, it is the property of the House. So, let us adopt the position that has been taken. However, until we clear those 29 governors, there is no single coin we are going to vote for to go to the counties.

(Loud consultations)

The Speaker (Sen. Kingi): Order, hon. Senators.

Sen. Wafula: Asante Mheshimiwa Spika, kwa nafasi hii. Leo gavana ameponea chupuchupu. Ndugu yangu, Sen. Sifuna na Sen. Eddy Oketch walikuwa wamembeba hobela hobela. Miguu ilikuwa imening'inia hewani. Iliwachukua maafisa wake kumuokoa mikononi mwa Maseneta. Lakini, jambo linalosisitizwa ni kwamba mtu hawezi kuoka mkate wake na kuula mwenyewe pasipo kuchungwa na kudadisiwa na tume au taasisi kama Bunge la Seneti.

Nimeshangazwa na yale viongozi wametaja kuhusiana na uporaji wa pesa za kaunti, kama vile kupanda miche isiyohesabika, kulisha mifugo ambayo haitunzwi na watu timamu mchana katika boma zao. Sikujua kuna kaunti ambayo inafanya kazi kama idara ya wanyama wa misitu. Gavana anawatunza fisi, mbweha na kuwalisha na anawacha watoto wa Kenya wakipasa vinywa wakipiga miayo.

Sitakubali na wengi wamesema, na wengi wape. Tusiwape shilingi, ndururu ama noti. Wacha wakaukiwe kule kaunti.

(Applause)

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Wakenya wajue tumewanyima pesa kwa sababu hawawezi kuwajibika na pesa za kaunti.

Mheshimiwa Spika, wengi wamening'inia katika vazi la Mheshimiwa Rais. Mheshimiwa Rais anazindua miradi mingi katika kaunti, lakini ni hao magavana wamenyoosha vidole viwili viwili kila mahali lakini mfukoni, wamejaza pesa za Wakenya. Kile Maseneta wamesema ni kuwa tutategua mifuko yote hata kama ni kuwavua nguo tuwavue ili wabaki uchi wa mnyama ndio tujue wao ni waaminifu.

Iwapo wanaweza kuja katika malango ya Seneti kwa kiburi, kejeli na madharau, hawa watu wakikutana na Wakenya usiku watawachinja peupe. Hatupaswi kuwahurumia, hatupaswi kuwapa nafasi yoyote ya kujidhihirisha ya kwamba wao ni watakatifu wakati huu mgumu wa kiuchumi.

(Applause)

Kuna mhasisi alisema, ukiona mtu *dictator*, ukiona mtu dhalimu, ukiona aliyekuwa mwizi anageuka na kubeba Bibilia akisema “Njoooni wote ufalme wa mbinguni umekuja, nitawatangulia niwafungulie njia” jipange. Wale ambao wanakuja na kusema jinsi Mheshimiwa Sifuna na Mheshimiwa Wambua walisema, eti “niruhusu tu nije” kama Nikodemo, tusiwakubali. Waje tu mchana jinsi wanavyopora mchana na sisi tuwanyoe mchana kwa sheria za Seneti.

Ninaomba niungane na wengine kwa kusema hatuwapi pesa. Ni lazima wakamatwe. Na nimeshukuru Mheshimiwa, Kiongozi wa Walio Wengi. Kwa mara ya kwanza, Wakenya wamejua kuwa Katiba imewaruhusu kukamata wezi na kuwakabidhi mikononi mwa taasisi za dola.

Wakenya popote mlipo, mkiona hao magavana, tusaidieni. Muwakamate, muwapeleke katika kituo cha polisi kilicho karibu.

Asante sana na Mungu awalinde. Asante sana, Bw. Spika.

The Speaker (Hon. Kingi): Now, hon. Senators, if you look at your Supplementary Order Paper, there is a Motion that you will speak to. It touches on the matters that you want to speak to.

Sen. Kavindu, there is a whole Motion that awaits you, so that contribution you want to make now, reserve it for that particular Motion.

Senate Majority Leader, you wanted to tap into the wisdom of your colleagues. I hope you are now wiser than you started.

You may proceed.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. I want to thank my colleagues, because this is not a simple matter---

(Sen. Kavindu Muthama consulted loudly)

The Speaker (Hon. Kingi): Sen. Kavindu, the Bill has not been moved.

Proceed, Senate Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, this is a very serious matter, and these are moments that call for serious introspection. As a House, the

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reason I requested that I be advised by my colleagues is that this is not just an issue about one or two governors.

When you have governors seated in Kilifi, enjoying expensive drinks, and perhaps doing things that you cannot mention even on the Floor of the House, then incite each other that they shall cease appearing before the House of Parliament, that is not a matter to be treated lightly. That is why I have been very clear from day one that if there is a matter that has touched the raw nerve of this House, it is this issue of the collective non-appearance by governors before the House of Parliament. I want to tell the governors that it does not matter which office you seek intervention from, and they know what I mean. This is non-negotiable for us.

If my colleagues feel that a continued conversation on the division of revenue undermines our collective position of principle, that respect for the constitutional order in this country is not subject to debate, then I defer to the wisdom of the House. I request that I be granted the opportunity to defer the moving of this Bill until a later date.

The Speaker (Hon. Kingi): It is so deferred.

(Bill deferred)

Now, Hon. Senators, there is a Supplementary Order Paper, which I believe has been posted on your gadgets.

(Loud consultations)

The Chair will make a communication in that regard; do not worry about it.

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

Order, hon. Senators. Before I ask the Clerk to call the next Order, I have this communication to make.

Sen. Eddy and Senator for Kitui, kindly take your seats.

COMMUNICATION FROM THE CHAIR

SUSPENSION OF THE SENATOR FOR WAJIR COUNTY FROM THE PRECINCTS OF PARLIAMENT

Now, hon. Senators, as you have witnessed, the conduct of the Senator for Wajir County was grossly disorderly, within the meaning of Standing Order No.122(1)(j). In this regard, I invoke the provisions of Standing Order No.122(2)(a), which provides that-

“A Senator who commits an act of gross disorderly conduct on the first occasion, that Senator shall be suspended from the precincts of Parliament for a maximum of three sitting days, including the day of the suspension.”

The Senator for Wajir is hereby suspended for three consecutive days, including today.

Let us move on to the next Order. I want to believe that you have received the Supplementary Order Paper.

Sen. Ledama Olekina, you may proceed to give Notice of your Motion.

NOTICE OF MOTIONS

IMPLEMENTATION OF RECOMMENDATIONS BY CPAC AND CPISFC ON AUDITOR-GENERAL REPORTS FOR FY2024/2025

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

AWARE THAT, Article 96(1) and (3) of the Constitution mandates the Senate to represent counties, protect their interests and oversee national revenue allocated to county governments; and that Article 229(8) and the Public Audit Act require Parliament to debate audit reports and act within three months;

CONCERNED THAT, despite repeated invitations and summons, fifteen county governors defied the Select Committees on CPAC and CPI&SF by refusing to appear and answer for financial mismanagement and accountability failures in the Auditor General's FY 2024/25 reports;

APPRECIATING THAT, CPAC and CPI&SF diligently interrogated the Auditor General's issues, filed reports within constitutional timelines and secured Senate approval on 31st March 2026;

NOTING the urgent need for rigorous follow-up on these recommendations and ongoing Senate oversight of implementation;

NOW THEREFORE, notwithstanding Standing Order 225, THE SENATE RESOLVES that the Select Committees on CPAC and CPI&SF immediately:

1. Track implementation of the Senate-approved recommendations and table monthly progress reports detailing compliance status;
2. Fast-track the next audit cycle by prioritizing Auditor General reports on county financial statements for the year ended 30th June 2026, tabling committee reports promptly to enable thorough Senatorial scrutiny;
3. Enforce fiduciary accountability by re-summoning non-compliant county governors, recommending sanctions for defiance (including budget withholding under Article 229), and escalating unresolved cases to the Controller of Budget, Ethics and Anti-Corruption Commission, or Director of Public Prosecutions as appropriate;
4. Collaborate with oversight bodies—Controller of Budget, EACC, and DPP—to impose consequences under Chapter Six (Leadership and Integrity) for governors' failure to appear, including contempt charges, suspension of county equitable share, personal liability for losses, and disqualification from future electoral candidacies.

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

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

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The Deputy Speaker (Sen. Kathuri): Clerk, let us move on to the Order.
Sen. Ledama Olekina, proceed.

MOTION

IMPLEMENTATION OF RECOMMENDATIONS BY CPAC AND CPISFC ON AUDITOR-GENERAL REPORTS FOR FY2024/2025

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

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4. Collaborate with oversight bodies—Controller of Budget, EACC, and DPP—to impose consequences under Chapter Six (Leadership and Integrity) for governors' failure to appear, including contempt charges, suspension of county equitable share, personal liability for losses, and disqualification from future electoral candidacies.

Mr. Deputy Speaker, Sir, this issue where governors have collectively boycotted the Senate oversight is a bizarre assault on accountability. All of us are brought here by the citizens of Kenya, who expect us to report back to them on the issues

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of accountability. What we have been witnessing is arrogance and total misunderstanding and misinterpretation of the Constitution and laws that governs devolution.

All of us come here on a daily basis to pass legislation that affect counties. A few minutes ago, we requested the Majority Leader to halt the business of sending money to counties, so that we can, first of all, put a check mark on the issues of accountability. Every distinguished Senator who has spoken here has spoken about arrogance.

These are young men and women, who before they became governors, were living in apartments. Some of them had small huts that they called their homes, but today, they live in manicured mansions, they drive 200,000 Dollar or 300,000 Dollar cars, mismanaging money and traverse the entire country with helicopters. However, when they are called to account for the money, they cannot account.

Mr. Deputy Speaker, Sir, this Senate only has this opportunity. This is the time that each one of us here should remember the powers that the citizens of Kenya donated to them to ensure fiduciary responsibility. When you look at the citizens of Nairobi City County as an example, there are over 800,000 who sent the distinguished Senator for Nairobi City County, Edwin Watenya Sifuna here, to represent their interests. When you look at the citizens of Narok County, there are over 1.5 million who sent me here to represent their interests.

There are over four million citizens in Nairobi City County, but those who elected the distinguished Senator were about 800,000. What do we tell these people when the one person who has been tasked with the fiduciary responsibility failed to come to account for that money?

This issue of governors forgetting that leadership is a sacred trust, which has been bestowed to them by the people is something that we must remind them on a daily basis. This is the occasion for each one of us here to look at the reports of the Auditor-General in the Executive and the special funds account to see how money is being utilised in the counties.

Mr. Deputy Speaker, Sir, it is very sad that governors are traversing this great country called Kenya with helicopters and yet, our people cannot get their goods from their farms to the market. The governors do not even know that those roads are dilapidated. I speak to my colleagues that today, it does not matter whether we spend the night here and burn the midnight oil, we must resolve to demand accountability from these - I do not even know whether to call them honourable anymore - 47 governors who have been tasked with the fiduciary responsibility.

One of my biggest pet peeves is that most of those governors do not even understand the Public Finance Management (PFM) Act and those people who work under them do not understand the consequences, intended and unintended, that will befall them when they cannot account.

Mr. Deputy Speaker, Sir, I have listened to my colleagues who are in those committees narrating and demonstrating clearly the embarrassment that they are faced with when they are trying to analyse the documents that are presented by these county governors. It begs the question, is it an issue of just rewarding mediocrity and ignoring meritocracy when it comes to the issue of employment? That you decide, I am going to employ my relative to become the CEC Finance, yet they do not even qualify to hold that docket or is it that we do not really give a hoot in hell about this country?

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Mr. Deputy Speaker, Sir, today, for the sake of the future generation, I call upon all Senators to remember that the responsibility that you have been tasked with is to ensure accountability, nothing else. You know, there are a lot of stories that we hear. I want to go on record and state here that when the governors made that statement, I did speak to the Chairperson of the CoG. I spoke to him and he told me that there are so many issues that the governors were raising regarding the matter, the way they were treated. However, what I deduced from my entire 30-minute conversation with my friend, the Governor of Wajir, was that the issue was about respect. In fact, I told him, my brother, smell the coffee. The moment you decide to put yourself out there to become a leader, the one thing that is required of you is to grow thick skin. If you cannot grow thick skin, you might as well just resign and go home and take care of the camels. All of us, on a daily basis, are insulted.

In fact, today, if you open your social media pages, you will hear all manner of things that are being said. If I was to listen to that, my blood pressure would be at 300; over 120 or 150. I will be sent to the morgue, but I remind myself that I am here and the fact that I put myself out there to be scrutinised, all those insults will come.

So, I want us to divorce the notion that this so-called Council of Governors (CoG), collectively, can support one individual. When my brother, Sifuna, walked in, he narrated to me the way my other brother took off. I wondered what kind of a warrior my brother is to run and take off instead of facing the consequences. I would have stood there and faced the consequences. The challenge we have is the issue that we forget what - the problem with us is that we forget that--

Sen. Cherarkey: What kind of a warrior?

(Loud consultations)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, Sen. Olekina will be heard in total silence. This is a matter of national importance.

Sen. Olekina: Mr. Deputy Speaker, Sir, thank you for your protection. Let me not forget the point that I wanted to raise, which is very important. All of us, and I hope that the 47 or 67 men and women who are sitting here, will never forget that power is transient. Today, you are the most powerful person on earth, tomorrow, you are not. When you are tasked with a fiduciary responsibility, the first thing you need to do is to thank your God for having put you there. This is because, imagine, Nairobi County is an example. There are so many other Kenyans who would have become a governor of Nairobi, but God put you there. Instead of you adhering to the fiduciary responsibility and accounting and being ready to account, you are growing bigger balls than you can ever carry. This is one of the biggest bizarre experiences that I have experienced personally. Seeing the way people behave, it is as if they will remain as governors forever.

This is a democracy. The moment we allowed ourselves to subscribe to the Constitution, we remember very well that we are limited. There is a statute of limitation. You can only be a governor for 10 years. It will be embarrassing when you retire and you go and sit down in your manicured mansion. You will not even get a single citizen visiting you. This is because when you were in power, what you did was to subject them

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to a sentence of poverty, where when they go to the hospital, there are no drugs. They cannot even walk to the market because there are potholes. There is no vehicle that agrees to go to that road. Even the *boda boda* do not even want to go there and even when the citizens, who are walking, can barely find an escape to go to the market.

So, what we have witnessed in the last two days is just political theatrics, which must come to an end. This is why it is important that we remind ourselves - because all of us are here - and we are guided by the rule of law, the Constitution. I have alluded to Article 96 which gives us the mandate to oversight these counties and protect the interests of the counties. Today, this Motion has been brought for us to protect the interests of our counties by demanding accountability. That is issue number one.

Issue number two, I heard my good friend, the IG of Police saying to my good committee of CPAC, that show me, just tell me, when you want me to bring that governor here and I shall bring him. I am surprised that what I witnessed were my good friends, the police, outside Nairobi City Hall. Then, the next day, I see the Governor of Nairobi moving around with a cameraman, taking pictures. What happened to the IG of Police? I will call him after this and ask, what happened to you? You said that you would bring this gentleman here. What happened? You chickened out or what? What is the biggest problem?

The problem is that all of us, and I am not saying that I am a saint, but sometimes we have to remember that we have a fiduciary responsibility. It is wrong for the IG of Police not to deliver on what they promised under oath when they appeared before the committee. It is wrong for me to witness my good friend, Governor Orengo, coming in, and he was among the first persons--- I sat here next to him and he taught and guided me very well on the importance of respecting the rule of law. When he appeared, I was shocked. I do not understand what it takes when you become a governor. All of a sudden, you forget that you are supposed to be accountable.

It is about time that we ask ourselves whether this Constitution is the right one. This is because if I was the President of Kenya today, I would rule this country with an iron fist and ensure that there is proper accountability. We cannot answer to our citizens in the country who are crying, who do not have medicine and cannot support themselves.

I end with the following five points which are very key. That it behoves all of us here to hold our county governors accountable. I want to request the Ethics and Accountability Commission (EACC), because recently, I met with the Office of the Directorate of Public Prosecutions (ODPP), and they told me that I cannot do anything without EACC - Either we agree to collapse these two entities and make them one because of the issue of prosecutorial powers or define, when it comes to the issue of accountability, give EACC prosecutorial powers.

Number two, and this is something that all of us must think through. When you look at other jurisdictions, there are so many appropriations acts. Maybe it is about time that in this country, and particularly, either we amend the Constitution, so that when we are moving the budgets, the Senate plays a critical role in terms of appropriations, such that we have got appropriation Bills that will proceed whether there is accountability or not.

This issue of collapsing all appropriation into one form of budget is what is taking us back to the dogs. This is because the county knows that even though we fight so hard

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and say that we will stop money from going to the counties, the Constitution limits the period to three months. So, we need to rethink the issue of the Appropriations Act in this country.

Two, we need to also think generally, because, today, we are about to discuss the issue of division of revenue. We need to relook at Article 223 of the Constitution of Kenya. When it comes into the issue of money being spent without approval of Parliament, it is about time that we take this opportunity, distinguished Senators from both sides of the aisle, to redefine this country for future generations. Look at the Constitution, see the loopholes which are there, which these guys are easily able to bypass for them to get what they want.

Three, if, today, we agree to discuss the division of revenue, the moment we discuss and we pass it, it is done. It goes to the National Assembly then procedure for the money to go to the counties--- The Constitution is very clear. Read Article 219. A share of revenue of a county shall not be delayed. It has to be released. That only comes in after we have passed the division of revenue. My plea to all of us is that we stop this debate on division of revenue until all county governors have appeared before the Senate to respond to the queries that have been asked.

Four, as I conclude, it is imperative that these oversight bodies, the Auditor-General, EACC and ODPP, work together. It is embarrassing that every time you speak to the EACC, they tell you there is nothing they can do or what we are witnessing, a charade of cases being dropped from the high courts because the investigation was not carried out properly. This is what is encouraging this issue of corruption.

Mr. Deputy Speaker, Sir, in conclusion, this House must send an unmistakable message that accountability is non-negotiable. The Senate powers of the past must be exercised and this is the opportunity that we have. Without this opportunity, I do not know how to spell it out. Maybe I will speak in Kiswahili or Maasai for you to understand. This is the only opportunity that we have to demand accountability.

With all those remarks, I beg to move and request the Majority Leader to second.

The Deputy Speaker (Sen. Kathuri): Before the Majority Leader seconds, I want to make this communication of the visiting members of *Maendeleo ya Wanawake* from the Ndhwa Constituency in Homa Bay County.

(Interruption of debate on Motion)

COMMUNICATION FROM THE CHAIR

VISITING MEMBERS OF *MAENDELEO YA WANAWAKE*
FROM HOMA BAY COUNTY

Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery, this afternoon, of a visiting delegation of members of *Maendeleo ya Wanawake* from Ndhwa Constituency in Homa Bay County. The delegation is in the Senate on a courtesy call to Sen. Beatrice Ogola, MP.

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

Thank you.

Sen. Beatrice Ogola, in one minute, kindly welcome the visitors, so that we can proceed to the seconding of the Motion.

Sen. Ogola: My Minority Leader has just stated that I come forward. Thank you, Hon. Speaker, for giving the great women of Ndhiwa Constituency of Homa Bay County the opportunity to come to the Speaker's Gallery.

The illustrious women that are here this afternoon are women of this country who believe in this country going forward. These are women who believe in the leadership of even this House and that is why they have been patient here. I want to recognise that these are great leaders from my constituency, led by the former Councillor Dorcas Matunga, who was the Chairperson of the County Council of Homa Bay then before the coming of the counties. We have former Councillor Dorcas Atito, Councillor Caroline Oguta, the Chairperson Grace Awidi, Roslyn Ogada, Doris Obondo, Margaret Odongi, Siprosa Apopo, Millicent Anyango, Helida Otieno and Rusula Odida.

Hon. Speaker, these are women who come from all the seven wards of my constituency and I have a lot of relations with them. My late father taught me something that was very wise that has kept me in this country going. That we must be humble at the mountain top and strong at the valleys. In between, you have to have faith.

The women you see today have worked within the valleys, strong together. I celebrate and welcome them to the Senate. I still believe in you; I am one of you. I am proud of you and the Speaker equally is proud of you.

Hon. Speaker, if you allow, I want also to welcome them and give a welcoming remark from my Senator, Sen. Moses Otieno Kajwang', who equally believes in you and I know you believe in him. Together with Sen. Moses Otieno Kajwang' and the party leader, who is a Member of this House, a man who believes in power, I can assure you, the great women of Ndhiwa, that we are still going forward to Singapore with power.

Please, allow I donate 30 seconds to Sen. Eddy Okech on behalf of Sen. Moses Kajwang', to welcome them.

Thank you and come again.

The Deputy Speaker (Sen. Kathuri): Sen. Beatrice Ogola, the only one thing that I can do as the Chair is to ask the chairperson of the delegation to stand up, so that the Senate can recognise them. Did you mention a name?

Sen. Ogola: Grace Awidi, who is the chairperson.

The Deputy Speaker (Sen. Kathuri): That is good enough. Thank you very much. The Chair of this session believes in you, gracious ladies from Ndhiwa Constituency. I was in Ndhiwa some years back when the daughter to Sen. Kiraitu was married there. Also, the Member of Parliament for South Imenti, the daughter is married in Ndhiwa Constituency. So, Ndhiwa are my in-laws. I recognise them. I do not want to dilute my recognition to them with Sen. Oketch. So, that is good enough.

Let me get the Majority Leader to second the Motion.

(Resumption of debate on Motion)

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I did not know the people of Ndhiwa are your in-laws. Sen. Eddy has been trying to catch your attention. I was wondering whether, if he is an in-law, then we can allow him to talk. How can we allow a bachelor to address distinguished ladies?

(Laughter)

The Deputy Speaker (Sen. Kathuri): Proceed and second the Motion. This Motion has generated a lot of interest. So, therefore, let us save time.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, this is a very important Motion brought by my colleague, Sen. Ledama. Every Senator who minds the affairs of this House and values devolution should take time to not only speak to, but also reflect about and what it means for this House.

We must, first, begin by asking the question, “how did we find ourselves here?” We found ourselves here, and I will repeat for the umpteenth time, because governors went on a wild wind trip in Kilifi, and while they were enjoying whatever they were enjoying, incited themselves and said, “that there is a committee of the Senate that is not treating us with the dignity that we deserve. We feel they are unkind to us,” and so many other things that they have mentioned.

They came with the silliest ideas that have ever left the minds of the CoG, that they shall not appear before CPAC. Since that particular day, things have not been okay. I read it, for what it is since that day, that this is a direct attack to the very heart and soul of the Senate. As the Majority Leader, I have been fairly consistent on this matter, perhaps more than anything else that this is not something that we can even countenance.

Unfortunately, for some of us, for the few years that we have lived on this earth, the only institution that we have had the very rare opportunity to infuse our thoughts and share in the philosophy of what it will become in years to come by, it is this House of the Senate. Some of us are not in a hurry to leave this House, so long as the people continue to have the trust and the will to allow us to come into this House. Therefore, we must guard this institution by everything that we believe in.

When the CoG raised the issues that they did, we responded as diligent citizens are expected to do. We mentioned to them and said, “while we hear what you are saying, that is not the procedure.” Appearance before a parliamentary committee is not a buffet where you pick what you like and you leave what you do not like. This is a mandatory exercise to which you must undertake, so long as you interact with public resources. There is sufficient backing constitutionally in edicts of law and even advisories from the highest courts of the land.

This is not the first time that we are finding ourselves here. Governors have even attempted to go all the way to the Supreme Court. It took the judges of the Supreme Court to remind them that appearance before the Senate is mandatory and expected of any individual that interacts with public resources. We responded in kind and said, “good people, we do not know what it is that you feel so much offended by our colleagues who

serve in the CPAC, but be that as it may, as a principle, we cannot allow you to select which committee of the House you appear before.”

I have spoken more than five or close to 10 times to none other than including the Chairperson of the CoG, my good friend Governor Ahmed, and I have told him that there is a principle that I am willing to die for. We cannot allow any individual to dictate and direct the operations of this House other than the decisions that are made in the presence of this House.

Therefore, we asked our colleagues, governors, that they appear, respond to the queries, then later on present your petition to the leadership of the House. We will listen to you. Many times, people do this. Every Wednesday morning, just like today, we have Cabinet Secretaries appearing before this House. There are days in which for one reason or the other they are not able to appear and they send in letters, sometimes even fairly late, but because we are leaders and we understand the demands of the high office that many of them hold, we grant them the latitude. We are not an obstinate institution. Nobody can accuse us that we are unreasonable in this exercise.

We told our colleagues to appear, so we could have that conversation. Unfortunately, some of them cheekily saw a silver lining and an opportunity for them. I suspect, dear colleagues, that the 29 governors who chose not to appear are actually the originators of this silly idea of non-appearance. They came up with that idea because the Auditor-General did a fantastic job in the audit process of the Financial Year 2024/2025 in so far as exposing all the risks and messes that are in our county governments. Many of them saw this as the perfect opportunity to run away from accountability. They used this excuse saying, “oh, we had a collegiate agreement.” Those are the gentlemen and the ladies that incited their colleagues not to appear because they knew what awaited them.

Each of our colleagues who serves in that committee, together with us that attend every time a governor from the counties that we represent in this House of appearing, were waiting for the opportunity to listen to county governors give an explanation on how they have interacted with public resources.

I said here yesterday that some of us believe in doing oversight differently. For all the years that I have served as a Senator, in fact, to the detriment sometimes of my own political career, I avoid discussing public finances and audit queries in public gatherings in my county. I try and rise above board.

Many times, in fact, people submit or observe that as a weakness, but I have always known that there is granted to me a premium platform here in Parliament where the governor comes, appears and there are questions based on a document that we did not originate as a Senate. The Senate does not audit county governments. We only respond to issues that are raised by auditors.

Therefore, we were waiting for that perfect opportunity. Unfortunately, what happened did. This matter is now considered settled, in my humble opinion, because if you do not respond to queries that you have been asked, it simply means you agree with the findings of the Auditor-General and that is the report that we passed yesterday at 6.30p.m.

It is now upon the various State agencies. Resolution No.4 of this Motion states that the Senate resolves to collaborate with other institutions of oversight; the Controller of Budget (CoB), the EACC and the ODPP. The only one that we forgot to add was the

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Judiciary, which is also part and parcel of the institutions of oversight. I personally believe that the only day for which this madness that exists in our county will come to a stop is the day governors will get pictures of one of their colleagues fitting in those prison uniforms. That is the day people will realise that this is not child's play. So long as people know they can go to the EACC and explain themselves, if it moves to the ODPP, you can have some political interference with it; once it gets to the court--- You understand how all these things happen because you are not strangers in Kenya.

We need to call upon all these institutions of oversight that we must work together to protect public resources. Devolution is so premium and dear to the people of Kenya. It is perhaps the only best gift that the people of Kenya gave to themselves in 60 years since Independence. It is the only meaningful thing for many parts of this country.

Perhaps, for the remotest parts of this country, the closest thing that they interact to government services is the little resources that we send to them. So long as we continue to read the reports that are being presented before us, we must be worried and get concerned.

I say this as somebody who has served in this House for quite a long time. When we came here in the first Senate, I do not recall reading the kind of absurd audit reports as what I am reading today. In the first Senate, we only used to joke every afternoon, Sen. Madzayo will remember about the golden fingerlings of Tharaka-Nithi. Governor Ragwa, if you recall that particular moment, is rumored to have bought fingerlings somewhere worth millions of shillings.

When the auditors visited the county, he directed them to a certain river - I do not know if the area Senator is here - and told them to go and check if the fish were still there. We also remember the non-carcinogenic wheelbarrows of Bungoma. Those remain to be the only absurd things that one would hear during that first five-year cycle.

When we came hard on oversight, we could see that governors were beginning to take shape. They were beginning to behave as expected when interacting with public resources. Many of the absurd things seen in previous years had been forgotten. However, reading this report presented today, where governors are feeding wild animals and auditors are asked to check how many kilogrammes of meat they consumed, is shocking.

There are people hosting house parties using public resources. There is diversion of funds and blatant disregard for the provisions of public finance. This must concern us, yet look at how governors behave when they come before committees. Someone can easily joke and say they have forgotten their reading glasses. Surely, we cannot allow this kind of nonsense to continue. Much as we know we engage each other as leaders, this conduct is unacceptable.

These are the issues we are waiting to raise. I believe at some point we will get that opportunity. We will sit down with the Council of Governors (CoG) and they will tell us the issues they have. We will also tell them the issues we equally have with them. Do they speak to themselves as colleagues? Do they reason together and tell each other what is not expected of a county governor that when they come before the Senate, they must prepare well and that they must at least know a few basic issues?

I have seen governors whose only response to the County Public Accounts Committee (CPAC) is to turn to the chairperson and direct them to ask others. They are

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completely clueless on the operations in their own county. They cannot even explain very basic issues, yet they want to point fingers at the CPAC and claim that certain actions had been done.

Therefore, we look forward to that meeting. Our colleagues in leadership of the CoG should not imagine for a minute that the Senate is not interested in listening to their concerns. We equally have questions we want to ask, even at the leader-to-leader level. We need to find out whether they are not equally concerned the way the rest of the country is.

Since I know many of our colleagues want to speak on this matter and time is far spent, I will not take much time. I agree with the findings of this Motion, particularly on Resolution No.4, on collaborating with oversight agencies to follow through with what we passed yesterday in the afternoon. Should it ever appear in the mind of any governor in future to choose not to appear before the Senate, they will think twice about it.

This should serve as a lesson to the 29 governors. We are just talking about 29 governors. I wish I had the list. I feel the citizens of this country are yet to appreciate whom they are. We must laud the 16 governors who found time to appear even with all the challenges in their counties. At least, they submitted themselves to the authority of Parliament and responded to the audit queries. However, to the 29 fugitives, the day of reckoning must surely come.

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

(Question proposed)

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

The Deputy Speaker (Sen. Kathuri): Who is out of order? Is it the Chair?

Sen. Wafula: On a point of procedure.

The Deputy Speaker (Sen. Kathuri): Proceed, Senate Majority Whip.

PROCEDURAL MOTION

LIMITATION OF DEBATE ON MOTION

Sen. Wafula: Thank you, Mr. Deputy Speaker, Sir. I beg to move that debate on the Motion be limited to 10 minutes. Alternatively, we can agree to do five or 20 minutes, depending on the time, so that many of us can ventilate.

Standing Order No.111 on Limitation of Debate states that the Senate may, on a Motion made by any Senator in accordance with this Standing Order, impose a limit in respect to debate on any particular Motion or Bill, by allowing a limited period of time for such debate or by limiting the time during which Senators may speak in such debate or by imposing such limitation.

I ask Sen. Onyonka to second.

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

(Loud consultations)

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The Deputy Speaker (Sen. Kathuri): On a Motion of this specific nature sponsored by a Member, the House resolved that each Member would have 15 minutes. However, you may decide to agree on any other time. What is the mood of the House?

Hon. Members: 10 minutes.

The Deputy Speaker (Sen. Kathuri): 10 minutes?

Hon. Members: Yes.

The Deputy Speaker (Sen. Kathuri): Yes, many Senators would want to speak on this important matter. So, if we have consensus---

Yes, Sen. Sifuna.

Sen. Sifuna: Mr. Deputy Speaker, Sir, we had also agreed that those of us who had spoken earlier do not need to speak again, so that we allow our colleagues to also speak.

The Deputy Speaker (Sen. Kathuri): Sure. So, it is 10 minutes. We do not need to put the question. It is a matter that we have to build consensus.

Next is Sen. Omogeni. You have 10 minutes. As much as possible, every Senator should use their 10 minutes without any interruptions.

Sen. Omogeni: Mr. Deputy Speaker, Sir, I want to go on record that I support the Motion that has been moved by my good friend, Senator for Narok. The action by the 29 governors who did not appear before this Senate must have consequences. This House, under Article 125 of the Constitution, has been given powers equivalent to the High Court of Kenya. When you go to the High Court of Kenya---

The Deputy Speaker (Sen. Kathuri): Could the technical team give us a better sound?

Sen. Omogeni: Mr. Deputy Speaker, Sir, if you are taken to the High Court of Kenya and accusations are made against you and you are given an opportunity to defend yourself, and you fail to do so, it means that you have accepted all the accusations that have been levelled against you.

I take it that the office of Auditor-General has been created by our Constitution. This House is a creation of the Constitution. Therefore, all the governors that did not respond to the accusations that were levelled against them are guilty as charged.

For my county, for example, the County Government of Nyamira, and I want the people of Nyamira to hear this, the governor collected a total of Kshs606 million in terms of Facilities Improvement Fund. The findings of the Auditor-General are to the effect that the governor was only---

(Loud consultations)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, could you kindly consult in low tones to allow the Senator for Nyamira to prosecute his 10 minutes?

Sen. Omogeni: Thank you, Mr. Deputy Speaker, Sir. The Governor of Nyamira was only able to account for Kshs549,78,722. This means that from the findings of the Auditor-General, the Governor of Nyamira has stolen or misappropriated from the poor patients, who went to hospitals and paid money to be treated a total of Kshs57,528,831.

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I urge the people of Nyamira to give this governor sleepless nights. They should proceed to court and sue him to refund this money, personally, to the accounts of the County Government of Nyamira. This is because he has not offered any explanation to this Senate.

If you read page 2 of the Auditor's report, you will be shocked that the Auditor-General made a finding that the Governor of Nyamira paid a contractor duplicate payments. I hope that the Ethics and Anti-Corruption Commission (EACC) and Directorate of Criminal Investigations (DCI) are listening. It says that the county executive irregularly processed and authorised duplicate payments amounting to Kshs8,719,000 to the same contractor for identical scope of work that had already been paid. What better criminals do we have in our county than such?

It is shocking when you go to the County Government of Kitui that the governor allocated, for personal operations of his office, a total of Kshs2.4 billion. I cannot understand how these governors behave. The Kshs2.4 billion in Kitui could have bought seedlings for farmers. The governor could have even chosen to buy chicken or goats and give them to the people of Kitui.

I was waiting for the Governor of Nyamira to appear before us and tell us how he transported 33 bodies to a morgue in Kericho. Then when he was asked, he told the country that he only loaded 13 bodies. He also said that he cannot understand how 20 others boarded. Since when did dead bodies board a vehicle to take themselves to Kericho?

Did you listen to that, Senator for Kericho? He said he cannot understand how 20 bodies boarded a vehicle and ended up in a cemetery in Kericho. Instead of coming to tell us what steps he is taking, as Governor of Nyamira, to ensure that we have a cemetery, he does not appear before this House to tell us why is he shaming and embarrassing the people of the County of Nyamira. Those are the things we could have wanted to hear from these governors.

Look at the case of Nyamira, how can a governor allocate Kshs15 million for soft drinks? How much does a bottle of soda or water cost? How many bottles or litres of Fanta, Coca Cola or Sprite has this governor consumed in one financial year to tell us that he has spent Kshs15 million, when hospitals in Nyamira have no medicine?

The Auditor-General is telling us that the Governor of Nyamira has spent Kshs2 million to buy four tyres for his vehicle. Since when did one tyre cost Kshs500,000? Where is that? As he is doing this, hospitals in Nyamira have not been completed and there is no medicine. Read the auditor's report. I am not doing politics here. I am just following what is in the auditor's report. The auditor is telling us, even a construction of an eye hospital in Nyamwetuereko in West Mugirango, that is where my placenta is, remains incomplete despite the governor having paid Kshs15 million for its construction.

Listen to this. A sum of Kshs32 million was set aside to supply water to households in Nyamira. What did the governor do? Instead, he decided to pay this money to certain individuals. Wilson Nyaboga Nyangau was paid Kshs244,000 to do feasibility studies. Vincent Kipsang' Cheruyiot, was paid 279,500 to facilitate training. What training? I do not know whether this one hails from Sen. Cheruyiot's County.

If you read the document from the auditor, all that money, not even a coin, was used to supply water to any household. It was used, instead, for feasibility studies, facilitation of workshops, *et cetera*. What a shame to this governor?

When he appeared before the Senate for the first time, Sen. Sifuna raised a statement and said, governor, tell us why you paid this person called Daniel Nyakundi Kshs860,000? He said, ‘Chairman, I have become sick.’ If you are a sick person, do you come before Senators to tell them you are sick or you go to hospital? This is just a way of evading accountability. I am demanding next time these governors appear before us, it should be before a Committee of the Whole.

In conclusion, Senator Majority Leader, we should benchmark from what happens in Australia. Parliamentary Privileges Act that was enacted by the Parliament of Australia in 1987 has given the House powers to detain any witness or any person who appears before the House for a period of six months.

What happened this afternoon? Instead of the Speaker sending the Serjeant-at-Arms to arrest the Governor for Samburu, he should just have decreed that he has ordered that he be locked up for the next one week. So, we must move with speed and amend the Parliamentary Privileges Act to put that power, the way the Australian government has done. They did it in 1987 because of an experience they went through. We must also move with speed and do it.

Finally, anybody who is a former Member of this House, who shows contempt to this House should not have the privilege of walking to this House as and when they wish and do what the Governor of Samburu attempted to do. We should reserve the power to say that if you are in contempt of these laws, there are certain privileges you will not enjoy.

I support, Mr. Deputy Speaker, Sir. Thank you.

The Deputy Speaker (Sen. Kathuri): Very good.

Next is Sen. Cherarkey Samson.

Sen. Cherarkey: Thank you, Mr. Deputy Speaker, Sir. From the onset, I want to support this Motion by Sen. Ledama Olekina. I think this is the direction we should take. After the resolution yesterday, we need to put the DCI, the EACC, the Controller of Budget, and the DPP now on their toes for the recommendations that we passed yesterday.

I want to begin from where the Senator of Nairobi City County left. I saw the Chairperson of the CoG saying that the Senate County Public Accounts Committee is embarrassing them. When a Governor in Kericho, who is called “Dr. Chrome” locally, says that he bought a single tissue paper for Kshs3,000, is it right? When a Governor of Kericho buys, and this is according to the Office of the Auditor General’s report, a soda of 500 ml at Kshs2,000, is it in order? Is it in order? Are we embarrassing them or are they embarrassing themselves?

If a governor does a housewarming party of Kshs5 million in Vihiga, is it us embarrassing them or they are embarrassing themselves? If a Governor in Bungoma in November buys Kshs3.6 million worth of Christmas tree, is he embarrassing himself or embarrassing us? Shame on them.

If a Governor in Mandera purchases seedlings of Kshs55 million in a dry area, instead of doing water trucking, is he embarrassing himself or are we embarrassing him?

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A governor in the CoG gets a monthly allowance every financial year. That is why all the claws of the Chairperson of the CoG were coming out. Are you aware in our CPAC report, we found out that every county is paying Kshs5 million illegal subscription fees to the CoG, a club of plunderers, a club of gossip, a club of impunity against the law and a fugitive of justice. Do you want us to celebrate them? Are we embarrassing them?

If a Governor in Migori is hiring what we call *sangwenyas* to be the cheerleaders in a function, do you want us to celebrate him? In Machakos, a young man by the name Kioko, who is owed by the county Kshs19 million for supplying uniforms, is lying in bed for simply demanding justice.

Mr. Deputy Speaker, Sir, counties are owed and the Chairperson of the CPAC yesterday said that close to Kshs13 billion is owed to most of our businessmen and women in our counties. Businesses are dying. Do you want us to be nice to governors? Do you want us to give them Christmas cards or love cards, or for them to send them *emojis* of beauty? We cannot and we should not allow that.

When a Governor in Uasin Gishu County employs 765 casuals, ghost workers, who are paid manually, and most of them are used as political goons, do you want us to treat them and call them excellencies? Even if they are called excellencies, there is nothing excellent about them. There is nothing excellent. When you see the Governor of Machakos County, branding her face on the milk she bought, do you want us to celebrate them and give them flowers and chocolates?

When the Governor of Siaya, who used to pride himself as the walking constitution, violates Article 10 of the Constitution of Kenya 2010 on National Values and Principles of Good Governance, Article 172 on Objects of Devolution, Chapter 13 on Principles of Public Finance, and Chapter 6 on Leadership and Integrity--- He comes and says that he will not speak before the committee and does not want to be held accountable because some illegal outfit called CoG has said they will not appear before the Senate. That is embarrassing.

When you go to some counties, for example, Uasin Gishu, you find they have put 10 parcels of land, worth Kshs129,150,000 without verification, a direct, outright rip-off of the money in Uasin Gishu.

Take note of the Kitui County. In Kitui, they are stealing sand. How do you steal things that God gives? The curses that will strike some of these governors are still doing press-ups in heaven because what they are doing is very unfortunate.

(Laughter)

A county like Nandi is a going concern. My governor decided to allocate himself Kshs484 million for office operations. Most of those are christened as operations, but they are used for personal escapades, *chai* and *mandazi*. They go to the Maasai Mara, and I have information, while they are allocating Kshs60 million for bursaries. What are you telling us? We must call it, and I hope the country, the EACC and the ODPP are watching.

I visited Chepterwai on 28th February, 2026. That project worth Kshs41.5 million was stolen in Chepterwai, Mosop Sub-County. My governor decided to leave official vehicles and use car hire services worth Kshs41 million in that financial year. Why? It is

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because the vehicles from the county are marked. He wanted a car hire for personal escapades, to go to 411 or some of the clubs in Eldoret and Kisumu. I am told that if you are a girl and you are dating some of these governors, you live large like you have never done. Even young boys, I am told, are the *Ben 10s*.

(Laughter)

In Homa Bay, they were to construct a county headquarters worth Kshs500 million. However, due to corruption and public rip-off of the county pension scheme, they constructed a county headquarters worth more than Kshs800 million. What are you telling us? Well, I celebrate Mama, Hon. Gladys Wanga, for being a good supporter of broad-based Government, but that is not justification to steal from the public. They can never hide.

(Applause)

I know where they are going to hide; even Hon. Abdulswamad. In Garissa, Kshs731 million was paid to ghost workers. I want to ask my beloved President, should these people be spotted at the gate of State House, they should be chased away, arrested promptly by the Inspector General of Police and frog-marched before the House for accountability. They have tendencies of El-Chapo Guzman. You remember the story of El-Chapo Guzman? He ran away but they finally caught up with him.

As protectors of devolution, we must agree as a country. Look at Elgeyo-Marakwet County. They purchased semen worth Kshs273 million. Why would you purchase semen that is freely available when the cow and the bull are on heat? Why are you buying semen? The Governor used Kshs273 million to purchase semen and yet, projects are stalled. This must be brought before the House, so that they can be held accountable.

Of course, Wajir is a going concern. If there is a chairperson of CoG that is the worst since the beginning of devolution, it is the Governor of Wajir County, Hon. Ahmed Abdullahi. I met him, and I want to confess. I asked him a question, and it was out of tremendous respect. I asked him, it is not *halal* to eat pork, but is it *halal* to steal from the public? He did not answer me. He said that he is in the broad-based Government.

We must call these thieves what they are. Whether they are in 'one-term' or 'two-term,' they are thieves. It will never change.

(Applause)

We must prosecute them whether they want to hide before the United Opposition, whether in '*Linda Mwananchi*' or in 'two-terms,' they must face justice because that is where they belong.

As I conclude, the warrants of arrest of the Nairobi City County Governor and the Samburu Governor are still active. I want to appeal to the Inspector General of Police. He is a fairly old man. He is at an age where he does not want curses. We have a parliamentary police cell here. Can he submit, as we go for Easter, the two governors?

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We will deal with them on Tuesday at 8.00 a.m., but because “*waziri wa sherehe*,” Sifuna, will not wake up early, we do it at 11.00 a.m.

I support this Motion and in the interest of colleagues to also contribute, I yield back the mic.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): So, hon. Senators, let us hear from the other gender. That has been a bit volatile.

Proceed, Sen. Kavindu.

Sen. Kavindu Muthama: Thank you, Mr. Deputy Speaker, Sir, for the time to contribute towards this Motion. From the word go, I support it 100 per cent.

What has surprised me is that when they are summoned to appear before the CPAC and CPIC and Special Programmes, some of them write letters in the morning of the day they are supposed to appear and say that they are not able to because they have other important issues to attend to. I wonder what is more important than the counties they serve.

As I speak now, I have a young man by the name Sammy Kioko who is admitted in hospital right now with a broken leg. This is because he was arrested, beaten and taken around until midnight when he went to demand for his payment from the County Government of Machakos. I was called at 10 O'clock in the evening and told that he was at Kangundo Hospital heading to Nairobi West. When these governors are called here, they must appear to answer questions. That is the reason for the pending bills.

(Sen. Wambua consulted with the Chair)

Mr. Deputy Speaker, Sir, I wish Sen. Kioo can give you time to listen to what we are saying.

The Deputy Speaker (Sen. Kathuri): We are okay.

Sen. Kavindu Muthama: In Machakos County, we have pending bills of more than Kshs5 billion, accumulated from the first governor to date. We cannot even count the stalled projects not only in Machakos, but across all the 47 counties. People who supplied goods to the county government have died owing to lack of payment. Others are suffering from high blood pressure, diabetes and other stress related diseases because they took loans from the banks to work for governors. That is why I also support us not approving that increment of monies to the counties until they style up and be accountable for the monies that they have already received.

It is not only 29 counties, there are more than that because they have refused to appear in both the CPAC and CPIC. For some, we write them letters up to four times, before they appear before us. This is very wrong because we have a responsibility of overlooking them.

Mr. Deputy Speaker, Sir, I do not know if your governor is like those governors who go around showing the projects they have done without ever mentioning Senators and yet, it is the Senators who bring them money to work with. They go around bragging while *mwananchi* claps for them. As a Senator, you sit there feeling like you have done nothing and yet, we fight for all the money they are using. Before they even introduce the

projects, they should, first of all, recognise the Senators who bring them the money to work with.

These governors must learn how to behave and deal with this Senate, even the Senators on the ground. We look like we have done nothing and yet, it is us who fight for the money they are bragging to have done projects with. I get so mad that when my time comes and I vie, I will tell people that the money that the governor is using to do projects, is work done by your Senator.

We love devolution and we will continue defending it. However, before we do something to increase the amount of money to be sent to the governors, they must first account for the monies that they have received already. The EACC must take their position and prosecute the governors who do not appear before us after they have agreed that the queries from the Auditor-General is a true record of what is on the ground.

Mr. Deputy Speaker, Sir, I plead with the governors to pay pending bills, and finish the stalled projects because that is *mwananchi's* tax that is just lying there. I also plead with my governor to pay Sammy Kioko his dues for the clothes that he supplied to the county.

Thank you.

The Deputy Speaker (Sen. Kathuri): Very well.

Sen. Maina Veronica, proceed.

Sen. Veronica Maina: Mr. Deputy Speaker, sir, at the very onset, I support this Motion by Sen. Ledama. Indeed, I single out one of the tasks that Senator Ledama has brought forth; that is item No.4; that we must collaborate with the oversight bodies such as the CoB, EACC, and DPP to impose consequences under Chapter 6 on Leadership and Integrity because the governors' failure to appear before the CPISFC is the highest breach of our Constitution.

The governors have a constitutional duty and public trust has been bestowed upon them under Chapter 6 of the Constitution. When they fail to observe what they are required to observe in the course of the audit cycle, which requires them to appear before the committees of the Senate to account for the devolved resources, they have broken the audit cycle. What should automatically follow is them being held accountable, just like one of the Senators indicated here.

If you do not want to appear before a committee to account for devolved resources, what does that say about you? Are you a thief? What is it that you are hiding? Why can you not come and answer queries that have arisen from audit documents? Nothing is as easy as EACC acting against those governors and hold them accountable for the funds they have not explained to the public.

First of all, I request the county assemblies to take note of the 29 governors. I mean, I am even asking myself if it is possible that in a country where there is a Constitution and a functional Parliament, whether a governor can choose not to appear. Is it optional? Do they even understand the mandate?

I ask county assemblies to take note of that list of shame of all the governors who failed to appear because it is contemptuous to the voter, the Parliament and the people of Kenya, that, somebody does not want to account for the resources in billions of shillings devolved to a county and yet, they are the ones in charge. People are not blind to the fact that we have seen apartments mushrooming in estates allegedly owned and developed by

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the governors themselves. This can possibly only happen in the Republic of Kenya, nowhere else in the whole world.

It has never been heard of, that you are summoned by Parliament and you opt to even come into Parliament and hold a press conference, where we have no right ourselves as Members of Parliament, to hold a press conference. If no action is taken from the Speaker's seat against that governor who was holding a press conference, we need to ask ourselves whether we are exercising our mandate under Article 96. The first function of Senate is oversight over the counties.

Is it possible that Kenyans struggled so much, sweated so much to enact a Constitution which devolved power from a central government, put it back to the people and then somebody comes to subjugate that power and chooses to run it the way they feel like, as though it is their mother's kitchen or their wife's backyard? That is out of order, hon. Speaker.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I know this matter is very emotive, especially failure to appear before the CPISFC or CPAC, but let us, at least, be fair to other members of their families.

Sen. Veronica Maina: Hon. Speaker, it is not a light matter and I do not want to portray it ---

The Deputy Speaker (Sen. Kathuri): At least, be fair to other members of their families.

Sen. Veronica Maina: I know what I mean and I mean to say exactly that. That it is not a personal space.

The Deputy Speaker (Sen. Kathuri): What is your point of order, Sen. Catherine?

Sen. Mumma: Hon. Speaker, I rise on a point of order on the language used by my honourable colleague, 'Mother's kitchen,' 'wife's backyard.' I can assure you that mothers and wives are the ones who are taking care of this country when governments are not doing their job. So, it is unfair for you to even make reference to them. You might want to make reference to the other gender. I would want to ask that you withdraw the reference to mothers and wives, who are carrying the burden of this country, as the government sleeps on the job.

The Deputy Speaker (Sen. Kathuri): Just a minute, Sen. Veronica Maina. Sen. Catherine Mumma, did the Chair not caution the member? Of course, the Chair is managing the House. I cautioned the member not to tread in that manner. Maybe I am the one who has prompted you to think that---

Sen. Mumma: No.

The Deputy Speaker (Sen. Kathuri): But then since I did the caution, I think it is fair enough that---

Sen. Mumma: We need her to withdraw on behalf of mothers and wives.

The Deputy Speaker (Sen. Kathuri): No, since I cautioned the member, I do not think now it is again important to do that.

Proceed and conclude, kindly.

Sen. Veronica Maina: Hon. Deputy Speaker, you know I am the Chairperson of KEWOSA and a defender of women. I am a mother and a wife. The context within which I have said this is to mean that because mothers are so loving, in their kitchens, they have

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a few liberties and they can get away with it, and yet they do not take it. The context is that it is not personal space, but it goes beyond the personal space.

However, if anybody feels as though they are offended, they must take cognisance of the fact that I am a wife and a mother, and I know what I mean when I am in my kitchen. I can allow you to have coffee when we were actually making tea. Those flexibilities are allowed within the domestic space. That allowance is not available when you are taking up a responsibility in public. You must read the Constitution. However, in my house, I do not keep a Constitution for the meals. I have some behaviours that people do. There are some we even overlook. However, to make my sister comfortable, the context is this, maybe should have been the father's kitchen or the husband's backyard. However, since we have few governors who are women, it still goes back to the other gender.

Hon. Deputy Speaker, what I mean to say is this. They are not showing as though they understand Chapter 6 on Leadership and Integrity. I call upon county assemblies to impeach any governor in that list of the 29 governors who has not appeared. They should consider impeachment proceedings.

Number two, I call upon the voters to consider doing very serious interviews of any governor candidate who shows interest in taking up that position. Indeed, it is my position, like the Dominican Republic, maybe it is time for us to consider giving governorship positions to women so that we can have better management of the resources sent to the county. The reason I say this is because there are too many factors that are being managed at the county. We have seen counties which cannot even manage the resources to even sweep the city or unclog the drainage. Why have they failed to do that? Basic things that happen.

(Sen. Sifuna spoke off record)

Yes, I would wish to be informed by Sen. Sifuna, and I hope respectfully so, if the Speaker can allow it.

I accept to be informed.

Sen. Sifuna: Mr. Deputy Speaker, I just wanted to inform my senior, Sen. Veronica Maina, that these issues of incompetence and bad management know no gender and know no political party. They cut across. I mean, that governor who moved Ksh10 million from a KIBES account to throw a bash for a *boda boda* group is actually a woman governor. So, there is no gender distinction when it comes to bad manners.

The Deputy Speaker (Sen. Kathuri): Proceed and conclude.

Sen. Veronica Maina: Hon. Deputy Speaker, I concede to that information given, especially when it is based on facts and figures. I cannot fight with it.

Let every governor, whether man or woman, account for the resources that are sent to their counties. I urge women to behave very well when they are holding that position. We should have a G14 or G25 moving from the G7, which was stepped down to G6 group of women governors, so that we have many more women governors to clean up our cities and show a good example of how a city should be managed even better than the homes that they managed very effectively and very competently.

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With those many remarks, I beg to support this Motion and ask the governors to man up or woman up and take up the responsibility of accountability. I know that the button has been pressed by the President. Tomorrow, there is a conference coming up and it is about transparency and accountability. The nation is moving on. It is time to account for the resources that come into our hands as leaders.

Thank you, Speaker.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, you know Kenyans are asking themselves, who are these 29 governors? Who are these 29? Who are the 13 who did not comply? Who are these Senators? You know, it depends on where you are listening from. So, you should not be ashamed even to read the list. You know the Chair does not participate in debates, but this one, I am a bit compromised.

You have the Floor, Sen. Osotsi.

Sen. Osotsi: Thank you, Mr. Deputy Speaker. Let me start by commending the Minority Whip for this very good Motion and very timely. As I support this Motion, let me say that I have contacted the Secretariat to try and amend this Motion. Instead of these governors appearing before the two committees, as members alluded earlier, they should appear before the whole House. I do not know how but a way must be found. I am being told that the Standing Orders do not allow that but a Committee of the Whole House is a committee of Parliament and is a committee of the Senate.

I will, if you allow me, move an amendment so that they appear before us the same way they appear before us when we are conducting impeachment. We want all of them to be lined up here so that we ask them questions one by one. That way, I think the impact will be felt wider and across than them appearing before the committee. I am sure if you send them to the committee, they will start bringing the same issues that they have brought that they cannot appear before the two committees.

Therefore, if they cannot appear before the two committees, let them appear before the whole House so that we test their allegation that they have been bribing members of these committees. Let them come and tell us how they have been bribing members of the committees. Can they bribe the entire House? If you allow me, I want to bring an amendment so that we say that they will appear before the Committee of the Whole.

The Deputy Speaker (Sen. Kathuri): Sen. Osotsi, before I leave the Chair, because you have requested me to agree with you, I agree with you totally.

(Laughter)

We spent six hours with the County Executive Committee Members (CECMs) and then we do not summon any governor to appear. We need to amend the Standing Orders. I will convince the speaker, who chairs that committee and myself, as vice chair, to amend those Standing Orders to allow governors to appear. We could step down all the CECMs and allow Governors to be appearing before this committee.

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

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

Madam Temporary Speaker, I think that punishment would be more effective than them appearing before the committee. That would make them to start playing the usual games of postponing their appearance or even rejecting to appear. We need to think about that.

I want to reveal to this House that it is very boring chairing the two committees. This is because it looks like a ritual. Every year, we have the same issues and yet, nothing is done. Same queries yet nothing is being done. As we say that we are going to ask them to come and tell us about the implementation of our recommendations, I want to say that if you look at the report of CPAC and CPISFC, you realise that 90 per cent of the recommendations to the EACC are for investigations and action should be taken. However, the EACC has slept on the job.

If you look at the report for last year and even the other year, you will see there was no feedback from the EACC. Therefore, even as we talk about governors appearing before us, let us also find a way of making the EACC accountable to this House. It is very painful that governors just come, appear before us as a ritual, they leave, we do reports, and nothing is done. They then come the following year and in no time, five years are gone.

I will give experiences of my committee. Water companies are a conduit for corruption and stealing. They have deliberately allowed this company not to operate efficiently. These companies are just avenues for stealing money from the county. They pump money into these companies saying they want to help them pay salaries or electricity bills. They then find a way of going to collect that money again. These companies sell water and most of that water is not accounted for. Most of that water is non-revenue water because there are a lot of companies selling water in our counties.

We went to Bomet County last year. It was very surprising to find that the water company was insolvent. However, the staff were there working, looking very healthy and like people who make money. There are a lot of water companies selling water here and there. Something has to be done.

Look at the hospitals in our counties. They are barely functional. It is sad. We were told that Busia County, imagine a referral hospital that is even thinking of being upgraded to a level 6, has no ambulance. They appeared before CPAC and CPISFC. We gave them a timeline to buy an ambulance by November. They came back to CPISFC the other day and told us they have not bought the ambulance. They have a small mortuary with a capacity of 12 bodies. However, the bodies which are there are more than 30. They have nowhere to take the bodies. The machines are non-functional in these hospitals, not just in Busia, but in many other hospitals and yet, they are collecting money.

They have refused to implement the Facilities Improvement Financing (FIF) according to the law. The FIF Act is very clear. The money that is raised by the hospital must be used within the hospital. However, that money is still being taken away because they are finding loopholes for corruption. When you talk about funds, there is one particular line of funds that are being used as a conduit for corruption. That is the empowerment funds like the Women Empowerment Fund, the Youth Empowerment Fund and the Youth Enterprise Development Fund. All these funds are criminal

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enterprises. All the counties give out loans but they are unable to recover their loans. They come before us and they complain saying how difficult it is to recover the money.

Most of these loans have been given to friends, girlfriends, relatives and boyfriends of the governors. If you look at our report and the amount of unrecoverable loans, you will be surprised. The money runs into billions of shillings. We have recommended that the EACC takes action yet nothing is being done. I want to recommend that before we invite the governors here, can we also invite the EACC and the DCI to appear before us, the Committee of the Whole. We should ask them why they have not taken action on our recommendations. I think that should be the beginning.

I am beginning to think that we need to rate our governors in this House. I know there are some governors who are working. I am so impressed by the reports of Makueni County, Governor Mutula Kilonzo. I am also impressed partially by the reports of Murang'a County and even Nyeri County. There are some governors who are also doing a good job. Let us have a way of rating these governors so that we do not leave this task to some funny guys outside there, where governors pay money and they are rated. You will hear that someone is the best governor and yet when you go to the ground, there is nothing. This House should also conduct the rating so that every year, we have a list of shame.

As I conclude, the EACC is protecting governors. The other institution that is protecting governors is the presidency. This is because governors---

The Temporary Speaker (Sen. Veronica Maina): Time out. We have many Senators on the line. Sen. Thang'wa, please proceed.

Sen. Thang'wa: Thank you Madam Temporary Speaker. As I rise to support the Motion. Many who follow me always ask whether the substantive Speaker of the Senate is a Madam. This is because whenever I speak, it is about a Madam Speaker, while the others are saying Mr. Speaker.

The Temporary Speaker (Sen. Veronica Maina): So, you should thank me for giving you an opportunity to speak.

Sen. Thang'wa: I thank you, Madam Temporary Speaker.

I will pick it up from where Sen. Osotsi, my former chair left. When I was a member of CPIC, I said that all counties had failed and it appeared normal. All of them, according to this report, got a qualified opinion. When you hear about a qualified opinion, sometimes it may look like a nice word. However, that means there are errors, gaps and there is no compliance. Whenever a county gets a qualified opinion, it means they never gave the documents that were required to substantiate or to explain the expenditures that they had. There is Kshs32 billion in pending bills and Kshs115 million debt when it comes to pensions. That is what the governors are doing at this moment.

When a governor is invited to this Senate and cannot honour the summons, that begs the question; are we a toothless House? Are they not even afraid of the Speaker of this House? I can give an analogy whereby the police issue a warrant of arrest for a criminal and even put up a poster for a "most wanted." However, they do not arrest that criminal. In the evening, the same criminal goes to the Inspector General of Police or to the head of that police department to have tea in his station. They treat this House as if it does not understand what it is supposed to do.

Today, it is about the Governor of Samburu. Yesterday, it was about the Governor of Nairobi City County. They came to this Senate, held a press conference and said; “we are here, we have presented ourselves.” They said the Senate did not do anything and it should stop telling them that they are running away. When the Senate is ready for them, they run away. That is what has happened this afternoon. The Governor of Samburu was around. We wanted just to talk to him but he ran away.

Counties are not failing accidentally. They are doing so systematically because they are planning to do it. When they plan to do this, they believe the Senate is not, or does not have the teeth to bite. Let me give you an example because even if we are looking at the auditor's report, we are somehow in that group of a mortician. This is because we have to wait for the Auditor-General to do the work and then we look into an issue. We then have to ask questions that the Auditor-General probably had asked and never got the answers.

Today, as we speak, there is this report by the CoB, the County Government Budget Implementation Review Report for the last half year. That is the most current. However, we have to wait for the Auditor-General to come and ask those questions. The questions I am supposed to be asking today, I will probably have to wait till 2027 to ask. If by sheer luck, or whatever, I become the governor of Kiambu in 2027, the questions I am supposed to be asking now, I will have to answer them then.

There is a problem somewhere because today the reports by CoB are there. We have seen them; they are online. However, we have to wait for the Auditor-General to release them for us to ask questions.

I think the best way to go is what Sen. Osotsi has suggested. We should do away with the Cabinet Secretaries here. Sometimes I find as if we are just romanticizing that for nothing. We should be inviting governors so that they come and answer these questions. For example, Kiambu County, where I come from, the Senate allocated them Kshs13 billion as equitable share. However, they did a budget of Kshs26 billion. They said they would raise Kshs10 billion as own-source revenue. When you look at this report by the CoB for the last six months, Kiambu County has collected only Kshs1 billion as own source revenue. So, they have a deficit of about Kshs9 billion that they are supposed to collect within the next six months. That is why we will always be having pending bills because they are over-budgeting and over-committing these monies to the contractors.

What we have witnessed, from these reports, is that we have accounting without accountability, expenditure without evidence and governments without governance.

As a Senate, let us do what other governments have been doing. In the UK Parliament in 2021, the Parliament summoned somebody by the name Dominic Cummings, an advisor of the then Prime Minister, Boris Johnson. When he refused to appear before the committee, and he was just a mere advisor, they did what we are supposed to be doing now by issuing sanctions. Making a non-appearance to the Senate became an impeachable offence.

If you do not appear before the committee of the Senate, you are obstructing lawful oversight and that is obstruction of duty. If obstructing a police officer is an offence, it should be an offence to obstruct the Senate and it is a violation of constitutional accountability. For that reason, Article 181 of our Constitution gives it as a ground enough to impeach someone.

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We should be giving governors some rating cards when they come here to take them to their counties. The MCAs can pick up from there and say, “if you did not appear before the Senate, then that means you have violated the Constitution which is impeachable, and so we can remove you.”

If you do not appear before the Senate when we invite you to account, then when you are brought here, we should not even give you an ear. We should just send you home where the MCAs would want you to be.

I stand here to support this Motion, and especially the last sentence that says-
“We should disqualify them from future electoral candidacies.”

If we find a governor not appearing to the Senate, then why would they vie again to be a governor if they cannot account for their spending and deeds?

Madam Temporary Speaker, I will always be here when you are there so that I get that opportunity.

I support.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Thang’wa. Proceed, Sen. Faki. If you are well-minded, you could use less minutes than your allocation, so that others can speak.

Thank you.

Sen. Faki: Mheshimiwa, Bi. Spika wa Muda, sijui ni kwa nini umenichagua mimi kuongea kwa ufupi zaidi kuliko wengine lakini nitajaribu.

Ninampongeza Sen. Olekina kutoka gatuji la Narok kwa kuleta Hoja hii. Ni kweli kwamba maazimio mengi ambayo yanafanywa na Seneti hii yanaachiwa taasisi zingine kuyasimamia na kuyatekeleza. Kwa muda mrefu maazimio hayo hayajafuatiliwa. Mfano ni kuwa kulipotokea janga la Solai, kwa wale waliokuwepo katika Seneti wakati ule, kamati ya Seneti ilifanya kazi kubwa. Baadaye ilikuwa hakuna jambo lolote lililotekelezwa.

Vile vile, tulipoanza Seneti hii, tulipokwenda Shakahola tulipendekeza mambo mengi lakini hakuna hata moja lililotekelezwa. Hata ule Mswada ambao Seneta Mungatana aliupendekeza, ilibidi baada ya kuonana na makanisa arejee nyuma na kuondoa.

Huu Mswada utasaidia pakubwa kuleta usawa na uwajibikaji kwa zile taasisi zingine za Serikali kama vile ofisi ya ODPP, EACC na zingine zinazohusika na masuala haya.

Suala la kupuuzwa kwa ripoti za Mkaguzi Mkuu wa Serikali ni jambo la kawaida kwa magavana wetu. Kila mwaka kwa mfano, kule kwetu Mombasa, Mombasa Municipal Stadium ilikuwa ipo katika ripoti na kila mwaka tunaelezwa sababu tofauti ni kwa nini haijatekelezwa. Ukiangalia kuna pesa zimetumika labda milioni themanini au mia moja za kulipa watu. Pesa zile zilikuwa zinastahili kufanyiwa kazi nyingine.

Mheshimiwa, Bi. Spika wa Muda, watu wengi wanasema kufa kwa wengi ni harusi. Hapa, wale magavana ambao wamehusika na utepetevu wa kukataa na kupuuzwa maamuzi ya Kamati ni 29. Nipe fursa hii kabla ya kuketi niwataje wale magavana wahusika ili kila mtu ajue tunazungumzia nani. Tutaanza na Kaunti 001 ambayo ni Mombasa. Gavana wetu alipewa fursa ya kuja Bungeni wiki iliyopita tarehe 23. Aliitwa na Kamati ya Uhasibu lakini hakuweza kuhudhuria. Hizi Kaunti 29 ni pamoja na:-

1. Turkana.

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2. Tana River.
3. Makueni. Tunasikitika kwamba gavana wa Kaunti ya Makueni, Mheshimiwa Mutula Kilonzo Jnr. alikuwa Seneta kwa mihula miwili na pia Kiranja wa Walio Wachache kwa muda mrefu. Tunasikitika kwamba amevaa joho jingine na anapuuza maamuzi ya Bunge hili.
4. Tharaka Nithi.
5. Nandi.
6. Siaya.
7. Murang'a. Gavana wa Murang'a, Mheshimiwa Irungu Kang'ata, alikuwa anaketi mahali Seneta Wakoli ameketi. Pia, yeye alikuwa Kiranja wa Walio Wengi katika Seneti iliyopita.
8. Nakuru. Gavana wa kaunti ya hii alikuwa Naibu Kiongozi wa Walio Wengi pia katika Bunge la Seneti liliyopita.
9. Samburu.
10. Marsabit.
11. Nairobi. Gavana wa Kaunti ya Jiji la Nairobi aliketi kiti anachoketi Mheshimiwa Alan Chesang'.
12. Homa Bay. Gavana wa kaunti ya Homa Bay pia alikuwa mwenyekiti wa Kamati ya Bajeti na Fedha ya Bunge la Kitaifa.
13. Wajir. Gavana wa Kaunti ya Wajir ndiye kiongozi wa wale wanaopuuza maamuzi ya Bunge hili.
14. Migori. Gavana Ochillo Ayacko alikuwa anaketi pale. Alikuwa anapenda msemu unaosema kuwa nguvu za fisi ni katika fisi wengine. Nadhani ameuchukua msemu huu na kuupeleka kwa Baraza la Magavana ili wakatae kuja katika Bunge hili.
15. Baringo.
16. Lamu. Gavana wa Kaunti ya Lamu ni wakili mwenye tajriba kubwa lakini nashangaa ameingia katika kundi la fisi.
17. Uasin Gishu.
18. Busia.
19. Isiolo. Gavana wa kaunti hii ndiye baba wa wote.
20. Kirinyaga. Gavana wa kaunti hii alikuwa Mwenyekiti wa Baraza la Magavana.
21. Kisii.
22. Kajiado.
23. Kakamega.
24. Kilifi.
25. Garissa.
26. Taita Taveta.

Ni lazima ripoti za Bunge hili zichukuliwe kwa umuhimu zaidi. Nafurahi kuwa Kiongozi wa Walio Wengi ameondoa Mswada wa kugawa pesa kati ya Serikali Kuu na Serikali ya Ugatuzi. Japokuwa itawakwaza magavana waliokuja bungeni kutetea ripoti zao, Waswahili wanasema, kata pua, uunge wajihi. Wakati mwingine daktari anaweza kushauri kwamba usipokata kidole basi itabidi ukate mguu mzima. Kwa hivyo, sisi tunakata kidole ili tuokoe mguu. Tunazuia Mswada wa kugawa fedha ili kuhakikisha

magavana wanawajibika. Wanapowajibika si kama wanatufanyia upendeleo wowote. Hapana, wanafuata Katiba. Tutajenga ugatuzi iwapo tutahakikisha wanawajibika.

Mwisho, nakubaliana na Sen. Cheruiyot aliposema kwamba uwajibikaji wa magavana wa muhula wa pili, kutoka mwaka 2017 hadi 2022, ulikuwa wa hali ya juu. Kipindi kile tulikuwa tunakagua ripoti za miaka mitano ya kwanza. Lakini sasa tunakagua ripoti za mwaka ulioisha. Kwa mfano, kamati hizi mbili zitakagua ripoti za mwaka wa fedha 2025/2026. Itakuwa bora iwapo Bunge la Kitaifa litaweka ripoti zake sambamba na Bunge hili kwani pesa nyingi zitaenda katika ugatuzi.

Saa hii tunatumia hesabu za mwaka wa fedha 2021/2022 ili kugawa pesa kwa kaunti zetu. Lakini ikiwa Bunge la Kitaifa litaangalia ripoti ya mwaka wa fedha 2024/2025 kama tulivyofanya katika Bunge hili, itasaidia kupeleka rasilmali muhimu katika kaunti zetu.

Mheshimiwa Spika wa Muda, naunga mkono Mswada huu. Napendekeza wale magavana 29 waje mbele ya Bunge hili kujibu maswali kama vile tunavyouliza maswali mawaziri siku za jumatano. Hiyo ndiyo kazi tunafaa kufanya kusaidia wananchi wetu kupata huduma.

Asante.

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

Sen. Kisang, proceed.

Sen. Kisang: Thank you, Madam Temporary Speaker. I support the motion and thank my leader, Sen. Olekina, for bringing it.

Yesterday, many members wanted to speak to the two reports, but we did not have the opportunity because of the timelines. That is why it is important that today we have this Motion so that we ventilate.

I agree that the 29 governors in the list of shame should be invited to appear before the Committee of the Whole in this Senate. From the list of 29, it is unfortunate that majority of them either served in the Senate or the National Assembly. Some were even Cabinet Secretaries. These are people who have held positions of leadership, passed laws, yet now they do not want to obey those laws. It is very unfortunate that they do not want to account for the resources which have been sent to their counties.

This Senate has a relationship with governors and county governments. Our role is to ensure appropriation so that resources are sent to the counties. The next relationship we have with them is oversight. They work well with us when we appropriate resources, since they are the implementers. However, when it comes to oversight, they do not want to be accountable. You cannot have your cake and eat it. This is unfortunate.

In the CPAC and CPISFC, we have done many reschedules of meetings. Someone says they are out of the country, yet in the evening you see them in the news. You wonder how they claim to be away but appear in evening news. This is lying.

They know they have up to 31st March each year to account, so they try to reschedule to avoid coming to Senate to answer queries raised by the Auditor-General. That is why CPISFC and CPAC resolved to adopt the reports as they are. Later they are passed to the EACC, the DCI and eventually to the Office of ODPP) and the Judiciary. They need to face the law. You cannot want to lead people and refuse to be accountable.

If you examine those reports, you will be surprised. You will see a second-term governor whose report is adverse, meaning there were no documents. Others have

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disclaimers, meaning there were no records at all. These are people in office. Officers from the office of the Auditor-General go for initial meetings, prepare management reports and give them opportunities, but they fail to answer the queries. By the time they are invited to the Senate, some manufacture documents and falsify them to appear compliant.

Madam Temporary Speaker, if you look at the report, you will be surprised. In fact, most governors who come before our committees, when asked to respond, do not answer. They refer to the County Executive Committee Member (CECM) Finance or CECM Water and yet they are the ones in charge of the county. How can you lead a county and you do not know what is happening? Some cannot even read what has been written. The accountants have written these things for you and yet you cannot respond by reading. You have to ask somebody to read for you. So, it is also important for Kenyans to remember that 2027 is very close. We are asking our people to please vet the governors to be put in place. The position of a governor is as important as the presidency. That is why you must have a degree to be elected as a governor. Kenyans, please watch and vet them to see if these are people who are likely to do something or are just coming to steal. It appears like corruption has been devolved in all the counties in this country.

Madam Temporary Speaker, back to my county, Elgeyo Marakwet County, I asked the governor to complete all stalled projects. When the budget of the Financial Year 2026/2027 comes in, put resources to complete Iten County Referral Hospital, Chibororwa Health Centre that was partially demolished, Kapcherop Sub-county Hospital, Tot Sub-county Hospital and Kamoswor Sub-county Hospital, so that the people of Elgeyo Marakwet County can get value for money. You know there is no need to have projects stalled for five, ten, or so years without being used. That means we do not get value for money.

I agree that we need the 29 governors to face the whole House instead of appearing before CPISFC and CPAC like the cabinet secretaries. If the Cabinet Secretaries who are very busy get an opportunity to come and answer the Senate, then why are governors not coming? They do not have another job. They have county executive committee members and deputy governors whom they can delegate some duties to.

We also need to re-examine the deputy governor positions. Most governors pick running mates who, as soon as elections are over, are left to read newspapers. They are given no role at all. We need to relook at the Constitution so that our deputy governors can be allocated duties to assist the governors instead of being bypassed by governors who deal with CECs and chief officers who are used to stealing together. I wish to support and ask the EACC to move with speed.

Already, the report was approved by the Senate yesterday. Look at the recommendations, and each of these two particular committees will give a progress report every month, as the Motion indicates. If the EACC does not do its job, it means we need to invite them here so that they get instructions.

(Applause)

Remember, there was a time PLO Lumumba did not have a job by evening because Parliament changed the law. The EACC, please, take up the challenge and move with speed. We want to see governors being taken to court.

Thank you. I support.

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

Sen. Oketch Gicheru: Madam Temporary Speaker, thank you so much for this opportunity. I support and appreciate Sen. Ledama because of this Motion. What the country has been drawn to could simply look like banter between senators and governors. This particular Motion gives us the opportunity to put things into perspective. In the discussion today, there have been generalities trying to catch up here and there on what is happening in different counties.

With this opportunity, I want to narrow down to Migori County, which was supposed to appear before CPAC on 18th of this month. These reports

are to be processed by 31st March, which was yesterday, for us to meet the deadlines. My governor, the Governor of Migori County, refused to attend that meeting with CPAC. For that reason, we passed the reports yesterday as is. I draw the attention of the country here today to answer the question the Senators are struggling with; whether my governor should have appeared before CPAC with regards to answering the audit queries that were raised here in the report of the Financial Year 2024/2025.

Madam Temporary Speaker, the Auditor-General states in the report of Migori County that there was Kshs8.6 million in Migori County, a variance that was withdrawn from the County Revenue Fund. It is reported, in the financial statements, without knowing, what this money was used for. I am asking Kenyans; should the Governor of Migori County have appeared before the CPAC committee to clarify this or not?

The Auditor-General says in their report that in the Financial Year 2024/2025, Migori County used Kshs72 million to build Early Childhood Development Education (ECED) classrooms that the Auditor-General, in their best opinion, is not convinced were built. This is because there was no clarity in terms of tendering. There was no clarity and evidence in terms of any advertisement and work done. There were no committee evaluations to the building of these classrooms for ECDEs. I am asking Kenyans; should the Governor of Migori have appeared before the Senate to make this clear to the country?

The Auditor-General says they had a major finding that in the County Revenue Fund of Migori County, there was another Kshs58 million that was withdrawn without any paperwork. The Auditor-General is not sure what was done with the money because she cannot trace it. I am asking the nation, was the Governor of Migori County right to refuse to come to CPAC committee to answer where this Kshs58 million went?

Madam Temporary Speaker, in this report, that has been put before this House because he did not come to answer, the nation should understand that we passed a law that says all monies from Level 3, Level 4 and sometimes Level 5 hospitals, must be retained in those hospitals. This is money intended to serve those hospitals; to buy medicine, to give support in terms of payment to staffers of those categories and any other supplies, even where food is needed to people who are sick in our Level 3, Level 4 and Level 5 hospitals.

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Despite us insisting through a law that was passed by both Houses of Parliament that you cannot remove money from hospitals, the Auditor-General says, Migori County removed Kshs146 million from our Level 4 hospitals and Level 3 hospitals without accounting for what they used that money for. The Auditor-General cannot trace the money. I am asking the nation; is the Governor of Migori County right to look at the Committee of Parliament called CPISFC and say he will not appear before it to answer questions? That is my money.

Madam Temporary Speaker, I will go on with a report that is before you. That there was an expenditure of Kshs50 million in legal fees in Migori County and even after spending it, there was a variation of Ksh3.9 million on accrued legal fees. We have said this many times that we cannot number, as a House, that you cannot accrue that kind of money. We have almost Kshs54 million, paid in legal fees, that the Auditor-General cannot confirm whether it happened in Migori County or not. I am asking the nation; is the Governor of Migori County fair to write to CPAC and say he will not come to answer this question?

If you look at the report on 2024/2025, there is a place called Taragwiti in Kuria County. There is a dispensary and a building that was supposed to house new staff of the dispensary in Taragwiti. The Governor of Migori County used Kshs2.5 million that the Auditor-General says was budgeted for and used. However, the new staff house was not built. I am asking the nation; is the governor right not to come to this House to answer these questions? Is the governor right not to come to this House to answer these questions?

The Temporary Speaker (Sen. Veronica Maina): Sen. Eddy Oketch, when we resume, you will have a balance of three minutes and 20 seconds.

Hon. Senators, this Motion will continue to be debated and will be listed, may be, tomorrow on priority basis.

ADJOURNMENT

The Temporary Speaker (Sen. Veronica Maina): It is now 6.30 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourn until tomorrow, Thursday, 2nd April, 2026 at 2.30 p.m.

The Senate rose at 6.31 p.m.