



THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT



Fifth Session

Wednesday, 10th June, 2026 at 2.30 p.m.

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 10th June, 2026

*The House met at the Senate Chamber,
Parliament Buildings at 2.32 p.m.*

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

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

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

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

(The Quorum Bell was rung)

The Speaker (Hon. Kingi): Hon. Senators, we now have quorum. Clerk, you may proceed to call the first Order.

(Sen. Abdul Haji walked into the Chamber)

Senator for Garissa County, kindly take your seat.

(Sen. Abdul Haji sat at his place)

PETITION

RE-INTRODUCTION OF THE LANDLORDS AND TENANTS BILL, 2021

Hon. Senators, pursuant to Standing Order No.236(2)(b), I hereby report a Petition by Mr. Dickson Githaiga Muchemi seeking for reintroduction of The Landlords and Tenants Bill.

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As you are aware, under Article 119(1) of the Constitution, and I quote-

“Every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend, or repeal any legislation.”

The salient issues raised in the petition are as follows-

(1) That the petitioner is a citizen of Kenya residing in Makadara, Nairobi County. The petitioner seeks for the reintroduction of The Landlords and Tenants Bill, 2021 to consolidate the laws relating to renting a residential and business premises and to achieve the following-

(i) Regulation of the landlord-tenant relationship in order to promote stability within the rental sector.

(ii) Establishment of tribunals to adjudicate disputes arising between landlords and tenants.

(iii) Repeal of the following statute-

(a) The Distress for Rent Act, Cap 293;

(b) The Rent Restrictions Act, Cap 296; and,

(c) The Landlords and Tenants Shops, Hotels, and Catering Establishments, Act Cap 301.

(2) That a similar Bill was introduced in the Senate in the 12th Parliament, but lapsed at the end of the term. That the proposed law should include a legal framework aimed at balancing the interests of landlords and tenants within a free market economy by ensuring landlords obtain reasonable income from rental investments and protecting tenants from unfair practices.

Consequently, the petitioner prays that the Senate reintroduces, considers, and passes The Landlords and Tenants Bill.

Hon. Senators, pursuant to Standing Order No.238(1), I commit the petition to the Standing Committee on Roads, Transportation and Housing for consideration. In terms of Standing Order No.238(2)(a), the committee is required in not more than 60 calendar days from the time of reading the prayer, to table its report in the Senate for consideration.

(The Petition was committed to the Standing Committee on Roads, Transportation and Housing)

Next Order.

PAPERS LAID

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

Sen. Gataya Mo Fire: Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, Wednesday, 10th June, 2026-

REPORT ON THE TRAFFIC (SCHOOL TRANSPORT) RULES,
2016, LEGAL NOTICE NO.11 OF 2026

The Report on the Traffic (School Transport) Rules, 2016, Legal Notice No.11 of 2026.

THE TRAFFIC (MOTOR VEHICLE INSPECTION) RULES, 2026,
LEGAL NOTICE NO.13 OF 2026

The Traffic (Motor Vehicle Inspection) Rules, 2026, Legal Notice No.13 of 2026.

THE NTSA (OPERATION OF COMMERCIAL VEHICLES)
REGULATION NO.2026, LEGAL NOTICE NO.14 OF 1026

The National Transport and Safety Authority (Operation of Commercial Vehicles) Regulation No.2026, Legal Notice No.14 of 1026.

I thank you, Mr. Speaker, Sir. This is the Chairperson, Committee on Delegated Legislation.

(Sen. Gataya Mo Fire laid the documents on the Table)

The Speaker (Hon. Kingi): Next Order.

NOTICE OF MOTION

The Speaker (Hon. Kingi): Chairperson, Select Committee on Delegated Legislation.

ADOPTION OF REPORTS OF THE COMMITTEE ON DELEGATED
LEGISLATION ON TRAFFIC RULES AND NTSA REGULATIONS

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

Consideration of the report of the Select Committee on Delegated Legislation on its consideration of the Traffic (School Transport) Rules, 2026 Legal Notice No.11 of 2026, the Traffic (Motor Vehicle Inspection) Rules, 2026 Legal Notice No.13 of 2026 and the National Transport and Safety Authority (Operation of Commercial Vehicles) Regulations, 2026, Legal Notice No.14 of 2026.

The Speaker (Hon. Kingi): Next Order.

Sen. Gataya Mo Fire: Mr. Speaker, Sir, I have omitted some observations. I beg to give notice of the following of the Motion-

THAT, the Senate adopts the Reports of the Select Committee on Delegated Legislation on its consideration of the-

(i) The Traffic (School Transport) Rules, 2026 (Legal Notice No.11 of 2026;

(ii) The Traffic (Motor Vehicle Inspection) Rules, 2026 (Legal Notice No.13 of 2026); and

(iii) The National Transport and Safety Authority (Operation of Commercial Vehicles) Regulations, 2026 (Legal Notice No.14 of 2026);

laid on the Table of the Senate on Wednesday, 10th June, 2026; and that pursuant to Section 18 of the Statutory Instruments Act, the Senate resolves to annul the Traffic (School Transport) Rules, 2026 (Legal Notice No.11 of 2026; the Traffic (Motor Vehicle Inspection) Rules, 2026 (Legal Notice No.13 of 2026); and the National Transport and Safety Authority (Operation of Commercial Vehicles) Regulations, 2026 (Legal Notice No.14 of 2026.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Pursuant to Standing Order No.45(2), Chairperson, Delegated Legislation, are you not done with your notices?

Sen. Gatya Mo Fire: I am done, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Allow me, pursuant to Standing Order No.45(2), to rearrange today's Order Paper. We will move to prosecute Order Nos.8 and 9, and thereafter, resume the normal flow as contained in the Order Paper.

Clerk, you may proceed to call Order No.8.

BILL

Second Reading

THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO.3 OF 2024)

(Sen. Cheruiyot on 03.06.2026 - Afternoon Sitting)

(Resumption of debate interrupted on 03.06.2026 - Afternoon Sitting)

The Senate Majority Leader, you may proceed to reply.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I am grateful to the Members who have spoken to this Bill. Their contributions and insights will go a long way in informing the amendments that will come out of it. This was quite an interesting one.

I am fairly aware that we have a very important afternoon ahead of us. There are Members who want to say one or two things about the Division of Revenue Bill before we can raise a requisite quorum, so that we can conclude on that business. Therefore, I do not want to indulge any further on this topic as I know Members are eager to speak on the next item, so that we can conclude in good time.

With those remarks, I beg to reply.

In order to ensure compliance with Standing Order No.66(3), I request that the putting of a question be deferred until a later time today, if possible.

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

(Putting of the question on the Bill deferred)

Next Order.

MOTION

ADOPTION OF MEDIATION COMMITTEE REPORT ON THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILLS NO.2 OF 2026)

THAT, the Senate adopts the Report of the Mediation Committee on the Division of Revenue Bill (National Assembly Bills No. 2 of 2026), laid on the table of the Senate on Wednesday, 10th June, 2026; and that, pursuant to Article 113(2) of the Constitution and Standing Order 167(3) of the Senate, approves the mediated version of the Bill.

(Sen. Tabitha Mutinda on 10.06.26 - Morning Sitting)

(Resumption of debate interrupted on 10.06.26 -Morning Sitting)

The Speaker (Hon. Kingi): At the rise of the House in the morning, Sen. Beatrice Ogola had the Floor and had a balance of 17 minutes.

You may proceed, hon. Senator.

Sen. Ogola: Thank you, Mr. Speaker, Sir. Just before we broke for lunch, I was on the Floor as you have stated. I indicated that I support the Report of the Mediation Committee. In that Report, there were two key factors that were considered. One of them was the funding needs and the realities as they are. I stated that counties, just like the national Government, have funding needs. However, I was reflecting back on the functions that the counties have and just like we have stated before, the functions were never costed. That is probably one of the reasons counties are always having hardships in the provision of services.

I also stated that health is key, but when we reflect on our county hospitals, dispensaries and health centres, when we go back to the villages they have no medicine. I was referring to my sub-county hospital, Ndhiwa Sub-County Hospital, that was referred to as a district hospital then. The last time I was home, the public seemed to be having a lot of difficulties because the necessities in that hospital were continuously lacking.

Mr. Speaker, Sir, water is also devolved and it is a basic need. On agriculture, we have often talked about the lack of extension services to our farmers. To be precise, most of our farmers in the county are always on their own. I am building on to the fact that a number of us expected that this financial year, we would be able to run with Kshs450

billion, as had been anticipated, but we now accept the reality that the Mediation Committee has brought Kshs428 billion.

I will mention key issues that keep worrying some of us with the county governments. The issue of pending bills remains a thorn in the flesh. Primarily, pending bills are supposed to be paid on an aged formula, where people who worked earlier when bills are paid are entitled to their monies. However, that is not what happens.

I happen to have worked with the county government at the onset of devolution and everybody saw the excitement that our communities had. We actually saw the people who were doing business with the counties on those initial years thrived. We saw people move from being small traders to big time business people, doing tenders.

That was the expectation that Kenyans had all over the Republic. However, today, our businesses are struggling in the counties. When you talk to the contractors, you hardly get a county where contractors are happy. It is, therefore, important to remind the counties that when you sign for a contract, if you look at the notes at the back of a Local Purchase Order (LPO), there are always notes that reflect that you only award a tender when you have money to pay for it.

Therefore, it is amazing that when business people have done work and some of them have completed tenders and sites handed over, their family obligations are stuck because counties owe them money. The counties need to consider their people and have them in mind, so that when they do some of that work as assigned, they must be paid in time.

Mr. Speaker, Sir, there is also the nagging question of the own-source revenue. As these counties build on to their own source revenue - and we see a number of them celebrating the growth of their own-source revenue - little do you see an equivalent growth in terms of the services in this county that is commensurate to the own-source revenue that is celebrated.

I will also make a comment on the wage bill in a number of our county governments. They overshoot the percentage that is required and that reflects on the development component in the counties. We call upon the county governments to initiate prudent management of their wage bill. It is also important to say that in a number of those counties, even though they advertise for jobs and employ a number of people, they do not invest in employing technical staff who should support the sectors that they have. This is important and counties should take note of that.

Mr. Speaker, Sir, as I wind up my presentation, there are key measures that counties must also take into consideration. The issue of wastage that is not only limited to the county governments, it is also replicated in all the government sectors, even in the national Government. The main reason we cannot have much money invested in development is because of wastage.

Lastly, we must also talk about delays in disbursement. Counties must get their monies in time, so that they can perform their duties. We must also address the issue of oversight in the counties. We call upon the Members of the County Assemblies (MCAs) to know that they are required to do primary oversight. We do not expect the MCAs to be departments of the executive in the county governments. Most of the time, we see MCAs behaving as if they are part and parcel of doing the executive roles. We call upon the

MCA's to relook their mandate. They must do their primary oversight, and until they do that, then they will not be supporting our people.

The Speaker (Hon. Kingi): The Senate Majority leader, before I allow your intervention, allow me to make these Communication.

(Interruption of debate on Motion)

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION FROM TUMUTUMU GIRLS, NYERI COUNTY

Hon. Senators, I would like to acknowledge the presence in the public gallery this afternoon of a visiting delegation of six teachers and 114 students from Tumutumu Girls School in Nyeri County. The delegation is visiting the Senate for an academic exposition.

On behalf of the Senate and on my own behalf, I extend a warm welcome to the delegation and wish them a fruitful visit.

VISITING DELEGATION FROM ST. ANDREW'S SCHOOL, KIANJOKOMA, EMBU COUNTY

I also wish to acknowledge the presence in the public gallery this afternoon of a visiting delegation of three teachers and 44 students from St. Andrew's School, Kianjokoma, in Embu County. The delegation is visiting the Senate for an academic exposition.

On behalf of the Senate and on my own behalf, I extend a warm welcome to the delegation and wish them a fruitful visit.

I call upon Sen. Mundigi to extend a warm welcome to those two delegations.

Sen. Munyi Mundigi: Asante, Bw. Spika, kwa kunipa nafasi nikaribishe shule ya Tumutumu kutoka Nyeri na Kianjokoma kutoka Embu. Nawakaribisha katika Seneti siku ya leo ili muweze kuona kazi ile ambayo tunafanya kama Maseneta. Kazi tunayofanya inahusu mambo ya ugatuzi kama vile pesa za mgao zinafaa ziende mashinani ili kaunti zetu ziwe sawa. Hakuna pesa zozote ambazo gavana anaweza kupata kama haijapitia hapa.

Mambo mengine tunayoyafanya hapa yanayohusu ugatuzi ni kama vile afya, barabara na maji, na pia, kuangalia vile serikali ya kitaifa inafanya kazi. Kwa mfano, mumesikia yule Seneta akiongea kuhusu vile ambavyo tunapitisha Shilingi bilioni 428 ambazo zitaenda kufanya kazi mashinani.

Bw. Spika, nawakaribisha hawa wanafunzi na wakirudi nyumbani, wajue kwamba tumesikia mambo mengi. Hata kama mumekosewa na walimu ama wazazi, mjue kwamba hata sisi ambao tuko hapa, tulipitia shuleni na hatukuwa na shida yeyote. Ningeomba mjiepusha na dawa za kulevya ili muwe na maisha mazuri kwa sababu ninyi ndio mtakuwa maseneta na spika kama yule aliye pale.

Wakati waja ambapo sisi tutaondoka ili tuwaachie ninyi nafasi. Kwa hivyo, ninyi ndio viongozi wa kesho.

Bw. Spika, ningeomba unikubalie niendeleo kuchangia huu Mswada wa Division of Revenue Bill; vile pesa za mgao zinafaa ziende mashinani.

The Speaker (Hon. Kingi): Sen. Mundigi, kaa kidogo, nitakupa nafasi baadaye.

(Resumption of debate on Motion)

The Senate Majority Leader, what is your intervention?

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, thank you for indulging me. I beg your indulgence and that of my colleagues in the House this afternoon. We have before us a very popular Bill; the Division of Revenue Bill, a Bill which ideally, we normally limit its debate sometimes to five or 10 minutes per Senator because of the kind of interest it generates and the time available.

This morning, when this Bill was moved, I stepped out and apologies for that. Therefore, we proceeded in the normal way that we consider any Bill. Now, every Member has 20 minutes to speak to it. If we continue in that trajectory and knowing this House fully well, mostly Tuesdays and Wednesdays are the days where we can marshal enough numbers to pass a Bill of this magnitude. If we rely on Thursday, I do not recall the last time we raised the requisite number.

Given that this is a mediated version of a Bill which we had spoken to already, I really plead with the House that by way of consensus, we have a gentleman's agreement across the aisle to limit ourselves to five minutes per Member. I see it is now 3.00 O'clock and maybe, 10 or 15 Members that may want to speak to it can do so. Then, at about 4.00 O'clock or 4.30 p.m. latest, we can do the needful knowing that, beyond the Division of Revenue Bill, we also have the County Governments Additional Allocations Bill that is also time-bound and finance-related. We need to begin moving it today and perhaps, process it.

I am not too optimistic to think we can conclude on that today. However, I plead with my colleagues in the House that, at least, on the Division of Revenue Bill, we can limit ourselves to five minutes, by way of a gentleman's agreement, now that there is no Standing Order that permits me to do this. We can make quick progress and conclude on it.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Very well, Senate Majority Leader. The only Standing Order available is the one that is preventing you from doing what you have just done. Therefore, Hon. Senators, this can only be done through concurrence across the House. If you agree that from now going forward in this debate, if you get an opportunity to speak, you do so for not more than five minutes. If I have your concurrence on this, then we can adopt that mode of operation.

Hon. Members: Yes.

The Speaker (Hon. Kingi): Good! Sen. Mundigi, you may proceed. Uko na dakika tano.

Sen. Munyi Mundigi: Asante, Bw. Spika, kwa kunipa fursa ili niweze kuchangia huu Mswada wa Division of Revenue ambao unahusu zile pesa zitakazoenda mashinani kwenye kaunti zetu 47.

Nikiwa Seneta wa Embu Kaunti, nawashukuru wale Maseneta ambao walifanya *mediation* kwa sababu sio mara ya kwanza. *Mediation* imekuwa ikifanyika kuanzia mwaka wa 2022 na tunaona mafanikio. Huu ni mwaka wa tatu na tumeona kwamba kila wakati tunapofanya *mediation*, tunapata pesa zinazofaa. Hata kama hazitoshi, tunasema asante. Nawashukuru wenzetu ambao walikuwa kwa Kamati ya *Mediation* kwa kukubaliana kwamba, kaunti zitapata Shilingi bilioni 428.

Kule mashinani, kuna shida ya mambo ya afya. Hospitali zetu hazina madawa na zingine hazijamalizwa kujengwa kwa sababu ya shida ya pesa. Magavana hawafanyi kazi vile inavyofaa. Kwa mambo ya elimu ya ECDE, walimu ni wachache na wanafunzi ni wengi. Kwa hivyo, pesa hizi zitasaidia tupate walimu wa kutosha. Kama kuna watu wanateseka mashinani, ni wale wafanyikazi wa kaunti kuanzia mwaka wa 2022. Wanakatwa pesa za Housing Levy, Social Health Authority (SHA) na ushuru nyingi. *Pay slip* imekuwa na shida kwa sababu haina pesa.

Bw. Spika, hata kama mfanyikazi anapata pesa kidogo, hizo pesa bado zinachelewa. Yule mfanyikazi kule mashinani ndiye anategemewa wakati wa harambee ya kanisa, shule, ugonjwa na ndoa. Ndio sababu tumeweka kipaumbele ili kaunti zetu zipate pesa. Hao wafanyikazi pia wamekuwa na shida ya kutoongezewa mishahara. Ikifika mwisho wa mwezi, wanapata shida na hata wakati wa kustaafu, utapata mtu amefanya kazi kwa miaka mingi, lakini anaenda nyumbani bila chochote.

Nawaomba magavana kwamba, watakapopata hizi pesa, waanze na kuangalia mambo ya afya na *employment*. Wawaongezee wafanyikazi wao mishahara ili wawe na kitu cha kupeleka nyumbani.

Kwa mambo ya kilimo kumekuwa na shida. Tunawaomba magavana ya kwamba, mkipata hizi pesa, ziweze kuwasaidia kwa mambo ya kuajiri *agricultural extension officers* wengi ili kilimo chetu cha majani, kahawa, sukari na miraa/muguka kiimarike. Watu waweze kufunzwa kilimo cha kisasa ili wawe na mazao mazuri. Hizi pesa zitasaidia kwa njia nyingi.

Bw. Spika, kwa mambo ya afya, kaunti zile ambazo hazina deni kubwa zinaweza kununulia kila wadi ambulansi za kupeleka wagonjwa hospitalini Nairobi ama kwingineko.

Nikirudi upande wa ukulima, itasaidia watu kupata maji ya *borehole* vijijini na tanki ndogo, ili wajifunze kilimo cha *blue economy*, na waweze kujifunza kufuga samaki. Siku hizi, chakula na ugali iko sawa lakini bei ya nyama iko juu. Wakifuga samaki, kila kijiji kitakuwa na samaki na watoto wetu watakula vizuri, wawe na afya mwilini na magonjwa yatarudi chini.

Bwana Spika, katika kaunti nyingi, mambo ya *pending bills* na *wage bill* imekuwa sugu. Wakati mwingine magavana wanapigwa vita kwa sababu walipata pesa lakini hawajalipa zile *pending bills*. Ningeomba pesa hizi ziende mashinani, magavana waweze kuangalia vile inavyofaa ili waweze kumaliza *pending bills* na *wage bill*. Kwa sababu ya *pending bills*, wanakandarasi wameteseka. Wengine waliporwa na wengine walichotwa

mali zao. Unakuta wanakandarasi wanateseka kwa sababu kaunti nyingi ziko na *pending bills*.

Mimi nikiwa Seneta wa Embu County, naunga mkono hizi Shilingi bilioni 428, lakini naomba magavana waweze kuzitumia kwa njia inayofaa. Nimeona Bunge la Kitaifa wakijipatia pesa nyingi, lakini tumeona wakipinga sisi tuweze kuangalia mambo ya pesa zinavyofanya kazi.

Bwana Spika, nikimalizia, ningeomba *primary oversight*, wakati pesa zinatumiwa mashinani, MCAs wote warudi mashinani kwa sababu ni wao ndio wanafanya *public participation*, ile pesa zionekane zinafanya kazi kwa njia gani.

Mimi nikiwa Seneta wa Embu County, “Daktari” Sen. Alexander Munyi Mundigi, ninaunga mkono.

Asante, Bw. Spika.

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

Sen. Kisang: Thank you, Mr. Speaker, Sir. I also rise to support this Bill reluctantly because I remember, last year, we allocated Kshs415 billion to the counties, an increase of about Kshs20 billion, but this time, our team that we sent to National Assembly negotiated and then, we have settled at Kshs428 billion, an increase of Kshs 13 billion from last year's allocation, which is not bad, considering the economic condition of the country. This is an improvement because the National Treasury had proposed to allocate Kshs420, but at least our colleagues have managed to have an increment of Kshs 8 billion.

Also, it is very important to note that the Members have negotiated and they have put at least a clause that will protect and ensure the Kshs428 billion will not be reduced even if the Kenya Revenue Authority (KRA) does not meet its target. They have put a clause to say that if there is any deficit in revenue collection, the national Government will meet the shortfall and if there is any surplus, then it will be taken to pay our national debt, which is also an important function. That is what is helping the country to move ahead with the infrastructure projects.

We want to urge our colleagues in the other House, the National Assembly, and those in this House, both the County Public Accounts Committee (CPAC) and the County Public Investments and Special Funds (CPI&SF) Committee, to approve audited reports up to FY2024/2025, as directed by the High Court. If you go to the National Assembly, they have not followed the ruling. We are basing this particular allocation on the 2022/2023 Financial Year, which is three years behind.

If they were up to date, our counties would have gotten their Kshs454 billion or even Kshs470 billion that we were looking for, so that the 12 small counties that are still getting below Kshs6.5 billion would get sizeable resources that will go a long way in ensuring that our governors and the executive of the counties do meaningful developments for our counties and our people.

If you go to a county like Elgeyo Marakwet, we still get less than Kshs1.5 billion for development. Some counties are using about Kshs5 billion to buy porridge for Pre-primary 1 and 2 (PP1 and PP2) pupils. It is unfortunate that some counties will still lag because of the resources that we are giving them.

We also want to ask our MCAs to be serious with oversight. The Senate is not the primary oversight. We pick reports from the Auditor-General, but for them, they need to oversee the executives, go around the counties, go around the wards and check the projects. We have gone to several counties on oversight. You will realise most of the hospitals are not equipped. Some do not even have medicine. This is the primary job that they need to do.

That is why I think there was a conversation that if counties are unable to basically manage healthcare, then maybe we need to have a commission. We can have a commission where the health workers can come back to the national government, just like the Teachers Service Commission (TSC) manages teachers. Maybe we need a commission to manage the health workers, so that they do not have to go on strike. Every year in every county, nurses, clinical officers and doctors are on strike because the relationship between the executive of the counties and the workers is not very good.

Unfortunately, in Elgeyo Marakwet County, for the last five months, the Community Health Promoters (CHPs) have not been paid Kshs2500 by the county government, but the portion by the national government has been paid. What is so difficult for the governors to allocate resources so that the agent CHPs can help to ensure primary healthcare is promoted, so that we have fewer people going to the hospitals? This is something that they need to undertake and be serious.

I was very surprised that there is one of the counties where ECDE teachers are being paid Kshs8,000. I mean, what do you expect somebody to do---

The Speaker (Hon. Kingi): Sen. Margaret Kamar, you have the Floor.

Sen. (Prof.) Kamar: Thank you, Mr. Speaker, Sir, for the opportunity to also support the Division of Revenue Bill agreement that was reached by the Mediation Committee.

As most Members have said, we do it reluctantly because the speed with which the money is being raised for counties is still very slow. It is slow because we have devolved functions in the Fourth Schedule, and devolved functions, having been identified, should have been costed so that they are funded accordingly. It looks like we will continue to increase progressively, but without identifying the actual functions, which may not actually help us fulfill the agenda for which devolution was meant to.

I would, therefore, like to urge that even going forward, we need to have the costing of the devolved functions; proper costing and I will mention one. The vocational training centers, which are devolved, used to receive a conditional grant. In the Committee on Education, we have realised that with that conditional grant having been withdrawn, the counties are not able to develop and expand. We know the majority of our youth do not go to universities, Technical Training Institutes (TTIs), or diploma awarding institutions.

We need them to be trained, so that we do not have a huge population of young people who do not have any skills. It is therefore very important that some of these areas are not ignored. They should be costed and the budget should consider that. That influence should go back to the budget-making process, which our brothers and sisters in the National Assembly should be very sensitive to.

It is also important for us to take note of the fact that Kenya, as a nation, also signed declarations either in the AU or internationally. There are two very important ones that touch on the devolved sector. The Abuja Declaration by our Heads of States in the year 2001, which required that 15 per cent of the annual budget be dedicated to health. Health is a devolved function. How can we see the 15 per cent in the budget? We know that the coverage which was also discussed under the same agreement, the coverage in Kenya, has been expanded because of the Social Health Authority (SHA). However, where is the costing to show us that actually we have attained the 15 per cent? It is very important because if we do not have a healthy nation, then we do not really have a people that can grow into what we want them to be.

The other agreement is the agriculture declaration that was done by the Heads of States in the year 2003, the Maputo Declaration as they call it, for food security and agriculture. Again, unless, we cost that 10 per cent, we need to ask ourselves, is 10 per cent of our budget really covering agriculture? This is because the agreement that was signed by our Heads of States, including our own President, was that 10 per cent of the budget, not of the audited accounts, was supposed to be dedicated to agriculture to ensure that we have food security. Costing of the devolved functions must inform the way we share the revenue in this country.

Mr. Speaker, Sir, I mentioned earlier about the conditional grants. There is another fund that we need to inform our governors to watch. When our governors decide to go for intergovernmental agreements, without even consulting this Senate, and they want to have an agreement so that they pay bursaries, you ask yourself, where are they getting the money for the bursaries?

As a Committee on Education, again, we sat down and analysed this. So, we called the Controller of Budget (CoB), and we wanted to understand the interpretation, so we get legal---

The Speaker (Hon. Kingi): Your time is up, Hon. Senator.

(Sen. (Prof) Kamar spoke off record)

The Speaker (Hon. Kingi): As you contribute, keep an eye on the time. It is actually reflected on your--- I will give you one minute, Hon. Senator.

Sen. (Prof) Kamar: Thank you because it is a very important conclusion.

Our governors want to negotiate an intergovernmental agreement to give out bursaries. When you analyse it against the other education agendas that we have, which are devolved, they are paying bursaries, which is not their agenda, and leaving out infrastructure for PP1, PP2 and VTCs. It is very important because when we ask for legal interpretation, it looked like the governors are now returning conditional grants to the national Government, which is something they really must think very seriously before they sign any agreement.

I thank you, and I support.

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

Sen. Ali Roba: Mr Speaker, Sir, I was hoping to get some notice. I know the Vice-Chairperson moved this Bill and the Mediation Report, but I just felt I needed to weigh in a little bit.

In the morning, I was here when the discussion took place. This mediation was one of the most difficult mediations that I have attended for the last four years. This is the fourth mediation that I have attended. In all sincerity, it is a very awkward position that the Senators hold.

(An hon. Senator spoke off record)

Somebody saying point of order, can I continue?

The Speaker (Hon. Kingi): Just proceed. It is up to me to hear or not to hear.

(Laughter)

Sen. Ali Roba: Thank you, Mr Speaker, Sir. It has been the most difficult mediation process we have undergone, and I know---

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

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

Sen. Abdul Haji: I apologise for interrupting the party leader, former Governor, and Chairperson of the Finance and Budget Committee. I would have wanted to request that the Chairperson speaks last, because we have a lot of issues we want to raise from the Mediation Report, and then he can address some of them.

The Speaker (Hon. Kingi): Sen. Haji, the Mover of the Motion will reply, and it is not Sen. Ali Roba.

You may proceed, Senator.

Sen. Ali Roba: Hon. Speaker, thank you very much. I am not the Mover of the Motion. My Vice-Chairperson moved the Motion, and she will reply. I am here just to contribute as a member of this Senate.

We have been fighting for devolution and, unfortunately, sometimes, it appears as if the counties exist outside the boundaries of the nation, Kenya. When we talk about devolution and issues that are non-discretionary, those beyond the county governments, and those to do with, for example, two SRC circulars that are mandatory for implementation of county governments. It is the same on the national government, but the national government has made provisions to take care of those circulars for the national Government itself. The same provisions have not been done for county governments, and the implementation of the two circulars amounts to Kshs10.05 billion.

The natural wage drift, you were the Governor of Kilifi County for 10 years. The IPPD system does not consult with you, just like in the Senate here. The salary we started with in August, 2022 is not the same salary we are earning now, and we have not negotiated for any salary adjustment. There is an automatic wage drift adjustment within the IPPD system that when the time is up, automatically, the system sets that amount to almost Kshs5 billion for the county government staff. We have addressed some of the issues of counterpart funding and which I put to governors, because when you know you

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cannot afford, and every year we are fighting for pennies adjustment to county governments, you still go ahead and accept to do counterpart funding, which is co-funding of a function imposed on you, because it is a feel-good opportunity.

When it comes to the division of revenue, you will come and complain, we have CHPs, that we have 50 per cent co-funding, and you have accepted voluntarily Kshs3.25 billion. We have this issue of County Aggregation and Industrial Parks (CAIPs). The counties are already complaining they cannot afford to do this, yet they go ahead and sign those agreements. After signing, and then now when it comes to the division of revenue, it becomes a factor. It is Kshs11.25 billion that we need to provide for. On the other hand, we sit before the National Assembly and we beg, literally. It is a very awkward position for me.

I chair, and you sit there, you plead like your life depended on it. I do not believe there is a lot of appreciation out there. I do not know what we have to do in this Senate in order to guarantee there is realistic funding of devolution or there should be a different discussion in the country for devolution to work. I have kept on asking myself, if inflation takes that five per cent, will it give more impact than the Kshs13 billion we have increased for county governments? This is reality, and it is happening within the county governments. Forget about the discussion between the right Hon. Amollo Odinga, *marehemu*, and our President. The reality is devolution exists. It is here with us. Are we not supposed to discuss how devolution should function?

(Sen. Ali Roba's microphone was switched off)

Sen. Mwaruma: Asante, Bw. Spika, kwa hii fursa umenipa ili kuchangia Ripoti ya uwiano wa Mswada wa Ugavi wa Pesa kati ya Serikali ya Kitaifa na za kaunti ambayo inaitwa Division of Revenue Bill. Nashukuru Kamati ya Fedha na Bajeti inayoongozwa na Sen. Ai Roba kwa ile kazi nzuri walifanya kusukuma ili pesa ziongezwe. Ibara ya 96 ya Katiba ya Kenya inasema kwamba kazi ya Seneti ni kulinda ugatuzi. Wakati mwingi tunapongea kuhusu kulinda ugatuzi, wananchi hawaelewi ugatuzi unalindwa dhidi ya nani. Ni vizuri kueleza kuwa hatari kubwa ya ugatuzi inatoka kwa Bunge la Taifa.

Nakumbuka mwaka wa 2018, gatuzi zetu zilipata Shilingi bilioni 414. Mwaka 2019, Wabunge wa Bunge la Taifa walipiga kura kupunguza pesa hizo hadi Shilingi bilioni 310. Seneti ndio iliyokaa kidete na kusukuma pesa hizo hadi Shilingi bilioni 316.5.

Mwaka wa fedha wa 2025/2026, Bunge la Taifa lilipiga kura kugawa Shilingi billion 405 kwa gatuzi zetu. Ni Seneti iliyosukuma pesa hizo hadi Shilingi bilioni 415 kwa kuongeza Shilingi bilioni 10.

Mwaka wa fedha ujao, 2026/2027, ni Seneti inayong'ang'ana kugeza pesa ambayo Bunge la Taifa limepigia kura Shilingi bilioni 420. Nashukuru kwamba tumeng'ang'ana na leo hii tumeongeza Shilingi bilioni nane kupitia Kamati ya Uwiano na fedha zinazoenda kwa gatuzi zimeongezeka kwa Shilingi bilioni 13.

Nashukuru kwamba wale waliotunga Katiba waliweka Seneti kupambana na ugatuzi. Ugatuzi ni kitu cha muhimu tulichojipatia katika Katiba. Ni lazima tuongeze pesa zinazoenda mashinani. Sababu ya kuongeza pesa ni mfumuko wa bei, kwa kizungu,

“inflation.” Mfumuko wa bei unapongezeka, wafanyikazi wa serikali za kaunti wanafaa kuongezewa mishahara ili waweze kununua wanavyohitaji.

Saa hii, kaunti zinafaa kulipa wahudumu wa afya wa nyanjani, CHP. Wanafaa pia kuajiri wahudumu wa afya wanaoitwa UHC *staff*. Haijulikani iwapo wataajiriwa na serikali ya kitaifa ama serikali za kaunti. Kama wataajiriwa na serikali za kaunti, ni vyema pesa za kaunti ziongezwe ili waweze kuajiri wahudumu wa UHC bila ya wasiwasi kuwa pesa zitapungua. Endapo wataajiriwa kutumia *conditional grant*, pesa zile inaweza kuisha.

Ni kinaya Bunge la Taifa kukataa pesa kuenda kwa gatu zetu ilhali wananchi wanaowahudumia kutumia pesa za serikali ya kitaifa ndio wanaopata huduma ya afya, barabara na kilimo. Huduma hizi zote zimegataliwa na zinahitaji fedha.

Wajumbe wanaofanya kazi katika magatuzi, MCAs, wajizatiti kuhakikisha wanafanya uangalizi ama *oversight*, ili pesa zinazoenda kwa magatuzi itumike kupeana huduma. Wabunge wa Bunge la Kitaifa wanasema hakuna haja kupeleka pesa nyingi katika magatuzi---

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

Sen. Wafula: Asante, Mheshimiwa Spika, kwa kunipa nafasi hii nichangie Mswada kuhusu ugavi wa fedha kwa kaunti hapa nchini. Maseneta wenzangu wameangazia kwa kina changamoto walizopitia ili fedha hizi ziwafikie Wakenya. Tume kuwa na hali ngumu na magavana ambao hawapendi kuwajibika kujibu maswali na kueleza Wakenya jinsi wanavyotumia fedha.

Siku chache kutoka leo tutakuwa tunafunga ukurasa wa makadirio ya fedha za Serikali mwaka wa fedha 2025/2026. Lakini tunapofanya hivyo, wanakandarasi katika nchi ya Kenya waliopewa zabuni na magavana wanalia na hawajui waende wapi. Wanakandarasi hawa wamejenga barabara, mabweni, madarasa, zahanati na kuosha ofisi za magavana, lakini magavana wamekosa kufuata sheria ya kulipa madeni ya watendakazi wa Kaunti ya Bungoma na Kenya nzima.

Tumeona katika runinga wakinunua unga na kupikia watoto ubwabwa katika shule za chekechea na kuwapa maji na maziwa, lakini hawana fedha za kuwalipa walimu wa vyuo vya chekechea na vyuo anwai kama walimu wenye tajriba.

(Sen. Faki spoke off record)

Ubwabwa ni uji, ndugu zangu. Tulisoma shule zilizotufunza lugha.

Hawa magavana afadhali wapeane kandarasi ambazo watapata asilimia fulani ya hongo, lakini wasifunze watoto wa Kenya kuwa na uwezo wa kuchipuka na kusoma kama wengine. Vyuo anwai ni mahame. Watoto wamehama na madarasa ni kutu.

The Speaker (Hon. Kingi): Sen. Wakoli, would you wish to be informed by the Senator for Mombasa.

Sen. Wafula: Mheshimiwa Spika, huyo anatoka Mombasa na tutazungumza kule nje.

(Laughter)

Lugha hukua, kwa kimombo, “*language grows.*”

Yale ninayotaka kusisitiza ni kwamba walidai hatuna uwezo wa kuamua fedha zitakazoenda kwa gatuji zetu. Leo tumeamua. Walidai hatuna uwezo wa kuwasukuma wawajibike, sasa wanawajibika. Walidai hatuna uwezo wa kuhakikisha kule mashinani hoja wanazoleta kwa vitabu tunavyobukua, sasa tunaenda nyanjani na kuthibitisha. Tunahakikishia Wakenya kwamba Seneti haitalala wala kusinzia, wala kuweka nta kwa masikio yetu na kujidai hatuoni. Tutafanya kazi kwa mujibu wa Katiba.

Nikimalizia, watu wangu wa Bungoma wananitazama kwa makini sana. Vile vile, gavana wangu ananisikiza vizuri sana. Fedha tunazoleta sio za mchezo. Gavana uko katika kipindi cha lala salama na ni lazima ufanye kazi. Ni lazima ujenge barabara nzuri na kuweka dawa za kutibu wagonjwa katika hospitali. Sio dawa za kupunguza makali ya ugonjwa, almaarufu, “brufen”. Ni lazima maji yachimbwe ili watu wanywe maji maenge, maji safi, ili tusipate ugonjwa wa kipindupindu.

Tunataka kuona fedha katika sekta ya michezo, sio watu katika idara ya michezo kupata mishahara, kula mlungula na kufurahia pesa za ushuru wa Wakenya, almaarufu, “kujivinjari na kurusha roho”.

Lazima watu wa Bungoma wajue gavana anafaa kumaliza miradi yote aliyozindua katika awamu yake na aondoke. Hatutakubali upeane kandarasi, upate hongo na uwachie watu wa Bungoma miradi kabla haijakamilika.

Naunga mkono Serikali ya Rais Wiliam Ruto, lakini wewe Gavana wa Kaunti ya Bungoma, muunge Rais mkono, ufanye kazi na uende salama. Sasa hakuna kucheza---

The Speaker (Hon. Kingi): Sen. Fatuma Dullo.

Sen. Dullo: Mr. Speaker, Sir, let me join my colleagues in thanking them for having pushed for the money to where it is, that is, Kshs428 billion. We have come from far. I will be quick because five minutes might not be enough. I remember sometime back, we used to have fights between ourselves, governors and Members of the National Assembly during discussions on budget allocations. This time around, we seem to be doing a bit well.

There is a lot of money that is left at the national level. With the current challenges that we have globally, the Government should have increased the allocations to county governments. In as much as we know that what is allocated to county governments is not properly utilized, we need to address challenges faced by county governments, because our people are really suffering.

Mr. Speaker, Sir, water, health, agriculture and livestock management are devolved functions, but a lot of money is still held at the national level. If you look at our health facilities across the board, they are in devastating positions. As Senators have said, people do not get service delivery and there are no drugs. Our mothers still die in hospitals while giving birth. The youth also have no employment. Even the budget allocated to them by the national Government for empowerment purposes is not there. That is as a result of corruption.

Another issue is with regard to development projects. When you visit some counties, governors are not doing any development. You will see them running around to buy ratings from those who rate functions or the counties. There are so many ghost projects both at the national and county level. For example, I have a dispensary that was

done in 2015 through the Equalisation Fund. I have even stood in this House to plead with the Cabinet Secretary for Health to see how he can intervene. If I show you a photo of that particular dispensary, you will even shed tears. Both counties and the Ministry are doing nothing. We have a lot of challenges.

I know that our Committee on Devolution and Intergovernmental Relations summoned the Speaker of Isiolo County Assembly the other day. You will be shocked if you see the kind of a letter that was written by that Speaker and his people. There is a place where he says that he is not supposed to be accountable, yet we are struggling here. We have sleepless nights to make sure that counties get allocations, but somebody sits somewhere comfortably chewing taxpayers' money and talks to you rudely. I thank Members of the Committee on Devolution and Intergovernmental Relations because they told him to withdraw and apologise and appear before the Committee, which is good.

Also, staff do not get salaries. You will see counties running to banks to take loans. Honestly, those loans and penalties are being paid by taxpayers. We are doing badly. Another one is the issue of staff establishments. You can imagine that after the impeachment, Isiolo County has recruited over 1,000 members of staff. Letters are dished out left, right and centre for political expediency, but oversight institutions like county assemblies, the Ethics and Anti-Corruption Commission (EACC) and others are doing nothing. At this *lala salama* time, recruitment is happening on a daily basis in Isiolo County.

There is also the issue of infrastructure especially roads, but nothing is happening. Our mothers still carry jerricans on their backs. Those are challenges that Kenyans are facing. We have to be serious and hold governors accountable because when we do so, we are told that we are fighting governors, but we are not. That is why we---

(Sen. Dullo's microphone was switched off)

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

Sen. Cherarkey: Mr. Speaker, Sir, from the onset, I do not think I will give flowers to Members of our Committee because they failed us. Last year when we passed that counties should get Kshs415 billion, we were sure this year we were going to get Kshs450 billion and our colleagues were in this House. I do not know what transpired between here and the National Assembly, yet it is a very short distance.

It is unfortunate, but I do not know if the 10-point agenda has expired or it is still active. Even in the National Dialogue Committee (NADCO) report, we agreed that counties must get Kshs450 billion.

I have heard Members of the National Assembly telling us that it is because of corruption that we should not give counties more money. What are they doing in their oversight role of the national Government? Why are they lecturing us? Are they our monitors or prefects? We will not allow that because the biggest threat to devolution in this country is the National Assembly.

The second threat is the Cabinet Secretary for the National Treasury and Economic Planning for violating Article 219 of the Constitution. That is Hon. Mbadi.

That is so because in many audit questions, there has always been the issue of late disbursement of funds to counties.

Thirdly are the governors. The small demi-gods of our counties are the biggest threat to devolution in this country. I can see the embattled Orange Democratic Movement (ODM) Secretary General being exited. I call upon him to ensure disciplinary action. The Chairperson of the Committee on Budget and Appropriation of the National Assembly and the Cabinet Secretary for the National Treasury and Economic Planning are also Members of ODM. They should be called for disciplinary action for undermining the principles of ODM, which is for devolution.

We also need to be told this. I heard the Chairperson of the Committee on Finance and Budget saying that they were begging, but begging who? That money belongs to the people. I am disappointed by the Chairperson of the Committee on Finance and Budget, my brother, Sen. Ali Roba, for saying that they were begging. Beggars are only found on the streets of Nairobi and other towns. It means they are not supposed to be Senators.

On the issue of claw back clauses, I find it absolutely unnecessary why we should have money go to counties, but we still do County Aggregation and Industrial Parks (CAIPs) and markets, and also pay Community Health Promoters (CHPs). We also have functions that are devolved such as agriculture and the Road Maintenance Levy Fund (RMLF). Why do we not give money to counties to do markets and CAIPs?

On the issue of CHPs, why are they paid Kshs2,500? The national Government gives them Kshs2,500 and the county governments match the same. That is below the minimum wage, which is Kshs18,000. In short, we are presiding over an illegality by violating Article 41 and the Labour Relations Act because the minimum wage in this country is Kshs18,000 and not Kshs5,000. Why do we not transfer that money to counties, in the wisdom or lack of it, by the National Assembly?

There is also the issue of public debt, where we are talking about Kshs13 trillion. There is nowhere counties or the Senate have been called upon to guarantee money for public debt, which is Kshs13 trillion. As counties, they must play a role and ensure that---

Fourthly is the issue of pending bills, which are now more than Kshs183 billion. We do not know why we have pending bills, yet there are disbursements by the National Treasury. That brings us to the issue of accountability. Perhaps, the EACC should change its name to laundry services.

As a committee, we have recommended cases of corruption from Isiolo to Nandi, Garissa, Tana River, Migori and Kericho, where somebody "ate" money belonging to the dead. Those who died are now doing press-ups and they will speak in 2027. The point I am trying to make is that the EACC must be called to order. They should either close up and start offering laundry services or do their job of arresting.

We saw the case where an officer was found with Kshs65 million. These Senators are so poor. If you come to my house, you will find perhaps Kshs20,000 that is meant for groceries. However, an ordinary officer was found with Kshs65 million in his house. Which country is this? We must ensure that the EACC does its job.

Mr. Speaker, Sir, I reject this Report.

The Speaker (Hon. Kingi): Next is Sen. Haji.

Sen. Abdul Haji: Thank you very much, Mr. Speaker, Sir. I will be brief. I will not repeat what other Senators have already said because the mediation team, in my opinion, did a good job.

Having read the Report and the minutes of the negotiations, I commend the team. In the first meeting, the National Assembly proposed Kshs423 billion and the Senate stood its ground and asked for Kshs445 billion. In the third meeting, the National Assembly increased its offer to Kshs425 billion, while the Senate maintained Kshs443 billion. In the fourth meeting, the National Assembly remained at Kshs425 billion and the Senate reduced its demand to Kshs440 billion.

In the fifth meeting, the National Assembly offered Kshs428 billion, but no agreement was reached for the Senate proposal of Kshs430 billion. An agreement was reached in the sixth meeting, and in the seventh meeting, the Senate accepted Kshs428 billion. I commend them for standing their ground.

Whatever the National Assembly says about corruption in county governments is something we are aware of. However, corruption is a national problem, not unique to counties. Our role as the Senate is to fight for the equitable share and that is what the mediation team did. That is why I support this Bill.

Accepting Kshs428 billion is a matter of give and take. Every year when we negotiate with the National Assembly, the Senate appears to give in, but we understand that the economic problems we face affect all of us. It is not the responsibility of the National Assembly or the Executive alone. That is why I commend the Committee for recognising the shortfall in revenue collection and the global economic decline. It is fair to agree now because there is always next year. If the economy improves, county governments will get more funding. We have more than last year, which is commendable.

When the Mover replies, I would like clarification on a few issues raised with the National Assembly. First, the proposed reallocation of finances for devolved functions such as health, agriculture and water is a discussion we have every financial year. I would like to know the National Assembly's stand and why it seems to be an impediment, yet this is provided for in the Constitution and is the right of counties.

Secondly, county governments' conditional additional allocation grants are often not disbursed in full or are delayed. What is the reason and why can counties not get full disbursement? I hope this was addressed by the National Assembly, and the Senate should also take it up with the National Treasury and the Executive.

Thank you. I support.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, we must reflect on the vote we are taking today. With all due respect, we must do things differently. I sit in the Committee on Finance and Budget. We agreed on Kshs454 billion but the Senate team led by the Committee on Finance and Budget settled on Kshs428 billion.

Neither the Mover of the Motion nor the Chair has convinced us. They have not explained what happened. How did we end up at Kshs428 billion? If it is the spirit of give and take, the National Assembly proposed Kshs420 billion and the Senate proposed Kshs454 billion, a difference of Kshs34 billion. We should have met halfway at Kshs437 billion.

Mr. Speaker, Sir, in the absence of that explanation, supporting this figure means participating in a process that is not parliamentary. Did the co-Chair of the Committee return to the Senate to tell us he was facing problems, so we could allow him to accept Kshs428 billion? He did not, Mr. Speaker, Sir. If the Mover does not convince us in his reply, let us reject this figure completely, so we create a crisis that forces the Senate and devolution to be taken seriously.

Members of the National Assembly who sat on that Committee come from counties and constituencies, where we have built the County Aggregation and Industrial Parks such as the one in Likuyani, Kakamega. How do they expect those projects to be completed? The Government has been there twice. First, when the President launched it and we accompanied him, and second, when they came to collect equipment. Nothing has happened, yet the Governor of Kakamega is comfortable saying “we are building archives in Kakamega”.

The same applies to the Community Health Promoters (CHPs). We have refused. Even as we blame governors because some of you want to remove them, let us also focus on the national Government. The President will preside over Kshs2.4 trillion in this budget and the only evidence we will see is helicopters; one for the President’s assistant, one for MPs, one for the Speaker of the National Assembly and another for the Speaker of the Senate. They will use them to attend fundraising.

Mr. Speaker, Sir, we must refuse. The Kshs2.4 trillion should not be used to advance political agenda. It should be used for development. Just last weekend, they came to my home in Luanda Constituency with three choppers. Hiring one chopper from Nairobi to and fro costs Kshs1 million. Three helicopters cost Kshs3 million. When they left, they left *boda boda* riders with only Kshs2.4 million. This kind of nonsense should be done elsewhere, not in the peaceful region of the Mulembe nation. We are saying no. We want proper accountability for the use of public funds.

Mr. Speaker, Sir, I apologise for mentioning your name among those who use choppers for this particular money. I am doing so because of what I see. My home in Malinya is on the flight path from Nairobi to Malaba. When I saw the chopper going to Malaba and looked inside and saw the Speaker’s head, I said I must say it in the Senate, otherwise I would not sleep. We want to be respected.

The Speaker (Hon. Kingi): Sen. Boni, the Chair has been calm. Please, do not rattle the Chair.

Proceed.

Sen. (Dr. Khalwale): Mr. Speaker, Sir, I thank you for indulging me.

Since the children of Kenya are watching, and they will be the Senators of this House from next year going forward, we want them to know that in Parliament, it is the highest seat in the land, where there is freedom of speech. If you cannot speak in this House, do not bore people and disturb them speaking in funerals. Say it from the Floor.

The Speaker (Hon. Kingi): What is your clarification, Senator for Nairobi City County?

Sen. Sifuna: Mr. Speaker, Sir, as a Member of this House, I am aware that the seat of the Speaker has many Members. I do not know how we can clarify which Member of the Speaker's Panel Sen. Khalwale saw in the chopper from his house. The current seat

is somebody we respect. I suspect it is somebody like Sen. Abdul Haji who was in that chopper. So, I do not know how we can get that clarity.

The Speaker (Hon. Kingi): What is your clarification, again?

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I am also struggling to understand how a bespectacled old man, though a doctor, can see inside a chopper that is flying. I am struggling to understand. Unless it was witchcraft that Sen. Boni used, I cannot understand.

The Speaker (Hon. Kingi): Yes, Sen. Haji, what is your clarification?

Sen. Abdul Haji: Mr. Speaker, Sir, I actually agree with Sen. Cheruiyot because we have young people here. You are going to force them to look at the skies every time to see if they can identify the individuals in the chopper, and as a result, perhaps break their necks. So, this is very misleading.

I would like to also politely ask Sen. Sifuna to withdraw my name. I am not the only one in the Speaker's Panel who uses choppers. In fact, I rarely use choppers. I prefer to drive. So, could you, please, withdraw my name from the HANSARD and apologise to me?

The Speaker (Hon. Kingi): Hon. Senators, we have some serious business to transact here.

What is your clarification, Sen. Ali Roba, before we can conclude on this particular issue?

Sen. Ali Roba: *Anasema nisamehe.*

Mr. Speaker, Sir, I rise because the Hon. Member and Senior Khalwale is a Member of my committee. He was a Member of the Mediation Committee in the last financial year and he mediated to a logical conclusion. He stood here to mislead the Senate that the Mediation Committee ought to come back to the Senate to be guided on the figure to accept. If that is the case, it should have been the Plenary discussing mediation.

Mr. Speaker, Sir, a senior Member and a seriously respected person who has been in three consecutive mediations, mediated and defended the same, to be able to say we erred in mediation--- Coming back with the figure---- As the Chairperson, I speak to my Majority Leader. Next year, God willing, Sen. Khalwale and Sen. Cherarkey, must volunteer to be Members of the Mediation Committee, so that they can come back with the wisdom they have; the wisdom that was missing, the first three years, when he was a member of that Mediation Committee.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Haji, I believe what Senator of Nairobi City County said was purely on a light note. Is that not the case, Senator of Nairobi City County?

Sen. Sifuna: You are right, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): You may proceed, Sen. Osotsi.

Sen. Osotsi: Thank you, Mr. Speaker, Sir. From the onset, I would like to join colleagues who have indicated that they will vote against this Motion. I would like to join that list of Members who are very categorical that this Mediation Report does not demonstrate why we are here.

Mr. Speaker, Sir, we are in this Senate to do two things; to push for more resources to our counties and also make sure that those resources are used well within our counties. This particular Report does not promote that principle. For that reason, I will reject this Motion.

Secondly, Mr. Speaker, Sir, you know very well that we spent several nights trying to beat the deadline of 31st March in compliance to Article 229 of the Constitution. That audit report must be processed within three months after publication by the Auditor-General. Whereas the Senate has complied with that provision, the National Assembly is telling us that they can violate the law, go against court orders and still use the audited report for the last three years. This basically means that this figure that comes out of that computation is unconstitutional. So, the whole Division of Revenue Bill, and even this Mediation Report, if we have to strictly comply with Article 229 of the Constitution as ordered by the court, then it implies that this report is unconstitutional. For that reason, Mr. Speaker, Sir, I will be opposing this report.

Mr. Speaker, Sir, also, I am disappointed by Members of my own party. In fact, the key people in this process are from the Orange Democratic Movement (ODM) Party. The Cabinet Secretary for the National Treasury and Economic Planning, John Mbadi, was a former Chairperson of the ODM Party. The Chairman of the Finance and Appropriation Committee at the National Assembly is a member of the ODM Party. These people have let us down because we know the 10 points agenda, which our late party leader signed with the President and provided for Kshs450 billion. However, they have sat comfortably in their seats and decided that we can only get Kshs428 billion. For that reason, I will be opposing this Bill.

I wonder why the national Government entered into an agreement with the Nairobi City County, one out of the 47 counties. They said they would give Nairobi City County Kshs80 billion, yet they are having problems giving us Kshs454 billion. Nairobi City County alone is supposed to get Kshs80 billion, from an agreement between the national Government and Nairobi City County. Why be selective like that when we have 47 counties and all we are asking for is Kshs454 billion? For that reason, I will be rejecting this Bill.

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

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

Mr. Temporary Speaker, Sir, the national Government says they do not have money, yet you see them over the weekend in choppers. I agree with Sen. Khalwale that they have big vehicles moving from one constituency to another in the name of empowering communities, but all they are doing is just distributing money.

One of the Members here said that our Community Health promoters (CHPs) have not been paid. I was surprised because on Sunday, three choppers landed in Vihiga County to meet the CHPs. They only gave the CHP Kshs1 million. They then made statements and left. These CHPs have not been paid for three months. This tells you how

our Government is misallocating resources and focusing on things that do not add value to the economy---

(Sen. Osotsi's microphone was switched off)

The Temporary Speaker (Sen. Wakili Sigei): Sen. Osotsi, your time is up.

Sen. Mwenda Gataya, please, proceed.

Sen. Gataya Mo Fire: Asante sana, Mhe. Spika wa Muda.

Ningependa kutoa Taarifa yangu kwamba Kamati ya uwiano ambayo iling'ang'ania pesa za ugatuzi imefanya kazi nzuri. Walakini, tumekuwa na mvutano wa kamba kwa muda mrefu zaidi. Ni kama Bunge la Taifa ambalo tumekuwa nalo kwa muda mrefu zaidi halijui kwamba pesa za ugatuzi ni haki ya kikatiba. Hata Kamati yetu wanapoketi na Bunge la Taifa ni kama kuna uhasama wa kisiasa kati ya Bunge hilo na mabunge yetu ya kaunti. Hii ni kwa sababu kila wakati tukiangalia mwaka nenda mwaka rudi, tumekuwa na upinzani mkubwa sana. Kila wakati Seneti inaposema kwamba inataka pesa fulani, kuna upingamizi mkubwa sana katika Bunge la Taifa.

Ningependa kuunga mkono. Kuna matatizo mengi sana katika kaunti zetu kama vile madeni na katika huduma za afya, kilimo na maji. Tunazipeleka pesa hizi katika kaunti zetu za nyumbani, ni vizuri wawajibike na kuhakikikisha pesa zimetumika vizuri na kwa njia ya haki na wananchi wetu wakapata huduma inavyotakikana.

The Temporary Speaker (Sen. Wakili Sigei): Honourable Members, there is no other Member who is keen on contributing to this Motion. I proceed to call upon the Mover to reply.

Sen. Tabitha Mutinda: Thank you, Mr. Temporary Speaker, Sir. I take this opportunity to appreciate all Senators who have taken their time to contribute to this Motion. As the Mediation Committee, we appreciate even those that have opposed for taking their time to air the different concerns.

As a committee, we have been keen and listened to the issues and concerns that Members have raised, majorly being the concern on audited reports that most Senators have spoken about regarding why the current audited reports are for the Financial Year 2022/ 2023. We agree, it is a very big concern. We urged the Members of the National Assembly to ensure that they push to bring the audited reports that have been approved to the current financial year.

The issues with regards to development of our counties, for example CAIPS, among many others, have been raised as to why the Senate is not involved when these contracts are being signed. Governors are out crying that they have issues of funding of these projects, which are left at minimal percentage, hence affecting the use of the infrastructure. There is no value for money and that has been a big concern.

Issues of CHPs have also been raised whereby members are concerned as to why these monies cannot just be paid fully directly from the national Government, instead of being allocated to the counties. The reality is the agreement of 50-50 shared, where the counties have to adhere to their percentage as well as the national Government.

The monies we had proposed from the beginning and where we have settled as Kshs428 billion; are going to take care of the issues we raised such as remuneration as

per the Salaries and Remuneration Commission (SRC) guidelines. There are SRC circulars that have been pending for the past, almost two years that the counties have not adhered to as far as recurrent expenditure is concerned because of the shortfall of funds. Members have also talked about matters to do with pending bills, and I agree with them fully. We have had issues as far as pending bills are concerned.

With the addition of Kshs13 billion, the governors in the 47 counties should prioritise pending bills so that we bring the animal that we have always spoken about for the longest to a close.

We also urge the governors to appear in all the Senate committees to help us undertake our oversight role. As we continue giving them more funds, we need them to also be accountable. When they are invited before the Senate committees, the governors should adhere and respect the House that ensures they continue getting more funds to do development and offer quality services to their people.

As far as the audited reports are concerned, I request the Clerk of the Senate to ensure that all 67 Senators, through their offices, receive the report of the Auditor-General, so that each of them is able to familiarise themselves on where we are as far as audited reports are concerned and all these figures we keep talking about.

(Loud consultations)

The Temporary Speaker (Sen. Wakili Sigei): Majority Leader and your team, you are not giving the requisite environment to Sen. Tabitha to reply. Take your seat, Leader of Majority. Sen. Osotsi, take your seat. Please, conclude Sen. Tabitha.

Sen. Tabitha Mutinda: As I conclude, a few questions have been raised by Sen. Haji Abdul. I was very keen. I am always on issues of county car grants delays and why they are not disbursed. I would wish you concentrate on my feedback.

We have realized, as a Committee, that some of the county governments are not adhering to the Memoranda of Understanding (MoUs) that have been put in place because it is one of the conditions. Some of these funds that have been allocated to these counties have not been conditionally adhered to the projects as agreed to.

At the same time, we delay passage of the County Additional Allocation Bill, hence the delay of funds.

On the relocation of some of the funds that have already been devolved, our basis of argument was that the National Assembly Budget and Appropriation Committee should be able to deduct the Kshs13 billion from the Ministries more specific the Ministry of Health. This is because we lobbied them to remove funds from the Ministry of Health because health is already devolved among other ministries where functions are also devolved. That is why we achieved our argument for Kshs13 billion.

As I conclude, I wish that today, we could vote for the Division of Revenue Bill (DORB), so that even National Assembly is able to continue with appropriation of funds. At the same time, I wish today, through you, Mr. Temporary Speaker, Sir, we could introduce the County Allocation of Revenue Bill (CARB). This is because we are supposed to be going on recess on 19th June and we would wish, as a Committee, so that counties are able to continue functioning that we would have concluded these two Bills.

I urge Members, considering the situation worldwide, as far as the economy, the debt we have as a country, kindly let us pass this Bill. We have tried and we believe that in the next financial year, definitely, we will be moving to over Kshs430 billion. We will be moving forward for the county governments and ensure we do our oversight role and the other government stakeholders such Ethics and Anticorruption Commission (EACC).

With those many and few remarks, I reply.

The Temporary Speaker (Sen. Wakili Sigei): We will now move to division. As a guide, we have a number of divisions which we want to undertake from Order No.8 to 13. Each will take less than two minutes.

So, Clerk, kindly ascertain whether we have quorum.

QUORUM

[The Clerks-at-the-Table consulted with the Temporary Speaker]

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

(The Quorum Bell was rung)

The Temporary Speaker (Sen. Wakili Sigei): The Senators, we will try for another five minutes to see if we can get quorum.

Serjeant-at-Arms, please, ring the Quorum Bell once again for another five minutes.

(Quorum Bell was rung)

Serjeant-at-Arms, you draw the bars and close the doors. You can also stop the Quorum Bell.

Order, hon. Senators, you may resume your seats.

*(Sen. (Dr) Khalwale, Sen. Ali Roba
and Sen. Cherarkey consulted)*

Senators, take your seats. Sen. (Dr.) Boni Khalwale, Sen. Ali Roba and Sen. Cherarkey, please, take your seats.

*(Sen. (Dr) Khalwale, Sen. Ali Roba and
Sen. Cherarkey took their seats.)*

Hon. Senators, as earlier indicated, we have a number of divisions. We will start with Order No.8.

(Sen. Ogola stood in her place)

Sen. Beatrice Ogola. Take your seat.
Hon. Senators, I will proceed to put the question.

BILL

Second Reading

THE STATUTORY INSTRUMENTS (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO.3 OF 2024)

(Sen. Cheruiyot on 03.06.2026)

(Resumption of debate interrupted on 03.06.2026 - Afternoon Sitting)

(Division)

*(Question that the Statutory Instruments (Amendment) Bill,
National Assembly Bills No.3 of 2023 be now read a Second Time put
and the Senate proceeded to vote by County Delegation)*

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, I now put the question, that the Statutory Instruments (Amendment) Bill (National Assembly Bills No.3 of 2023) be now read a Second Time.

Hon. Senators, time is running. So, proceed to vote on the Statutory Instruments (Amendment) Bill (National Assembly Bills No.3 of 2024).

(Hon. Senators proceeded to vote)

Hon. Senators, we will announce the results at the end of the division of the next Motion.

We are proceeding to also do division on Order No.9, that is, the Report of the Mediation Committee on the Division of Revenue Bill (National Assembly Bills No.2 of 2026).

MOTION

ADOPTION OF MEDIATION COMMITTEE REPORT ON THE DIVISION OF
REVENUE BILL (NATIONAL ASSEMBLY BILLS NO.2 OF 2026)

THAT, the Senate adopts the Report of the Mediation Committee on the Division of Revenue Bill (National Assembly Bills No. 2 of 2026), laid on the table of the Senate on Wednesday, 10th June, 2026; and that,

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pursuant to Article 113(2) of the Constitution and Standing Order 167(3) of the Senate, approves the mediated version of the Bill.

(Sen. Tabitha Mutinda on 10.06.26 - Morning Sitting)

(Resumption of debate interrupted on 10.06.26 -Morning Sitting)

(Question put and hon. Senators proceeded to vote)

Hon. Members, we are proceeding to the next division on Order No.10; The Narcotics Drugs and Psychotropic Substance Control (Amendment) Bill (Senate Bills No.1 of 2024).

BILL

Second Reading

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES
(CONTROL) (AMENDMENT) BILL (SENATE BILLS NO.1 OF 2024)

(Sen. Kathuri on 5.5.2026)

(Resumption of debate interrupted on 5.5.2026)

(Division)

(Question put and the Senators proceeded to vote)

Order, Hon. Senators. Sen. Eddy, Sen. Cherarkey and Sen. Mariam, please, take your seats.

We are progressing and we are now on Order No.11, The Environmental Management and Coordination (Amendment) Bill (National Assembly Bills No.66 of 2023).

BILL

Second Reading

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

(Sen. Crystal Asige on 07.05.2026)

(Resumption of debate interrupted on 02.06.2026)

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(Division)

(Question put and the Senators proceeded to vote)

Those who have not voted, please, vote. You have got under 10 seconds to vote.
Hon. Senators, we are proceeding to Order No.12; The Autism Management Bill (Senate Bills No.19 of 2025).

BILL

Second Reading

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

(Sen. Nyamu on 14.5.2026)

(Resumption of debate interrupted on 3.6.2026 – Afternoon Sitting)

(Division)

(Question put and the Senators proceeded to vote)

Time is running out. If any Member has not voted, time has run out.

(Loud consultations)

Hon. Senators, we are progressing very well. We are on the Division of the last Motion on consideration of the Report of the Mediation Committee on the Food and Feed Safety Control Coordination Bill (National Assembly Bills No.21 of 2023).

MOTION

ADOPTION OF REPORT ON FOOD AND FEED SAFETY CONTROL
COORDINATION BILL (NATIONAL ASSEMBLY BILLS NO.21 OF 2023)

THAT, the Senate adopts the Report of the Mediation Committee on the Food and Feed Safety Control Coordination Bill (National Assembly Bills No.21 of 2023), laid on the table of the Senate on Tuesday, 28th April, 2026, and that pursuant to Article 113(2) of the Constitution and Standing Order 167(3) of the Senate, approves the

mediated version of the Bill. (Resumption of debate interrupted on Tuesday, 9th June, 2026).

(Sen. Wakoli on 09.06.2026)

(Resumption of debate interrupted on 9.6.2026)

(Division)

(Question put and the Senators proceeded to vote)

Hon. Members who have not voted, time is running out. Please, vote.

Hon. Senators, there are Members who were unable to vote for The Environmental Management and Coordination (Amendment) Bill (National Assembly Bills No.66 of 2023).

Sen. Abass Sheikh Mohammed, please, approach the Chair. Sen. Chute Mohamed Said, please, approach the Chair to be assisted to vote.

(Sen. Abass and Sen. Chute walked to the Dispatch Box and registered their votes)

(Loud consultations)

DIVISION

ELECTRONIC VOTING

(Question, that the Statutory Instruments (Amendment) Bill (National Assembly Bills No.3 of 2024) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kiprono Chemitei, Baringo County; Sen. Kisang, Elgeyo-Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Madzayo, Kilifi County; Sen. (Dr.) Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Wafula, Bungoma County; and, Sen. Wakili Sigei, Bomet County.

NOES: Nil

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The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, the results of the Division are as follows-

AYES: 26

NOES: 0

ABSTENTIONS: 0

The “Ayes” have it.

(Question carried by 26 votes to Nil)

(The Bill was read a Second Time and committed to a Committee of the Whole tomorrow)

DIVISION

ELECTRONIC VOTING

(Question, that the Senate adopts the Report of the Mediation Committee on the Division of Revenue Bill, (National Assembly Bills No.2 of 2026), laid on the Table of the Senate on Wednesday, 10th June, 2026, and that pursuant to Article 113(2) of the Constitution and Standing Order 167(3) of the Senate, approves the mediated version of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kiprono Chemitei, Baringo County; Sen. Kisang, Elgeyo-Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Madzayo, Kilifi County; Sen. (Dr.) Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Ogola, Homa Bay County; Sen. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Wafula, Bungoma County; and, Sen. Wakili Sigei, Bomet County.

NOES: Nil

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, the results of the Division are as follows-

AYES: 25

NOES: 0

ABSTENTIONS: 0

The “Ayes” have it.

(Question carried by 25 votes to Nil)

DIVISION

(Question, that the Narcotic Drugs and Psychotropic Substances (Control) (Amendment) Bill (Senate Bills No.1 of 2024) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdul Haji, Garissa County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kiprono Chemitei, Baringo County; Sen. Kisang, Elgeyo-Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. (Dr.) Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Wafula, Bungoma County; and, Sen. Wakili Sigei, Bomet County.

NOES: Sen. Abass, Wajir County; Sen. Ali Roba, Mandera County; Sen. Faki, Mombasa County; Sen. Madzayo, Kilifi County; and, Sen. Osotsi, Vihiga County.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, the results of the Division are as follows-

AYES: 21

NOES: 5

ABSTENTIONS: 0

The Bill is therefore defeated.

(The Question was negatived by 21 votes to 5)

(The Bill was defeated)

DIVISION**ELECTRONIC VOTING**

(Question, that the Environmental Management and Coordination (Amendment) Bill (National Assembly Bills No.66 of 2023) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kiprono Chemitei, Baringo County; Sen. Kisang, Elgeyo-Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. (Dr.) Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen.

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Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Ogola, Homa Bay County; Sen. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Wafula, Bungoma County; and, Sen. Wakili Sigei, Bomet County.

NOES: Sen. Madzayo, Kilifi County and Sen. Oketch Gicheru, Migori County.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, the results of the Division are as follows-

AYES: 24

NOES: 2

ABSTENTIONS: 0

The “Ayes” have it.

(Question carried by 24 votes to 2)

(The Bill was read a Second Time and committed to a Committee of the Whole tomorrow)

DIVISION

ELECTRONIC VOTING

(Question, that the Autism Management Bill (Senate Bills No.19 of 2025) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kiprono Chemitei, Baringo County; Sen. Kisang, Elgeyo-Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Madzayo, Kilifi County; Sen. (Dr.) Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Wafula, Bungoma County; and, Sen. Wakili Sigei, Bomet County.

NOES: Nil

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, the results of the Division are as follows-

AYES: 26

NOES: 0

ABSTENTIONS: 0

The “Ayes” have it.

(Question carried by 26 votes to Nil)

(The Bill was read a Second Time and committed to a Committee of the Whole tomorrow)

DIVISION

ELECTRONIC VOTING

(Question, that the Senate adopts the Report of the Mediation Committee on the Food and Feed Safety Control Coordination Bill (National Assembly Bills No.21 of 2023), laid on the Table of the Senate on Tuesday, 28th April, 2026, and that pursuant to Article 113(2) of the Constitution and Standing Order 167(3) of the Senate, approves the mediated version of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kiprono Chemitei, Baringo County; Sen. Kisang, Elgeyo-Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Madzayo, Kilifi County; Sen. (Dr.) Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Wafula, Bungoma County; and, Sen. Wakili Sigei, Bomet County.

NOES: Nil

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, the results of the Division are as follows-

AYES: 26

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 26 votes to Nil)

Hon. Senators, that brings us to the end of Divisions that we have had this afternoon. Serjeant-at-Arms, you may now withdraw the Bar and open the doors.

(The Bar was undrawn and the doors opened)

Clerk, please call the next Order.

Sen. Cherarkey: On a point of order, Mr. Temporary Speaker, Sir. I need an audit.

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The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, having concluded the business where we rearranged the Order Paper for purposes of divisions, we will resume the flow of the Order Paper.

Therefore, we will go to Order No.7.

QUESTIONS AND STATEMENTS

STATEMENTS

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, we will start with request for Statements pursuant to Standing Order No.53(1). The first one is by the Senator for Trans Nzoia County, Sen. Allan Chesang.

Sen. Cherarkey: On a point of order.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, nobody is on the Floor to warrant a point of order.

Sen. Cherarkey: Point of clarification.

The Temporary Speaker (Sen. Wakili Sigei): What is your point of clarification?

Sen. Cherarkey: Mr. Temporary Speaker, Sir, under Standing Order No.263 on voting, I needed clarity on Order No.10, which is the Narcotic Drugs and Psychotropic Substances (Control) (Amendment) Bill (Senate Bills No.1 of 2024). We can cast our votes either by Roll Call or electronically. By the time we were voting on this matter, the display on the screen on Order No.10 indicated that 24 Senators had voted and it was highlighted in green that the Bill was passed. However, when you announced the results, we were surprised that the vote---

The Temporary Speaker (Sen. Wakili Sigei): Say you were and not “we were” surprised.

Sen. Cherarkey: Those of us who supported this Bill are surprised that you declared that the vote was lost.

The Temporary Speaker (Sen. Wakili Sigei): You have made your point. Do you want a clarification on votes that were cast on that particular Bill?

Sen. Cherarkey: Yes.

The Temporary Speaker (Sen. Wakili Sigei): Well, we are doing an audit of it and I shall make an appropriate communication in a moment.

Let us now have Sen. Allan Chesang.

BUDGETING AND ACCOUNTING MALPRACTICES IN TRANS NZOIA COUNTY

Sen. Chesang: Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Finance and Budget regarding concerns of budgeting and accounting malpractices in Trans Nzoia County. Trans Nzoia County Government is reported to have allocated approximately Kshs800

million in the Financial Year 2025/2026 for settlement of pending bills that accrued between financial years 2013/2014 and 2025/2026.

Relating to completed but uncertified works and services across various departments, the claims are supported by standard procurement and project documentation, including contracts, Local Purchase Orders (LPOs), Local Service Orders (LSOs), award letters, inspection and completion certificates, delivery notes, payment certificates, invoices and related correspondence, which are held by the relevant county departments under accounting officers.

The affected contractors include Proma Investment and Construction Company Limited, Arrow Enterprise Limited, Jaheva Building and Construction Company Limited, Jomuramu Enterprise Limited, Kadaju Company Limited, Honest Building and Construction Services, Young Career Trans Development Enterprise, Half Line Enterprises, Ed-Ngao Enterprises, Nareth Holdings Limited, Fine Wheel Traders Limited, Polline Investment, Super Nest Joint Committee Development Project, Flo-Farm Limited, Taratibu Holdings Limited, Jack Dam Company Limited and Morgan Bob Investment Limited.

In the Statement, the committee should address the following-

(1) A comprehensive report on all pending bills and payments made by the county government from Financial Year 2013/2014 to Financial Year 2025/2026, indicating contractors, suppliers and service providers; departments served, nature of goods, works and services provided, amounts contracted; unclaimed, verified, requisitioned, paid and outstanding; status of each claim; and the accounting officer responsible at the time the liabilities were incurred and at present.

(2) A report on the utilisation of approved allocations for settlement of pending bills during Financial Year 2023/2024, Financial Year 2024/2025 and Financial Year 2025/2026, detailing all payment requisitions submitted; amounts approved, released and paid; approvals and rejections by the Controller of Budget (CoB); reasons for rejected requisitions; compliance with CoB directives; evidence of payments to intended beneficiaries and reconciliation of approved allocations against actual payments made.

(3) A detailed explanation for the accumulation and continued growth of pending bills, including non-payment despite approved allocations and requisitions; procurement without adequate budgetary provisions; any diversion, reallocation or misuse of funds intended for settlement of pending bills; variances between approved releases and actual expenditures related to audit findings; and measures taken to address noncompliance with public finance management laws and procedures.

(4) A comprehensive schedule of all pending bills from Financial Year 2013/2014 to Financial Year 2025/2026, categorised by department, programme, vote and expenditure unit, together with Financial Year 2025/2026 allocations for settlement of pending bills, the status of utilisation of those allocations, proposed Financial Year 2026/2027 allocations and an age analysis of outstanding pending bills by financial year.

(5) Measures being implemented to clear all verified pending bills and prevent further accumulation, including payment plans and timelines; adherence to the first-in, first-out principle; cash flow and commitment controls; procurement and financial management reforms; accountability mechanisms and any policy, administrative, or

legislative interventions aimed at strengthening fiscal discipline and ensuring timely payment of contractors, suppliers and service providers.

Thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Allan Chesang. For purposes of noting, the statement you have read has some deviation from the statement approved by the Speaker. Therefore, the one that will go before the Committee is the one approved by the Clerk.

Next is Sen. (Dr.) Boni Khalwale. We will go through all the statements and comments will be made after all statements have been read.

SALE OF GOLF HOTEL IN KAKAMEGA COUNTY

Sen. (Dr.) Khalwale: Thank you, Mr. Temporary Speaker, Sir.

I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Land, Environment, and Natural Resources on a matter of county-wide concern regarding the sale of the Golf Hotel in Kakamega County.

Mr. Temporary Speaker, Sir, the County Government of Kakamega has a stake in the Golf Hotel Kakamega, which sits on three acres of land with an additional adjoining 14 acres. The hotel is a profit-making public institution that has not recorded any losses in the last five years and has consistently paid dividends on time. The proposed sale has, therefore, raised concern among stakeholders and residents of Kakamega County, whose forefathers donated the land for the establishment of this facility.

In the Statement, the committee should address the following-

(1) The rationale behind the decision to sell a profitable public institution, including the factors and considerations that informed the proposed sale.

(2) The current status of the sale process, including details of the transaction, the procedure followed, and whether the process was competitive and transparent, including whether the County Government of Kakamega submitted a bid.

(3) Whether the County Executive Committee of Kakamega, chaired by the Governor, approved the sale, considering the County Government's interest in the adjoining 14 acres of land, and if so, provide documentary evidence of such approval.

(4) Whether the County Assembly of Kakamega approved the proposed sale, and if so, provide the relevant resolutions, records, and/or supporting documentation.

(5) Whether public participation was undertaken in accordance with the law, particularly involving residents of Kakamega County and provide copies of reports, minutes or records of public participation meetings conducted.

Thank you.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Johnes Mwaruma, proceed to read your statement.

NON-REVENUE WATER BILLING IN TAITA TAVETA COUNTY

Sen. Mwaruma: Mr. Temporary Speaker, Sir, thank you for this opportunity to raise this statement on non-revenue water billing by the Coast Water Works Development Agency in Taita Taveta County.

I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Land, Environment and Natural Resources on a matter of country-wide concern regarding non-revenue water billing by the Coast Water Works Development Agency (CWWDA) in Taita Taveta County.

Mr. Temporary Speaker, Sir, the agency is mandated to manage bulk water supply infrastructure across the coast region, covering Mombasa, Kwale, Taita Taveta, Kilifi, Lamu and Tana River counties and supplies bulk water to Taita Taveta Water and Sewerage Company (TAVEVO) for local distribution. Significant water losses occur within Taita Taveta County due to persistent pipeline bursts and infrastructural leakages managed by the agency.

Mr. Temporary Speaker, Sir, instead of absorbing these losses, the agency transfers the financial burden of this non-revenue water directly to TAVEVO. To recover these costs, TAVEVO has resorted to arbitrary and estimated billing of local consumers and fairly penalising residents for infrastructural inefficiencies. This practise distorts water pricing, exploits consumers and highlights severe operational gaps in pipeline maintenance and institutional coordination.

In the Statement, the committee should address the following-

(1) The criteria, formulae and legal mechanisms used by the Coast Waterworks Development Agency to calculate and bill TAVEVO for non-revenue water resulting from pipeline burst.

(2) The presence of an active agency office within Taita Taveta County, specifying its physical location, emergency contact lines, staff headcount by designation, and the inventory of rapid response motor vehicles and motorcycles.

(3) The specific technical measures and surveillance protocols implemented by the agency to monitor pipeline integrity, forestall future breakages, and mitigate water shortages.

(4) Comprehensive development plans to expand the Mzima Springs off-tech point, upgrade existing distribution networks, and construct supplementary pipelines alongside a disclosure of all current active pipelines originating from Mzima Springs and their final destinations.

I thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Danson Mungatana, please, proceed.

STATUS OF VILLAGE CLUSTER RELOCATION
PROGRAMME IN TANA RIVER COUNTY

Sen. (Dr.) Mungatana, MGH: Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order 53(1) to seek a Statement from the Standing Committee on Land,

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Environment, and Natural Resources on a matter of countywide concern, regarding the status of village cluster relocation programme in Tana River County.

Mr. Temporary Speaker, Sir, the programme was initiated to facilitate the relocation of communities residing in flood prone areas of Tana River County to safer settlements and to enhance their access to basic services and infrastructure. However, despite recurring flooding and vulnerability of affected communities, implementation of the programme appears to have stalled, raising concerns regarding its operational status, funding and completion.

In the Statement, the committee should address the following-

(1) A comprehensive progress report on the village cluster relocation programme since inception, detailing specific reasons for current implementation delays and stagnation.

(2) A detailed breakdown of total funds allocated, disbursed, and utilised under the programme, including an itemised list of expenditures and the financial status of all pending works.

(3) The status of land acquisition, surveying, beaconing, adjudication, and titling of the identified relocation sites, including the challenges that have affected the completion of these processes.

(4) The specific measures taken by both the national Government and the County Government of Tana River to deliver essential infrastructure and services within the identified cluster villages, especially covering water, sanitation, access roads, health facilities, and schools.

(5) A definitive completion timeline and operational roadmap for the programme, highlighting the immediate mitigation measures being taken to relocate vulnerable households before the upcoming flooding season.

Thank you, Mr. Temporary Speaker, Sir.

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

Sen. Hamida Kibwana, please, proceed.

Sen. Kibwana: Thank you, Mr. Temporary Speaker, Sir.

My first Statement is on the tragic death of Eugene Mutuku, who was thrown from a moving public service vehicle before being run over.

TRAGIC DEATH OF MR. EUGENE MUTUKU ALONG THIKA ROAD

Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Roads, Transportation, and Housing on a matter of nationwide concern regarding the tragic death of Eugene Mutuku, who lost his life after allegedly being thrown from a moving public service vehicle along Thika Road before being run over.

Mr. Temporary Speaker, Sir, this tragedy adds to a worrying pattern of similar incidents in recent years involving passengers who have lost their lives after being

pushed, ejected or falling from moving public service vehicles (PSVs), often linked to negligence, disputes, or reckless conduct by PSV operators.

In the Statement, the committee should address the following-

(1) The measures being taken by the National Transport and Safety Authority (NTSA), to ensure accountability in cases involving negligence, reckless conduct, or abuse of passengers by public service vehicles operators, including any administrative or regulatory action being taken against the Savings and Credit Cooperative Organizations (SACCOs) involved, if any, pending the outcome of investigations.

(2) Details of measures being implemented to strengthen passenger safety, enhance monitoring of public service vehicles, and enforce professional conduct among drivers and conductors.

(3) Public policy administrative and legislative reforms necessary to prevent similar tragedies and strengthen accountability within the public transport sector.

Thank you, Mr. Temporary Speaker, Sir.

I have a second statement on the resurgence of student unrest and closure of secondary schools across the country.

RISING STUDENT UNREST ACROSS THE COUNTRY

Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order 53(1) to seek a Statement from the Standing Committee on Education on a matter of national concern regarding the closure of several secondary schools and the rise in cases of student unrest, attempted strikes, and disruption of learning across the country.

Mr. Temporary Speaker, Sir, in recent weeks, several schools have either been closed, released learners, or experienced disruption of learning following unrest, attempted unrest, tension, or related disciplinary concerns. These include Mangu High School, Lenana School, Alliance High School, Nakuru Girls High School, Naivasha Girls High School, Loreto Girls High School- Limuru, Upper Hill School, St. George's Girls Secondary School, Mukumu Girls High School, Ingotse Boys High School, Statehouse Girls High School, Mwasere Girls High School, Barding Secondary School, Saseta Girls Secondary School, Maranda High School, and Moi Forces Academy- Lanet, among others.

In the Statement, the committee should address the following-

(1) The circumstances that have led to the closure, temporary release of learners, or disruption of learning in the affected schools, including the immediate action taken by the Ministry of Education to restore normal learning and prevent recurrence.

(2) The data on cases of student unrest, attempted strikes, actual strikes, and precautionary school closures reported nationally from January 2024 to date, desegregated by county, school category, nature of incident, causes identified, and action taken.

(3) Whether there is need to review the secondary school boarding policy in Kenya, including boarding conditions, student welfare, supervision, communication between learners and school administration, school routines, and the role of parents and boards of management, the management of boarding schools.

(4) The measures being undertaken by the Ministry of Education to strengthen early warning systems, guidance and counseling, and discipline management in schools.

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

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

DELAYED PAYMENTS FOR OFFICIALS CONTRACTED BY
KNEC IN ADMINISTRATION OF NATIONAL EXAMINATIONS

Sen. Consolata Wakwabubi: Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order 53 (1) to seek a statement from the Standing Committee on Education on a matter of national concern regarding the delayed payments to Kenya National Examinations Council (KNEC), contracted officials, including examiners, invigilators, supervisors, and support staff engaged in the administration of national examinations.

The Kenya National Examinations Council (KNEC), plays a critical role in safeguarding the integrity of our national examinations. Its contracted officials are the backbone of this process, ensuring fairness, credibility, and efficiency in the administration of exams. However, their welfare has been undermined by persistent delays in payments since 2019. Examiners and other contracted officials have repeatedly raised grievances over delayed remuneration, often waiting months after completing their duties to receive their dues.

This challenge has recurred across multiple exam cycles, with billions of shillings owed at various times, especially in 2021, 2022, 2023, 2024, and 2025. The delays stem from budgetary shortfalls, late disbursement of funds by the National Treasury, and technical challenges in the CP2 payment portal.

In their statement, the committee should address the following-

(1) The current status of payments owed to contracted officials from the last examination cycle, specifying total amounts and categories of affected personnel.

(2) The reasons for the delayed payments to examiners, invigilators, supervisors and support staff engaged in the administration of national examinations, including budgetary shortfalls, late disbursement of funds by the National Treasury, and technical challenges in the CP2 payment portal.

(3) Whether adequate funds were allocated and disbursed by the National Treasury and Minister of Education to cover remuneration for contracted officials, and outline the timelines for such disbursement.

(4) Whether audits or investigations have been undertaken into the management of examiner payments, and if so, table any reports or oversight frameworks.

(5) The measures being implemented by KNEC and the Cabinet Secretary of Education to guarantee timely payments in future examination cycles, including reforms to the CP2 payment system, welfare safeguards for teachers, and accountability structures to protect exam integrity.

It is signed by Senator Consolata Wakwabubi, MP, Nominated Senator, 14th May, 2026.

The Temporary Speaker (Sen. Abdul Haji): The two statements by Senator Omtatah are deferred.

EFFECTIVENESS OF EACC IN ADDRESSING
RECURRING AUDIT QUERIES

(Statement deferred)

PERSISTENT INTERNAL GOVERNANCE
WRANGLES AT CRICKET KENYA

(Statement deferred)

Senator Cherarkey, you can make your contribution.

Sen. Cherarkey: Thank you, Mr. Temporary Speaker, Sir. Under a few minutes to comment on only two statements to allow my colleagues.

There is a statement by Senator for Trans Nzoia. Accountability in the counties is very critical and very important. I have always seen the Governor of Trans Nzoia the self-style commando of plundering of resources down there in that county on many occasions saying he has done well.

Are you aware in Trans Nzoia in the Financial Year 2023-24, the County Government allocated Kshs5 million for coffins, and they allocated another Kshs5 million for coffins in the next financial year? There are no drugs in hospitals in Trans Nzoia, yet we allocate billions and billions of shillings to the county.

In fact, I am told the arrangement in Trans Nzoia County is whenever an MCA approaches the governor, he has contracted somebody who does the coffins. One is just being referred where to get the coffins for their dead, yet he cannot have treatment for the patients. There is lack of drugs in Trans Nzoia County.

I hope the Committee will be able to address this issue on malpractices in budgeting and accounting. Even the pending bills of Trans Nzoia County is over two Kshs2 billion, yet the suppliers in that county continue to suffer. In fact, from the reports of the Auditor General, we have seen that Kshs800 million was paid in Trans Nzoia County to unknown companies.

I want to ask the EACC to move in with speed to Trans Nzoia County and investigate the county Governor, Hon. Natembeya, and the Government over this 800 million that was paid to *hewa*.

It is very interesting because whenever I see news, I normally see the Governor trying to lecture the national Government and the President on the performance, yet he is presiding over plundering and corruption in Trans Nzoia County Government,

I am disappointed with the MCAs of Trans Nzoia, because they have failed to rise to the occasion. That Governor was supposed to be an example through impeachment by the MCAs, but I want to advise the MCAs that it is not too late to do the right thing. It can always be done at any given time.

Finally, on the Statement by Sen. Hamida on closure of schools, although she has never taken me to Azerbaijan, I have seen the statement by the Cabinet Secretary of Education, hon. Ogamba, today, that they are going to review the school calendar, especially in second term.

We must be honest that the bad manners that our students have in school is because of us, parents, who go into the streets in demonstrations, burn roads and loot shops. Students are doing in the school what they are learning from these demonstrations.

Somebody told me - a psychologist - that your children will not follow what you say but what you do. I have a proposal in conclusion, that in as much as we want to review the guidelines--- Are you aware that most of the boarding schools are congested, especially secondary schools?

Most of the schools have asbestos roofing. I visited one of the schools in Nakuru. I have even gone to a number of secondary schools in Nandi. They are so congested. If emergencies happen, God forbid, what happened in Utumishi Academy, Gilgil, as they rest in peace, will look like a child's play.

I propose that the Teachers' Service Commission (TSC) should immediately hire and pay school chaplains and school counselors through the TSC payroll, so that the chaplains, chaplains, sheikhs and counselors can be given a bigger and better role to counsel and control our children.

I think the biggest onus is on the Kenyan parents, that they must be careful of what their children are doing, even at home during this short recess.

With those very many remarks, in conclusion, I support Sen. Wakwabubi on the payment of invigilators, supervisors and staff that oversee exams.

This is to Cabinet Secretary, hon. John Mbadi. He should just pay these teachers. I checked with the TSC and the Ministry of Education and they told me this money is only to be released by the National Treasury. These people are committing a cardinal sin, because the greatest teacher of all times was Jesus Christ for us, Christians.

Why is it that the invigilators, the examiners, the support staff who presided over the integrity of our exams cannot be paid? We challenge CS hon. John Mbadi to release money to these examiners. Our teachers are suffering. In fact, the other day, they wanted to remove teacher's hardship allowance, which was close to Kshs6 billion, yet we are being told that we are losing Kshs2 billion to corruption per day. That is why I must insist that the invigilators, examiners and our teachers should be paid.

It is good to see Sen. John Methu back in the House. I hope today, he will sit through and be able to vote for money to go to Nyandarua County. He cannot be shouting in rallies, yet he cannot vote for money to go to Nyandarua County.

I am told he is a Secretary General (SG). He is violating the Constitution. In fact, the Democracy for the Citizens Party (DCP) should remove him because this is the bad manners we are trying to kill in this country.

I yield back.

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, I had intended to give 15 minutes for contribution to Statements, so that we conclude matters of Statements at 6 O'clock. So, please, when you are given an opportunity, try to be as brief as possible.

Sen. Wafula: Thank you, Mr. Temporary Speaker, Sir. Due to the time you have given me, I want to directly inject some context on the matter of Trans Nzoia.

(Applause)

As we speak, Trans Nzoia County Government does not have an official list of pending bills that they ought to pay. I asked my Governor of Bungoma the same question one month ago, to write me a list of all pending bills; how much they owe and the plan they have to pay these monies.

This shows, *omwami* Speaker---

(Laughter)

Let me retract that statement.

Mr. Temporary Speaker, Sir, this shows that these are twins who have united to squeeze and suffocate the contractors of this great county.

On Trans Nzoia, as we speak now, the budget that was put for pending bills was Kshs800 million and only Kshs50 million has been given. In the next three weeks, before the end of the financial year, they want to spend over Kshs700 million. The question is: How are they going to spend it without making public the list of pending bills?

With regard to the issues of teachers, Kenya National Examinations Council (KNEC) should up its game. It is becoming a chronic disease in KNEC, where every year, teachers have to scamper, demonstrate, picket and cry out loud for the KNEC to pay them.

Another hard issue is that those of us whose sons and daughters went to Uganda and want to translate their results into the Kenyan system are finding it very difficult. So, I want to call KNEC to order.

You have heard from the Statements by Sen. Chesang, *Mheshimiwa* Mungatana and I that pending bills are a cancer in the county governments. Therefore, I request this House to give us an ad hoc Committee, like the one that interrogated and investigated Shakahola, to ensure this scourge of pending bills is handled in this country. Otherwise, county governments, like the other one we saved from not receiving money, will one of these days be auctioned.

Sen. Methu: *(Inaudible)*

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator. He has concluded. If it is a point of clarification, go ahead.

Sen. Methu: Mr. Temporary Speaker, Sir, it is just a clarification. You communicated that the system that we have is extremely robust, the best in East and Central Africa and that it will become better as we go. However, I am unable to log in, yet I have used my five fingers. So, I do not know which other finger to use because none of them seems to log me into the system, so that I can also make a contribution.

The Temporary Speaker (Sen. Abdul Haji): Very well, Serjeant-at-Arms, please, look to it that Sen. Methu is assisted.

Proceed, Sen. Okenyuri.

Sen. Okenyuri: Thank you, Mr. Temporary Speaker, Sir. Today, these gadgets are having issues, but I am happy that they are back in operation.

I support the Statement by Sen. Consolata on delayed payments by KNEC. My observation is that for the first time, this has been the worst treatment teachers or the contracted professionals have received in over five years. It is a chess game, because the Ministry of Education says they are not the ones in charge, while the National Treasury throws it back to them. So now, who is going to pay these contracted professionals?

December is quickly approaching and we will again need their services. I think it is very demoralising to the professionals who were engaged in this exercise because no payments are forthcoming. Others were hiring *boda bodas* to transport them very early in the morning to those marking centres for invigilation or offering security, but up to now, it is just messages of hope. I wish to request that the National Treasury swings into immediate action and pays these contracted professionals, so that we do not demoralise them.

I am afraid the next time we are going to look for their services, they might never hand in their applications. I support that Statement.

In conclusion, I also support Sen. Hamida's statement on unrest in schools. The matter of unrest in schools needs to be solved in a manner that brings together parents, the administration and the education agencies, so that we are looking at it from a multifaceted angle. That aside, parents have a sole responsibility of impacting good character because the character you impact into your child when they are growing up, has a huge contribution to who they eventually become to the schools they go to.

I really encourage our parents who are watching our proceedings this afternoon to try and have time with their children, so that we bring up decent citizens who do not have to burn facilities because the facilities they are burning down are the ones who have made some of us get the education that has brought us here to represent people in this House.

I thank you.

The Temporary Speaker (Sen. Abdul Haji): Sen. Nyamu, proceed.

Sen. Nyamu: Thank you, Mr. Temporary Speaker, Sir. I thank Sen. Hamida for bringing this Statement of Eugene Mutuku, the young student from Kenya Medical Training College (KMTC), who lost his life in a tragic incident where he was thrown outside a moving Public Service Vehicle (PSV), matatu.

First of all, this House has to say that no amount of money, altercation and misunderstanding is worth putting a passenger's life at risk. Once a passenger boards a matatu, they are under the care of the matatu crew.

Secondly, we have witnessed in this country a lot of impunity in this Matatu sector. We have seen recklessness on the road, and I state that it is not all matatus. The few who are still running rogue on the roads are giving this sector, that employs thousands of young people in this country, a very bad name.

I call upon all agencies involved in the investigation; the police, National Transport Service Authority (NTSA) and anyone else, to ensure justice to the family of this young man, Eugene Mutuku, who woke up early in the morning to pursue a better future. The best tribute we can give this young man is to ensure that no Kenyan ever loses their life in such a manner.

As we mourn him, we want to ensure that SACCOs are held liable, even as their crew is engaged in such criminal acts. The persons responsible must be charged with murder.

Mr. Temporary Speaker, Sir, I do not know what is happening to humanity. This is a humanity issue; no one in that matatu would have offered to pay for this young man. He was obviously a student. He had a maroon uniform, right? I imagine he was even in uniform. No one would have offered to pay Kshs20 for this young man. That points to a humanity issue and we have to do better as human beings.

At this point, I want to wish his family all strength in this difficult time as they mourn their son who lost his life under very reckless circumstances. It really hurts. As leaders and as a country, we have to ask ourselves questions and we should do better.

I thank you, Mr. Temporary Speaker.

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

Sen. Methu, two minutes, please.

Sen. Methu: Thank you, Mr. Temporary Speaker, Sir. I wonder whether Sen. Nyamu had two minutes as I do. Nevertheless, I will try and condense my thoughts within the two minutes that you have given me.

Under Article 53(1)(b) of the Constitution of Kenya, 2010, every child has a right to access to free basic education. If you read the Basic Education Act 2013, it is the responsibility of the Cabinet Secretary for Education to provide the infrastructure for the provision of basic education to pupils in the now-defunct 8-4-4 system and now it is 6-3-3 system.

It is such a dehumanising and demoralising act from the Government that the only people that we always press hard are the ones who provide basic services to the people of Kenya. Now and then, you see nurses on the road. Now and then, you see doctors on the road. This is such a sad statement from Sen. Wakwabubi Consolata, that about six or seven months after these tutors rendered their services of marking exams for our young students, they have not been paid.

I think, this committee should look at the dehumanising environment in which these tutors marked the exam. I always wonder how the only budget that is cut in this Republic of Kenya is the budget of the sectors that are so critical.

Just to point out, the budget of the State House of Kenya in 2022 was Kshs4.3 billion. The budget of State House in the Financial Year 2025/2026 is Kshs17 billion. This budget has grown four times. What is happening to the Ministry of Education? Now we have a shortfall of Kshs28 billion in the provision of basic education. What are we doing to our country? How and why are we prioritising funding heavy budgets in matters that are not very important?

Tell me, how important is it that we have delegations that go to the State House every day such that the State House budget keeps growing every day, but we cannot pay tutors who are marking exams for our pupils? This is a very painful thing.

The Cabinet Secretary for the National Treasury must move with speed and provide this money. It is actually very little money. The money that they require is barely Kshs2 billion. In fact, they can just get savings. President William Ruto should just save delegations for one month, and you get that money to pay the tutors who are suffering in the villages.

I thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): Thank you. Sen. Olekina, you may proceed. Take the same cue as Sen. Methu, please.

Sen. Olekina: Thank you, Mr. Temporary Speaker, Sir. Recently, I suggested that the Committee on Finance and Budget should establish a subcommittee to follow on these budgets which are being passed and approved by county governments.

I was listening keenly to the Statement made by the distinguished Sen. Allan Chesang from Trans Nzoia. What the distinguished Senator is asking is something which all of us ought to be very keen on because the distinguished Senator is seeking to find out how money is being spent in Trans Nzoia County. If you read keenly, this statement goes back to 2013.

One of the things that has gained my attention is on the same story that we hear on a daily basis from our county governors that the Controller of Budget has allegedly rejected to authorise release of funds to a county government.

I was given four minutes. I am seeing my time is running.

(Loud consultations)

This is a very interesting House. This matter is actually very important. It is a matter that demands each one of us to be keen on how funds are being spent. Earlier this afternoon, we were fighting about passing the Division of Revenue Bill (DORB) where we are sending Kshs428 billion to the counties. Sen. Chesang has brought out an issue which we had actually conversed in this House and passed a Motion on ensuring that county governments are paying pending bills.

If you take this Statement, you will be shocked to realise that it is not only in a few counties but it cuts across. People are always complaining that certain requisitions are being rejected by the Controller of Budget. The question is: Why? I wish I was a member of the Committee on Finance and Budget but I think it is about time that you set up a subcommittee.

(Sen. Olekina's microphone was switched off)

The Temporary Speaker (Sen. Abdul Haji): Just add him one minute and, please, conclude.

Sen. Olekina: This is the reason why we are here; to be able to demand accountability. If we do not take time to really understand these issues, we will be ranting here day-in, day-out. We passed a Motion here to make sure that all pending bills are paid. The Committee on Finance and Budget, I wish you could just set up a subcommittee dedicated to making sure that whatever motions we pass here that has to do with pending bills are actually implemented.

Finally, this issue of the Statement by Sen. Hamida, this is the second time that that matter is happening. In 2025, there was a case of a young man called Gilbert Kimani on Thika Road, who was also thrown out of a bus because the conductor said he had not paid Kshs30. It is 2026, it has happened again.

If we do not take these things seriously, in 2027, it will be your own child who will be saying they want to experience a *matatu* ride, and that kid will be thrown out because they do not carry cash in their pockets. Thank you.

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, the last speaker is Sen. Thang'wa. Please, adhere to the three minutes.

Se. Thang'wa: Thank you, Mr. Temporary Speaker, Sir. I also need your protection because I keep on missing my notes from my desk. I think the cleaners who clean here need to be retrained. If you did not leave it here, do not take it.

I rise to support the Statement by one Sen. Consolata Wakwabubi, because this government has money to waste, to bribe, for corruption, but no money for teachers. You can imagine the examiners, the invigilators, the supervisors, and support staff of examinations from the year 2019, 2021, 2022, 2023, 2024, and even 2025 have never been paid. This is because there is no allocation when the budgets are being passed in the National Assembly.

Now, tomorrow, the Cabinet Secretary for National Treasury and Economic Planning will be reading the budget in the National Assembly. My question is: Have you factored this? Have you put money for teachers? If you have not put money for teachers and invigilators, we should say no to the Finance Bill this year.

Mr. Temporary Speaker, the President and the State House are requesting Kshs17 billion in this budget, yet they do not have money for invigilators, examiners and supervisors. As the budget is being read tomorrow, nobody is happy in school. The students are not happy. There is unrest. We know what is happening with the fires in schools.

On the other side, the teachers are equally not happy. It is only that they probably do not have anything to burn or they know the repercussions of such actions. There is a problem with going to the streets. They know they could be killed.

We are asking the Government, what did the teachers do to you? You only invite them to the State House and give them Kshs10,000. They are not asking for Kshs10,000. They are asking for their money, which you should pay. They worked, set the exams, examined, invigilated, marked and you never paid them.

If nobody stands for the teachers, I request them to also refuse to mark the exams. If they do not mark the exams, then there will be no exams in school. If probably there is no exams in school, there will be no arrests. That could be a solution, as we try to get the government to pay the teachers their money.

Thank you.

The Temporary Speaker (Sen. Abdul Haji): Thank you. Sen. Mwaruma, you have two minutes, please.

Sen. Mwaruma: Thank you, Mr. Temporary Speaker, for giving me this opportunity to comment on the statement by Sen. Consolata regarding the non-payment of teachers, who marked examinations under the Kenya National Examinations Council (KNEC).

I believe we need to expedite the invitation of the Cabinet Secretary for Education and the officials of KNEC to come and explain why, after teachers diligently performed

their duties, they have not been paid many months down the line. It is dehumanising and demoralizing to have teachers who marked summative examinations yet remain unpaid.

These are some of the reasons teachers are unhappy. I wonder why the teacher unions, namely the Kenya National Union of Teachers (KNUT) and the Kenya Union of Post Primary Education Teachers (KUPPET), have not taken up this issue by declaring a trade dispute. This is a clear breach of contract. The teachers worked, but many months later, they have not been paid.

Secondly, since you have given me two minutes, I also wish to comment on the Statement by Sen. Chesang regarding pending bills. It is disheartening to see contractors and suppliers to county governments, who have supplied goods and services and even taken loans, remain unpaid for months. We need to invite the Controller of Budget (CoB) to explain why, when county governments requisition funds for payment of suppliers, the exact suppliers are not paid in accordance with the requisition.

The biggest culprit is the issue of voiding of payments. When county governments requisition funds to pay particular suppliers, they void the payments. We need to invite the CoB and the National Treasury to ensure that once a requisition is made for specific payments, it cannot be voided. Instead, a system or module should be activated to guarantee that requisitions are honoured.

I thank you.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator. Clerk, read the next Order.

Sen. Tabitha, Standing Committee on Finance and Budget, please move.

BILL

Second Reading

THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL (SENATE BILLS NO.8 OF 2026)

Sen. Tabitha Mutinda: Mr. Temporary Speaker, Sir, I beg to move that The County Governments Additional Allocations Bill (Senate Bills No.8 of 2026) be now read a Second Time.

First of all, Mr. Temporary Speaker, Sir, because I have been here since morning when we prosecuted the Division of Revenue Bill, I would like to take this opportunity to appreciate the House for passing the Bill. We are so grateful and thankful.

Now, proceeding with the County Governments Additional Allocations Bill (Senate Bills No.8 of 2026), I would like to state that its primary objective is to provide conditional and unconditional allocations from the national Government's share of revenue as per Article 202(2) of the Constitution and also additional allocations from grants and loans.

The amount for county governments additional allocations is a total of Kshs66.74 billion and that is a combination. As I have stated, we have loans, grants and conditional and unconditional allocations. To start with conditional allocations, we have a total of

about Kshs57.4 billion. That money is from loans and grants from different partners for the Financial Year 2026/2027. That is normally in the Second Schedule.

In the First Schedule, we have unconditional allocations which are mostly on two areas. They include court fines and the 20 per cent for minerals under the Ministry of Mining, Blue Economy and Maritime Affairs.

In Nairobi, we call them *kanjo*. When they arrest you and you are taken to court and pay a fine, those monies for fines are normally different figures in the 47 counties. That is part of county governments additional allocations because it is revenue for the counties. Hence, they are normally in the First Schedule as unconditional allocations. We also have the Third Schedule which outlines additional allocations from loans and grants from different stakeholders.

Mr. Temporary Speaker, Sir, I really appreciate our stakeholders because in this process, we normally do public participation. As the Committee on Finance and Budget, we have stakeholders who we work and engage with very closely on different Bills and different mandates that we undertake. The National Treasury is part of our key stakeholders.

Others are the Council of Governors (CoG) led by Hon. Barasa, the Governor of Kakamega. He sits in as the Chair of the Finance, Planning and Economic Affairs Committee of the CoG. We also have the Commission on Revenue Allocation (CRA) that we work with closely. They normally engage us often on all Bills. We had a breakfast morning meeting today on the issue of Equalisation Fund and we had submissions on the Division of Revenue Bill.

We also have the County Assemblies Forum (CAF), which I really appreciate. We appreciate the input of the county assemblies because they undertake the primary oversight role in the counties. We also have the Bajeti Hub. This time around, we also had the Ministry of Environment, Climate Change and Forestry because of some funding that I will state and also the Ministry of Health because they had a key role to play in these discussions.

There is the issue of Universal Health Coverage (UHC). I sit on the Committee of Health as a member. Today, I am a happy Senator because I sit on the Committee of Finance and Budget where we had mediation on the issue of UHC once and for all in this country. I thank the National Treasury because we conclusively agreed on the issue of UHC.

Sometimes we have a session here and all of a sudden, there are people demonstrating outside, which is their right. Among the teams that have been demonstrating are the CHPs demanding their dues.

Today, I move this Bill with happiness and joy because Kshs8.6 billion has finally been allocated to clear the pending salary arrears for our the Universal Health Coverage (UHC) workers, including their pensionable terms. This brings the matter of arrears to a close.

Why are these monies in the County Additional Allocation Bill? We had to offer leadership because there was contention that the money should be placed under the Division of Revenue Bill (DORB). However, the governors made their case and request.

Because of the revenue-sharing formula we use, if these monies were placed directly under the DORB, the allocation would differ per the formula and some counties might miss out. This would affect the arrears of UHC workers in those counties. We did a tabulation with the Parliamentary Budget Office (PBO) and the figures showed that some counties would get less.

To conclusively sort the issue of arrears for UHC workers across the country, and I want every UHC worker to hear this: when the Committee on Health conducted oversight, we promised you, and I personally committed that we would ensure this issue is sorted once and for all, without leaving any gaps. For this financial year, the allocation is under the County Additional Allocation Bill.

Moving forward, in subsequent financial years, the allocation will be under the Division of Revenue as per the fourth basis formula. For now, the issue of arrears has been fully sorted. The UHC workers, you can soon start being happy all the way to the bank to receive your arrears. This issue has come to an end once and for all.

Mr. Temporary Speaker, Sir, we have other beneficiaries. We have the Financing Locally-Led Climate Action (FLLoCA) funds, which are conditional grants. As a committee, we have conducted oversight in different counties on FLLoCA. I wish to give credit to the great county of Vihiga. When we went for oversight, you would think you were in a different part of this country compared to the neighboring county of Kisumu. The situation in Kisumu was a total shame, especially considering that the county is led by professors. Vihiga is only a 30-minute drive away.

In Vihiga, the impact of FLLoCA funds is evident and people are happy. In Kisumu, it was extremely shameful. I say this confidently because we passed the fund and we know how much was allocated to the counties. I therefore ask governors to pull up their socks.

The Ministry of Environment, Climate Change and Forestry requested an additional allocation of Kshs1.8 billion for watershed services. The intervention targets specific counties of Baringo, Marsabit, Isiolo, Samburu, Laikipia, Meru, Kitui, Tana River, Garissa, Makueni and Kwale. I wish the Senators of these counties were here to hear this. We have an additional Kshs1.8 billion.

The Ministry of Health has an allocation of about Kshs7.7 billion in total. However, these funds will be implemented over three financial years. For this financial year, the allocation is Kshs2.47 billion under the Ministry of Health for specific Health Products and Technologies (HPT). These products will be procured through collaboration with the Ministry of Health for the targeted counties.

If you remember, we tabled a report as the Senate Standing Committee on Finance and Budget on the issue of Meru stoppage of funds. The National Treasury and Economic Planning had requested to stop funds for the great county of Meru. Why? Because an investor had not been paid and had gone to court to seek that the National Treasury stops funds transfer to the Meru County. So, the matter, of course, had to come to Parliament, to our committee. We felt that it was completely unfair. Why should we make a decision to deny the people of Meru County services? We wondered what is the issue. When we mediated, we realised it is a pending bill that needed to be settled and sorted. I am happy when we brought the National Treasury on board, as much as the total

amount is Kshs480 million, they allocated Kshs139 million to sort out. So, that is why this amount is in this Bill, the County Additional Allocation Bill.

We had different amendments within the Bill. For instance, we had amendment of Clause 3 to include the Bill, pursuant to Article 190, as well as deletion of Clause 4(3). These are normal procedures that we also do. This is very critical because since the financing agreements are signed between development partners and the National Assembly on behalf of the Government, further signing of the intergovernmental participation agreement is done between the responsible ministry and the beneficiary county. So, we had just a few amendments here and there. That is why I really want to request my fellow Senators that we pass this Bill. I have kept on saying and reminding my fellow Senators that we are going on recess on 19th June, 2026.

Apparently, we have timelines on our Bills in the Senate Standing Committee on Finance and Budget, where I serve honourably as the Vice-Chairperson. If we do not adhere to its timelines, then we affect the services of the counties. That is why you will still find Sen. Mutinda in this House beyond 6.00 p.m. to ensure I do my work.

With those remarks, I request my good friend, Sen. Mungatana, to second.

The Temporary Speaker (Sen. Abdul Haji): Sen. Mungatana, please proceed.

Sen. (Dr.) Mungatana, MGH: Mr. Temporary Speaker, Sir, I would like thank you for giving me the opportunity to second this Bill, which was very ably moved by the Vice-Chairperson of the Committee.

Mr. Temporary Speaker, Sir, I do not wish to repeat the many issues that my colleague has raised.

The unconditional grants that are contained in the three Schedules of this Bill; the court fines which are Kshs1.9 billion, the 20 per cent share of mineral royalties Kshs7.37 billion and the loans and grants Kshs57.3 billion. As I second this Bill, I would like to say the following-

That, the National Treasury must start being fair to county governments. The National Treasury has not been releasing these funds on time. This 20 per cent share of mineral royalties, the Kshs7.37 billion, has not been released on time. This affects counties such as Tana River County. We are mining their gypsum, but the funds and the royalties are not released on time. So, we ask the many counties that are dependent on minerals to be allowed to access their funds on time. I ask that the National Treasury supports the implementation of this 20 per cent share of mineral royalties at 7.3 per cent.

I beg to second.

Thank you, Mr. Temporary Speaker, Sir.

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

I will extend the sitting for another 15 minutes, so that we can have the Mover to reply.

(Question proposed)

Mover, please proceed.

Sen. Tabitha Mutinda: Mr. Temporary Speaker, Sir, I appreciate Sen. Mungatana. He is one of the great Senators, our Senior, always in this House on time and

able to articulate issues very well. I have listened to him on the matter of minerals and I know he speaks like that because he comes from the great county of Tana River, where he serves his people very well and gently.

I also tell him that on part of this amount for the minerals; the people of Tana River have a share.

With those few remarks, I pray that tomorrow, as we close the week, we hope to get quorum and pass this Bill, so that we can get the final disbursement schedule for the counties. That is why we are trying to push really hard and fast so that we can pass these two Bills and get the Cash Disbursement Schedule, which still needs to come to this House and be passed, so that these allocations are given on time to the counties.

I beg to reply and request that you defer putting of the question.

The Temporary Speaker (Sen. Abdul Haji): The putting of the question and division is deferred.

(Putting of the question on the Bill deferred)

ADJOURNMENT

The Temporary Speaker (Sen. Abdul Haji): Honourable Senators, it is now 6.32 p.m., and having concluded the business for which I extended the hour of sitting pursuant to Standing Order No.34(2)(a), the Senate stands adjourned until tomorrow, Thursday, 11th June, 2026, at 2.30 p.m.

The Senate rose at 6.32 p.m.