



THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT



Fifth Session

Wednesday, 10th June, 2026 at 9.30 a.m.

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 10th June, 2026

Morning Sitting

*The House met in the Senate Chamber,
Parliament Buildings, at 9.30 a.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): Serjeant-at-Arms, kindly ring the Quorum Bell for another 10 minutes.

(Quorum Bell was rung)

The Speaker (Hon. Kingi): We do have quorum. Clerk, kindly call the first Order.

Hon. Senators, we were expecting the Cabinet Secretary in charge of Lands, Public Works, Housing and Urban Development this morning for purposes of responding to three questions by the Senator for Marsabit, Sen. Hamida Kibwana and the Senator for Nairobi City County. However, last evening, we received a letter from the Cabinet Secretary indicating that she will not be able to attend plenary this morning for purposes of responding to those questions. Therefore, we will move to Order No.8.

QUESTIONS AND STATEMENTS

QUESTIONS

Question No.037

REGISTRATION OF PLOT/PARCEL No.570-686
ALONG NYAYO ROAD, MARSABIT COUNTY

(Question deferred)

Question No.045

SAFEGUARDS AND POLICY REFORMS FOR
PROPER URBAN PLANNING

(Question deferred)

Question No.064

OWNERSHIP OF LAND PARCEL No.LR.209/4401
IN BURUBURU, MAKADARA CONSTITUENCY

(Question deferred)

MOTION

ADOPTION OF REPORTS ON COUNTY OVERSIGHT AND NETWORKING
ENGAGEMENTS IN KITUI, MAKUENI, MACHAKOS,
KIAMBU, BUNGOMA AND KAKAMEGA COUNTIES

(Sen. Mandago on 02.06.2026)

(Resumption of debate interrupted on 04.06.2026)

THAT, the Senate adopts the Reports of the Standing Committee on Health on the County Oversight and Networking Engagements in Kitui, Makueni and Machakos Counties, laid on the Table of the Senate on Thursday, 26th February, 2026; Kiambu County laid on the table of the Senate on Thursday, 19th March, 2026; Bungoma and Kakamega Counties, laid on the Table of the Senate on Tuesday, 21st April, 2026.

The Speaker (Hon. Kingi): Clerk, do we have the requisite quorum?
Hon. Senators, I will proceed to put the question on Order No. 8.

(Question put and agreed to)

Senator for Nairobi City County.

POINT OF ORDER

FAILURE BY CABINET SECRETARIES TO APPEAR BEFORE THE SENATE

Sen. Sifuna: Mr. Speaker, Sir, I remember when I used to be in the Senate Business Committee (SBC), we had developed the practice of inviting a minimum of three cabinet secretaries, so that in the event one does not show up, at least another would. This increased the probability of us having those engagements. I do not know what has changed because I am no longer in the SBC that today we were expecting only one Cabinet Secretary.

The Speaker (Hon. Kingi): That is true, hon. Senator. Nothing has changed. We expected three cabinet secretaries this morning, but sitting at the SBC yesterday, we looked at the two letters that had been sent by the two cabinet secretaries who were supposed to appear before the House today. We found the reasons indicated in those letters to be valid and therefore, we acceded to their requests not to appear.

However, the Cabinet Secretary for Lands, Public Works, Housing and Urban Development had not indicated to us that she will not be available. We only received the letter after the SBC meeting. In fact, the letter was received after 4.00 p.m. yesterday and that is why she is indicated to appear this morning. With that letter having been received after the SBC meeting, that is why you see her questions contained in the Order Paper. Had we received this letter before the SBC, it would have been processed just like the other two letters that were processed at the SBC. Otherwise, the practice of having three cabinet secretaries is very much in practice.

The Majority Senate Leader, proceed.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, this is a follow-up to what the Senator for Nairobi is inquiring. Remember, we had issued fresh guidelines on letters, such as the ones you are referring to, that come in hours before the plenary on what needs to happen. There were necessary sanctions that we said should follow, up to and including, if the House elects to do so, fining people that are misbehaving.

As a House, you signed a letter to the Prime Cabinet Secretary and to the rest of the coordinating departments and they know the procedures. We do not have a problem with the two cabinet secretaries that informed the House early in advance who said they shall not be present. However, the Cabinet Secretary for Lands, Public Works, Housing and Urban Development you are referring to is, first of all, a ranking Member. She served for three terms in Parliament.

While you may excuse others though no excuses are allowed, she probably knows the procedures for Parliament, but this is not the first time this is happening. I wanted to know from you, Mr. Speaker, Sir, whether the necessary sanctions you had enlisted in that letter have applied.

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The Speaker (Hon. Kingi): Sanctions are handed down by the House and not by the Speaker. If indeed, it is the opinion of the House that you sanction the Cabinet Secretary, it is very much within your powers. It is true that we have communicated the procedure to the Prime Cabinet Secretary, but that procedure has been flouted by a number of cabinet secretaries.

We have a letter from the Cabinet Secretary for Lands, Public Works, Housing and Urban Development that was received after 4.00 p.m. yesterday. Last week, we had questions and there was no letter, no communication and no phone call. We sat here not knowing what to do. So, it is true that the procedure has been communicated and explained to the Prime Cabinet Secretary. They even have a desk that interlinks Parliament and the Executive. Despite implementing all these measures, we still experience these ugly incidents where a Cabinet Secretary decides to write a letter, either that morning or the evening before Wednesday. So, it is very unfortunate.

So, if the House deems it fit to impose sanctions, it is within your powers, hon. Senators, but this is not a good practice.

Yes, Sen. Sifuna.

Sen. Sifuna: Sorry, Mr. Speaker, Sir, to speak twice on the same issue. I have looked at the letter that she wrote. Other than the fact that it was received very late, I honestly do not believe that those reasons are sufficient because she says that---

The Speaker (Hon. Kingi): There is no reason.

Sen. Sifuna: Mr. Speaker, Sir, she says due to prior, earlier plans, whatever yet, you know that, as a House, when we do these invitations, the invitations actually are sent out in 14 days so that if, for instance, that invitation falls on a day when you are planning to travel or something else, you should write immediately.

The Cabinet Secretary for Lands, Public Works, Housing and Urban Development just unfortunately or fortunately, happens to be one of my favourites in this Cabinet. There are only two of them. It is her and Hon. Chirchir. So, I might cut her some slack, but I think she needs to be told that we are not very happy as a House, for the reasons that we have advanced, and why she is not here.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Yes, Sen. Veronica Maina, you may proceed.

Sen. Veronica Maina: Mr. Speaker, Sir, thank you for the opportunity. I want to also reassert that it is important for the Cabinet Secretaries to take this session very seriously as an accountability platform both to the Senate and to the public. However, I want to distinguish the Cabinet Secretary for Lands, Public Works, Housing and Urban Development as a top performer in Cabinet.

She has appeared before this House and has never spited Parliament. I want to believe the reason she has to be excused today, for which she could not come to Parliament, must have been very serious, because she has served in Parliament and, as the Senate Majority Leader has said, she has already done the communication.

Since a decision was arrived at yesterday at the Senate Business Committee (SBC), I want to request that the Cabinet Secretary be excused and maybe communication has already been made. It will look like a mixed signal when an issue is determined and a resolution is done on the Floor of the House, especially on a top-performing Cabinet Secretary.

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We would only encourage that all the Cabinet Secretaries be available for the House on Wednesday morning and not to prioritise other business before putting the session in Parliament on a priority basis.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): So, we proceed to Order No. 9

MOTION

ADOPTION OF REPORT ON INQUIRY INTO SHORTAGE OF SMART ENERGY METERS

THAT, the Senate adopts Report of the Standing Committee on Energy on inquiry into the shortage of smart energy meters in Kenya and the potential for their local manufacturing, laid on the Table of the Senate on Wednesday, 11th June, 2025.

(Sen. Kisang on 9.6.2026)

(Resumption of debate interrupted on 9.6.2026)

The Speaker (Hon. Kingi): Now, hon. Senators, I will proceed to put the question because the debate on this Order has been concluded.

Clerk, do we have the requisite quorum?

I will proceed to put the question.

(Question put and agreed to)

Next Order.

MOTION

MAINSTREAMING A FRAMEWORK FOR CLEAN COOKING

THAT AWARE THAT, Article 42 of the Constitution guarantees every person the right to a clean and healthy environment, which includes access to safe energy options;

FURTHER AWARE THAT, over 900 million Africans, including more than 90 percent of households in Kenya's rural areas, still rely on traditional biomass (firewood, charcoal, animal waste) for cooking, resulting in high levels of indoor air pollution that cause premature deaths, particularly among women and children;

CONCERNED THAT, in Kenya, indoor air pollution has been linked to over 23,000 annual deaths, with women and girls bearing the disproportionate burden of time spent collecting firewood and cooking, limiting their education and economic opportunities;

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NOTING THAT, traditional cooking methods contribute significantly to deforestation, greenhouse gas emissions, and climate vulnerability at the county level, undermining national commitments under the Energy Act, 2019, the Climate Change Act, 2016, and Kenya's Nationally Determined Contributions (NDCs);

RECALLING THAT, the Africa Clean Cooking Summit (Paris, 2023) mobilized USD 2.2 billion in commitments for clean cooking, and the International Energy Agency has recommended urgent financing and policy action to achieve universal access by 2040;

ACKNOWLEDGING, the efforts of some counties, development partners, and private sector actors in piloting clean cooking projects, but recognizing that these remain small-scale and fragmented;

NOW THEREFORE, the Senate resolves that the: -

- i) Council of Governors develops county-level policies, frameworks, and budgets that mainstream clean cooking into devolved energy and health functions;
- ii) National Treasury and Ministry of Energy prioritize clean cooking in financing frameworks, including results-based financing and blended finance models to de-risk private investment;
- iii) County Governments incorporate clean cooking targets in their County Integrated Development Plans (CIDPs) and ensure public institutions such as schools, health facilities, and prisons adopt clean cooking solutions;

i) National Treasury and County Governments to fast-track letters of authorization to unlock carbon finance markets (Article 6.2 and CORSIA) for clean cooking projects; and,

ii) County Governments engage the private sector actors and community organisations to expand clean cooking access, create local jobs, and reduce pressure on forest resources.

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

(Sen. Kibwana was not in the Chamber)

That business is deferred.

(Motion deferred)

Next Order.

Yes, Senate Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I was listening to you. You said "deferred." Previously, there was an SBC resolution on what happens to Motions when they are called on the Floor and the owner of the business is not present. I do not remember if we agreed to vacate that position.

The Speaker (Hon. Kingi): It was on Questions and Statements.

The Senate Majority Leader (Sen. Cheruiyot): No, Mr. Speaker, Sir, even Motions.

The Speaker (Hon. Kingi): You see, Senate Majority Leader, if we drop this Order and the hon. Member walks in, we may need to have it. If you look at the Order Paper, it is fairly short and, in the next 10 minutes, we may have to adjourn.

So, for today, allow me to hold that decision in abeyance because we will be looking for business. So, in the event that Sen. Hamida Kibwana walks in, we may need her to continue with her business, so that we can make the morning more productive. So, let us defer it instead of dropping it, so that in the event she walks in, then we have an opportunity to have it prosecuted.

Next Order.

MOTION

PROVISION OF COUNTY GOVERNMENTS' IFMIS REPORTS TO THE SENATE

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

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

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

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

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

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

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The Speaker (Hon. Kingi): Hon. Sen. Andrew Okiya Omtatah, you have the Floor. Sen. Okiya Omtatah not in the Chamber? That Order is deferred.

(Motion deferred)

Next Order.

MOTION

DELINKING JUNIOR SECONDARY SCHOOLS FROM PRIMARY SCHOOLS

THAT, AWARE that, the Ministry of Education in Kenya, introduced Junior Secondary Schools (JSS) as part of the Competency-Based Curriculum (CBC) implementation marking a major milestone for the country's education system, and a key opportunity to improve the quality of education available to students;

APPRECIATING THAT, the Junior Secondary Schools program play a vital role in shaping the academic trajectory of learners by providing students with a strong foundation in core subjects, helping them develop essential skills and offering them opportunities to participate in extracurricular activities promoting greater social inclusion;

CONCERNED THAT, the integration of Junior Secondary Schools within primary school setups has posed major challenges for Junior Secondary teachers, including inadequate training on the new competency-based curriculum, limited opportunities for career advancement, conflict in leadership, decision-making and resource allocation leading to strained relationships with head teachers;

FURTHER CONCERNED THAT Junior Secondary Schools (JSS) face critical shortages in essential infrastructure such as laboratories, libraries, ICT hubs, and science equipment necessary for the implementation of the JSS curriculum, coupled with inadequate access to approved learning materials and teaching resources, resulting in inconsistencies in curriculum delivery hindering effective teaching, learning, and overall student development;

NOW THEREFORE, the Senate resolves that the Ministry of Education, the Teachers Service Commission and the Kenya Institute of Curriculum Development should: -

i) Provide for an independent administrative and operational framework for Junior Secondary Schools to enhance governance, streamline management, and create a more focused learning environment for the learners;

ii) Allocate adequate funds for the construction and equipping of Junior Secondary Schools with essential facilities such as science labs,

libraries and ICT rooms, and provide adequate learning materials relevant with the curriculum;

iii) Offer professional development programs for Junior Secondary School teachers to help them specialize in specific subjects to effectively implement the JSS curriculum;

iv) Develop a clear career progression framework for Junior Secondary School teachers, including opportunities for promotions and additional responsibility allowances;

v) Formulate clear policies and guidelines outlining the structure, curriculum, and management of Junior Secondary Schools; and,

vi) Ensure an optimal teacher-student ratio to facilitate personalized student attention and effective learning. Sen. Gataya Mo Fire was not in the Chamber? That order is deferred.

(Motion deferred)

Next Order.

MOTION

PROMOTION OF ARTIFICIAL INTELLIGENCE AND INNOVATION POLICY IN KENYA

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

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

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

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

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

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

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

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

i) promoting research and development of locally relevant AI solutions;

ii) facilitating ethical guidelines to ensure responsible and beneficial application of AI;

iii) creating innovation-friendly 'Sandboxes' for supervised testing of AI and emerging technologies;

iv) Strengthening public-private partnerships to build digital skills and innovation ecosystems; and

v) Integrating AI and coding into the education curriculum to prepare the next generation for the digital economy

The Speaker (Hon. Kingi): Hon. Sen. Karungo Thang'wa, you may proceed. *Sen. Thang'wa* not in the Chamber? That Motion is deferred.

(Motion deferred)

Yes, Senate Majority Leader, you may proceed.

PROCEDURAL MOTION

TEMPORARY SUSPENSION OF PROCEEDINGS PURSUANT TO STANDING ORDER NO.38

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I rise pursuant to Standing Order No.38 on temporary suspension of a sitting. At the SBC yesterday – and it is good that I say this when the Vice-Chairperson is here – because the Standing Committee on Finance and Budget had proposed that they were likely to be through with the Mediation on the Division of Revenue Bill. We had said, because we knew we had one Cabinet Secretary, we knew that we were likely to process that business this morning. They had promised us that at the beginning of the session this morning, we would have that report.

I have since followed up. The Vice-Chairperson has come into the House panting, saying that she is trying to get the report and they have promised that by 10.30 a.m., that report will be in the House.

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Therefore, I wanted to request, if you could indulge us, that, pursuant to Standing Order No.38, the Senate do suspend its proceeding for 30 minutes for the Standing Committee on Finance and Budget to complete the work on that report and we resume our sittings at 10.30 a.m., with the tabling of the report and a Supplementary Order Paper, so that we begin that business.

Maybe just to make a provision for any eventualities, we say 10.40 a.m. Actually, it is the same. It will be 10.38 a.m. because it is 10.08 a.m. now.

Mr. Speaker, Sir, I request Sen. Watanya Sifuna to second.

Sen. Sifuna: Mr. Speaker, Sir, I second but just to say that the Senate Majority Leader, just the way we have rebuked the Cabinet Secretaries, it is also very unfair for colleagues to come to the House this morning and the owners of the business on the Order Paper are not here. I think it is also something that we have to note as a leadership and as part of the whips of this House, we are having difficulties. Our work is not supposed to be this hard. I mean, people kill each other to be in this House. I expected some of them---

I am an SG somewhere and we know how much they fight for these nominations and tickets. If your business is on the Order Paper, just to be fair to colleagues, please, show up to the House.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): All right, so then I will propose the question that the Senate do suspend its proceedings until 10.40 a.m., in order to receive a report from Mediation Committee on the Division of Revenue Bill. We are going to deal with the report on the Division of Revenue Bill.

Now, Hon. Senators, this is rather procedural. We need not debate it. With your concurrence, you may allow me to put the question. Do I proceed to put the question?

(Question put and agreed to)

(The House adjourned temporarily at 10.10am)

(The House resumed at 10.40 a.m.)

The Speaker (Hon. Kingi): Now, Hon. Senators, there is a supplementary Order Paper that is being circulated. That is the one that will be in use in this session.

Clerk, kindly, proceed to call the next Order.

PAPERS LAID

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

Sen. Tabitha Mutinda: Thank you, Mr. Speaker, Sir. This morning, I beg to table the following Papers-

MEDIATION COMMITTEE REPORT ON THE
DIVISION OF REVENUE BILL, 2026

Report of the Mediation Committee on the Division of Revenue (National Assembly Bill No.2 of 2026)

REPORT ON CONSIDERATION OF COUNTY GOVERNMENTS
ADDITIONAL ALLOCATIONS BILL, 2026

Report of the Standing Committee on Finance and Budget on the consideration of the County Government's Additional Allocations Bill (Senate Bill No.8 of 2026)

(Sen. Tabitha Mutinda laid the documents on the Table)

The Speaker (Hon. Kingi): Next Order.

NOTICE OF MOTION

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

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

Sen. Tabitha Mutinda: Mr. Speaker, Sir, I beg to give notice of the following Motion-

THAT the Senate adopts the report of the Mediation Committee on the Division of Revenue (National Assembly Bill 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 the Standing Orders 167 (3) of the Senate, approves the mediated version of the Bill.

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

MOTION

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

Sen. Tabitha Mutinda: Mr. Speaker, Sir, I beg to give Notice of the following Motion-

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

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The Speaker (Hon. Kingi): Sen. Tabitha, you had already given notice. You are supposed to move the motion.

Sen. Tabitha Mutinda: My apologies. I think it has been a long week during the mediation. I beg to rephrase and request that I move the Motion the following Motion-

THAT the Senate adopts the report of the mediated version on Division of Revenue.

Mr. Speaker, Sir, as a House and as a Committee, we started this process in accordance with the Constitution and our Standing Orders. The Senate Committee on Finance and Budget agreed on Kshs454 billion. The report was subsequently tabled and adopted by this House.

The Speaker (Hon. Kingi): Sen. Tabitha, before you explain the Motion, just move it as it is contained in the text and then you can go to your notes.

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

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.

Mr. Speaker, as I mentioned earlier, it has been a very busy week, bearing in mind our timelines and the work of the Committee on Finance and Budget. I wish to appreciate the Members of Committee, led by our honourable Chairperson, together with all other Members. It has indeed been a journey.

At the beginning, we tabled before this House Kshs454 billion, which was adopted. However, the National Assembly had already undertaken its process and settled on Kshs420 billion. Through the leadership of the House, a Mediation Committee was formed. Together with my colleagues, we sat in this Committee representing the Senate, alongside Members of the National Assembly.

We started the mediation process last week and held intense deliberations with our counterparts from the Budget and Appropriations Committee of the National Assembly. We justified the need to allocate counties Kshs454 billion, bearing in mind that the proposal of the Commission on Revenue Allocation (CRA) was higher. The Commission had proposed Kshs459 billion. We gave many reasons as to why the Senate proposed Kshs454 billion.

One of the key reasons is inflation. There are also the circulars of the Salaries and Remuneration Commission (SRC) on annual increment of salaries, which we know very well. These are recurrent expenditures that counties must take care of. Development projects, such as the County Aggregated Industrial Parks (CAIPS), the Community Health Promoters (CHPs), the National Social Security Fund (NSSF) and other increments must also be considered.

We presented our case before our counterparts during the mediation process. For example, all counties have CHPs, which is a shared responsibility between the national Government and the county governments. Some county governments have adhered to payments for their CHPs, while others have not, citing financial challenges.

We also raised the issue of Clause 5. The National Assembly requested its removal, but we stood firm and insisted that in case of any shortfall, it should be borne by the national Government. Likewise, in case of any surplus, the national Government would still enjoy the same. It was, therefore, a win-win arrangement. In the mediation process, we agreed that any shortfall or surplus should be borne by the national Government.

We held a total of seven sittings. In these sittings, we discussed issues such as pending bills in counties that need to be settled and various development projects across our counties. In the Fourth Sitting, we bargained and lowered our figure from Kshs454 billion to about Kshs440 billion. We stood firm and even walked out of the meeting, stating that if we were not getting the Kshs440 billion, then we would not proceed. At that point, the National Assembly had moved to Kshs425 billion.

The proceedings continued and we challenged the National Assembly to consult the different ministries, where some devolved functions had been allocated funds. These funds had been budgeted through the ministries, yet the functions are already devolved. We urged the National Assembly to remove monies from the ministries and allocate them to the counties through the Division of Revenue Bill. They can attest that we gave them a very hard time.

By the sixth meeting, they added another Kshs1 billion. The total then stood at Kshs426 billion, but we were still not satisfied and moved to Kshs435 billion. The discussions continued and, at some point, we reminded ourselves that we were carrying out our constitutional mandate. However, at times, governors do not even want to appear before committees of the Senate. We did not forget our mandate as defenders of devolution. We pressed for an increase in the counties' allocation.

We also held further discussions on matters of the Equalisation Fund and many other issues. The National Assembly raised the issue of debt, noting that the fiscal space was limited. They presented figures and arguments concerning the debt situation.

We challenged them on the issue of the last audited and approved accounts. Currently, the last audited and approved accounts are for the Financial Year 2022/2023, yet we are dealing with the budget for the Financial Year 2026/2027.

We felt it was unfair for the National Assembly to continue delaying the passing and approval of audited accounts, as the revenue has changed. The revenue of the last financial year is not the same as that of the Financial Year 2022/2023. If we were to use the current audited reports, the figure would still be quite high.

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

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

“Mr. Speaker, Sir”, these were some of the discussions where we stood firm, defended county governments and justified why more money should be allocated to the counties. Yes, some counties have been a disappointment. That is true. However, this did not deter us from fulfilling our role and mandate---

The Temporary Speaker (Sen. Mumma): Please, address me as, “Madam Speaker.”

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Sen. Tabitha Mutinda: My sincere apologies, Madam Temporary Speaker. As I stated, it has been a very tough week.

We had to tell Members of the National Assembly who were our counterparts and good brothers and sisters that, that money is a constitutional right. It should not be that all the time the Senate has to beg for county governments to receive their allocations because it is a constitutional process. That is why today we are here looking at this issue of the division of revenue.

As I sum it up, Mr. Speaker, Sir---

Sen. Thang'wa: Madam Temporary Speaker---

Sen. Tabitha Mutinda: Sorry, Madam Temporary Speaker. Thank you, Senator for Kiambu. Today, I see you are keen on me and I appreciate.

By our seventh meeting, we had already come to a conclusion. At some point, we were stuck at Kshs430 billion. We said that if it was not Kshs430 billion, then there would be no appropriation, but where do we live? It is in our country. Where would we stand then? Why do we have to have a stalemate in this country? We had to offer leadership. I have served in the committee for the past four years. When we started appropriating money, we moved from Kshs387 billion to Kshs405 billion, then to Kshs405 billion last and we added Kshs10 billion to county governments. That took us to Kshs415 billion.

In our last meeting yesterday, we were able to get Kshs13 billion more, bringing the total to Kshs428 billion for county governments. Looking at the trend, it is the mediation process that has been taking us to figures that are higher compared to other mediation processes that we have had. Therefore, we added counties Kshs13 billion. Political questions arose. May the soul of Baba Raila Amolo Odinga rest in peace. We were challenged on the question of Kshs450 billion, but we did not dispute. Our wish is that the legacy be sustained.

As I conclude and as I said earlier, we firmly put our case. Members of the National Assembly also explained and did the cuts. That is how we achieved at least Kshs13 billion finally settling at Kshs428 billion.

I would also like to give my colleagues an opportunity because we are time-bound as far as this Bill is concerned. I urge, especially the 47 elected Senators across Kenya who will have the privilege to vote, to adopt this mediated version of the Bill, so that our counties can continue progressing, offering development and quality service delivery to people that we all serve in our different capacities.

I also appreciate the Mediation Committee led by Sen. Ali Roba, Sen. Faki, Sen. Eddy, Sen. Olekina and Sen. (Dr.) Lelegwe Ltumbesi and myself, who were appointed by this House. After your approval, we represented this House accordingly. This is the report showing what we have fought for and achieved. It is our request that the House adopts this mediated version of the Bill, so that we also move to other Bills that we normally have as a committee. As you all know, we also have the County Governments Additional Allocations Bill and we are time-bound.

Madam Temporary Speaker, with those few remarks, I submit---

The Temporary Speaker (Sen. Mumma): Who is seconding?

Sen. Tabitha Mutinda: That is where I was moving to. It is my honour to request my colleague and counterpart in the same committee and also a Member of the Mediation Committee, none other than the Senator for Mombasa, Sen. Faki, to second.

I thank you.

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

Sen. Faki: Asante, Bi. Spika wa Muda, kwa kunipa fursa hii kuunga mkono ripoti ya Kamati ya Uwiano kuhusiana na Mswada wa Division of Revenue. Kwanza nachukua fursa hii kuipongeza kamati hiyo kwa kuketi kwa muda mrefu ili kujadiliana na wenzetu wa Bunge la Taifa mpaka tukaafikiana kiwango cha fedha ambazo ni Shilingi bilioni 428.

Kama alivyotangulia kusema Sen. Tabitha, ilikuwa si rahisi kwa sababu wenzetu wa Bunge la Taifa walikuwa wanaongeza Shilingi bilioni moja baada ya kila kikao. Baada ya kila kikao, walikuwa wanakuja na kutuambia kuwa wameongeza Shilingi bilioni moja. Walianza na Shilingi bilioni 420 wakasema wataongeza Shilingi bilioni moja. Tuliendelea kukaza kisha tukashuka kidogo hadi Shilingi bilioni 450 kutoka Shilingi bilioni 454. Baadaye walisema wataongeza Shilingi bilioni moja. Tuliendelea kukaza kisha tukashuka kidogo nao wakapanda kidogo. Kufikia jana jioni, tuliona kwamba kuendelea na mjadala huo itakuwa kama kukamua maziwa kutoka kwa jiwe.

Japokuwa maelewano hayo yalikuwa baina ya Bunge la Taifa na Seneti, wenzetu wa Bunge la Taifa walikuwa wanapokea maelezo kutoka kwa Hazina ya Kitaifa, yani *National Treasury*. Hicho ni kinyume kwa sababu Bunge limepewa fursa kikatiba kuamua pesa ngapi zitagawanywa baina ya Serikali ya Kitaifa na serikali za kaunti. Kwa hivyo, ni masikitiko kwamba wenzetu wa Bunge la Taifa walikuwa wanahujumu shughuli hiyo muhimu kwa kutegemea zaidi maelezo kutoka kwa Hazina ya Kitaifa.

Jambo la pili ambalo tulifaulu ni kuwa Kipengee cha 5(1) ambacho kinasema kwamba iwapo kuna upungufu, basi fedha ambazo zitakwenda katika kaunti zetu pia zitapungua. Tulikataa hilo kwa sababu tangu kuanzishwa kwa ugatuzi, ilikubalika kwamba iwapo zitaongezeka kwa upande wa Serikali--- Kwa mfano, Serikali imepitisha kiwango cha pesa ambazo walitarajia kukusanya. Hatuwezi kusema kuwa serikali za kaunti pia ziongezwe. Pia, tulisema kuwa iwapo kutakuwa na upungufu, basi, Serikali ya Kitaifa ichukue upungufu huo. Kwa hivyo, Hazina ya Kitaifa inafaa kujipanga na kuona jinsi wataweza kuziba mapengo yaliyosababishwa na upungufu huo.

Hicho ni kipengee muhimu kwa sababu iwapo tungekubali kuwa wanaweza kubadilisha, ina maana kwamba pesa ambazo zinakwenda katika kaunti zetu zingekuwa hazina uhakika. Kwa mfano, tungekuwa tunatarajia Shilingi bilioni 428 ama zishuke kwa sababu hali ya uchumi kama tunavyoona haipendezi.

Jambo la mwisho ni kuwa Serikali ya Kitaifa ina nafasi ya kukopa na inakopa kila siku. Inapokopa na wakati wa kutengeneza bajeti tunaambiwa kuwa kuna malipo ya mikopo ambayo yanafaa kulipwa kwanza. Hata hivyo, mikopo hiyo haifaidi kaunti zetu kwa sababu inafaidi Serikali ya Kitaifa pekee. Kwa hivyo, tumesema kwamba suala hilo ni lazima tulichunguze katika mchakato wetu wa bajeti. Iwapo Serikali Kuu itaendelea kuchukua mikopo kiholela, basi itabidi pesa zake ndizo zitumike kulipa mikopo hiyo. Si sawa pesa zilizokusanywa zikitolewa kwanza kwa ajili ya mikopo, kisha zilizobaki zigawanywe. Tutasimamia kwamba pesa zigawanywe kwanza, kisha wenye mikopo walipie mikopo yao kulingana na sheria.

Kwa hivyo, ningependa kuwasihi maseneta tukubali Shilingi bilioni 428 ambazo tumekubaliana na wenzetu wa Bunge la Taifa, tukizingatia kwamba bado kuna misukosuko katika uchumi wa ulimwengu. Tumeona kuwa kumeibuka sitofahamu katika Ghuba la Uajemi, ambako mafuta mengi yanatoka, na bei ya mafuta ulimwenguni imepanda. Kwa sababu hiyo, uchumi wetu utaathiriwa kwa sababu uchumi wetu hauko kisiwani. Uchumi wetu uko katika ulimwengu ambao kuna mambo mengi yanayotendeka. Kwa mfano, vita vinavyoendelea sasa hivi baina ya Iran, Marekani na Israeli, vyote hivyo vinaathiri uchumi wetu, ingawa matokeo yake yako mbali na nchi yetu ya Kenya.

Kwa hivyo, naunga mkono na ningependa maseneta tuunge mkono ripoti hii ya uwiano ili tuweze kusonga mbele na tuzingatie sheria ya County Allocation of Revenue Act (CARA), ambayo kamati yetu pia imeiweka na wako tayari kuiwasilisha.

Suala lingine ni la Equalisation Fund. Hivi asubuhi tulikuwa na Tume ya Fedha au Commission on Revenue Allocation (CRA), ambapo tulizungumzia sera ya tatu ya marginalisation. Tumeona kwamba bado kuna malumbukizi ya takriban Shilingi bilioni 60 ya Equalisation Fund. Tatizo lililopo ni kwamba tukisema, kwa mfano, katika Division of Revenue Act (DORA), Equalisation Fund itakuwa, nafikiri, Shilingi bilioni sita mwaka huu, baadaye kutaletwa supplementary estimates, katika Bunge la Taifa na wanapunguza pesa zinazokwenda kwenye Equalisation Fund. Malumbukizi ya madeni ya Equalisation Fund sasa ni zaidi ya Shilingi bilioni 60. Kwa hivyo, ina maana kwamba hazina hii ya Equalisation ambayo ilitarajiwa kuleta usawa haitaweza kuleta usawa, na sasa tumebakisha miaka mitano, masuala ya hazina hii ya ustawishaji au usawa yamalizike. Na itakwisha bila kuhakikisha kwamba fedha zote zilizotengwa ziliwekwa katika hazina hii ya ustawi na zikalipwa kwa kaunti au maeneo yaliyopangwa kupata hazina hizo.

Hili ni suala ambalo li wazi na lazima, kama Bunge la Seneti, kwa sababu maeneo mengi yaliyo katika masuala haya ya Equalisation, kaunti 33 zilizopo katika mfumo wa sasa, zote ziko katika himaya yetu kama Seneti.

Asante kwa kunipa fursa hii.

(Question proposed)

The Temporary Speaker (Sen. Mumma): I now open the Floor.

Proceed, Sen. Mungatana.

Sen. (Dr.) Mungatana MGH: Madam Temporary Speaker, I rise to support this Motion.

First, I thank the team from the Senate, led by the hon. Chairperson and the Vice-Chairperson, for the good work they have done.

We are grateful to hear that they have managed to push Kshs13 billion more, from what we had last year. So, congratulations to them, and thank you for representing us well. As we speak about this Division of Revenue Bill, there are fundamental questions that we need to raise. The first question is; as much as we celebrate the fact that we have now pushed to 22 per cent of the total revenue raised by the national Government, Article 203 of the Constitution on how we should deal with equitable share states in Clause (2) that the amount shared with county governments must not be less than 15 per cent.

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We thank our team and the National Assembly for agreeing to 22 per cent. However, if you look at other countries, such as Germany, where devolution has really grown, the regions that form part of Germany, money is divided between the national Government and what would be the equivalent of county governments, on a 50-50 basis. So much money goes to the counties that are now able to look after themselves without having to refer to the national Government.

Madam Temporary Speaker, Article 203 of the Constitution states that not less than 15 per cent should go to the counties, but it does not limit it to 15 per cent. It just says “not less than”. The point I am making here is that the national Government should look seriously into the possibility of raising this in the next allocations. Let us move from 22 per cent to 35 per cent, then to 50 per cent. It is possible because this morning, we saw the approved estimates from our sister House, the National Assembly. I was very curious that they have allocated Kshs130 billion to housing. The Cabinet Secretary was supposed to be here this morning, yet the same department already has securitisation, which has constructed all these buildings across the country; the markets and the hostels.

Now, again, they are being allocated Kshs130 billion. So why is it that they have so much money? Is the function of building markets strictly a national Government function? When you look at it sincerely, it is possible for us to go to 50 per cent if the national Government can cede some of the money that is still being held at the headquarters.

This brings me to the next point I wish to discuss. If you look at this report, you will see at page four that there are projects that are jointly funded between the national Government and the counties. You see, there are the County Aggregation and Industrial Parks (CAIPs), the Community Health Promoters (CHPs), the Financing Locally-Led Climate Action Programme (FLLoCA), the Food Systems Resilience Project and the National Agriculture Value Chain Development Project. Agriculture is devolved. Why hold money at the national Government to say you are doing a national project on value chain addition? Why hold this money? If the national Government, the National Treasury listen to me, they can start seeing that it is encroaching on the duties of the counties and they will release these funds.

Madam Temporary Speaker, why should we have counterpart funding on Community Health Promoters (CHPs)? We have complained many times as Senators that the county governments are finding it difficult. The national Government pays, but the county government is not paying. It takes two to three months before the Kshs2,500 is paid to the CHPs. Health is a devolved function. Why should the National Treasury be holding to that Kshs2,500 for the CHPs? Why can the National Treasury not release these funds? Why should we be holding money for the County Aggregation and Industrial Parks (CAIPs) at the National Treasury, instead of this money being surrendered to the county governments? Why should the food resilience project be at the national level and then have counterpart funding at the county level?

I really believe that if the national Government can see what we are seeing and what the Constitution is talking about, it is possible to move from this commendable 22 per cent that has been given all the way to 50 per cent of the nationally raised revenue.

Madam Temporary Speaker, I would like to talk about my county, particularly about the agriculture department. In 2024, for instance, in Tana River County,

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Kshs548,608,768 was allocated for agriculture, livestock, fisheries and veterinary services. A sum of Kshs166,000,000 went into recurrent expenditure.

A total of Kshs381,000,000 went into projects and infrastructure in those departments, which represented 6.8 percent of the total equitable share that went to Tana River County. However, when you look again at how that budget goes, you will see that most of the projects that the county was saying that it will execute are actually national projects.

Almost all of them from the development vote were national projects because the entire Kshs166,000,000 went to recurrent expenditure. So, why is the national Government doing the work at the county level? We have employees and officers there in the Department of Agriculture. We have our priorities and our money that should have been used. Why should the national Government come and do the same work? Why should we have this kind of confusion?

We may be saying here that we are happy to move the money from Kshs415 billion to Kshs428 billion for all the counties, which is commendable from our representatives in this Committee. However, the question still begs, why is the national Government encroaching into county affairs? Why is it that in the Agriculture Department in Tana River County, all the development is being done through national government programmes? Why not surrender this money to the Department of Agriculture in Tana River County? It is because the national government is not accepting devolution to be what it is. We have to start accepting that these counties are the next level of government. It is like the National Treasury has still not accepted that we have county governments that are doing the work that they are supposed to be doing. Why should we have food resilience programmes being carried out from Nairobi?

Madam Temporary Speaker, since these people have no connection with the local people, they would come, for example, to start a programme on irrigation. They are told by the local people, we should dig a dam at that place, because this is a seasonal river. Since the people from Nairobi have the money and they are the decision makers, they do not listen to the locals. Instead, they create a dam away from the seasonal river. I have seen it myself. When you want to do the oversight, you are told this is a national government programme. The dam has been created away from the seasonal river. Consequently, when the seasonal river comes, the water is not dammed. That water is lost, the money has been spent from the national government and the people do not benefit from that money.

Madam Temporary Speaker, I am just wondering why it is that the national government cannot leave? Why are they still clinging to money? Practically, I am giving that example. That is what happens. People come from Nairobi to Tana River and say, this is a resilient programme on food security system and we need to do a dam. They have decided that from Nairobi. However, they are told by the locals not to dam this seasonal river here, rather, dam it on this other side. However, they go ahead and dam it at another place and that money is spent. They are the ones who do the procurement and awarding of contracts, and they do it to their friends. So, the dam is created away from the seasonal river. That money is lost, yet there is still no food resilience. As a result, the support to create food security in that particular area is not achieved.

Madam Temporary Speaker, I urge the National Treasury and national government to think again. Let us release all the money down to the county governments. The argument that is always given that county governments may not be using the money as they are supposed to is a different argument. Let us, first, get that money into the county governments. Let us deal with the first problem. I keep saying that there are no angels at the National Treasury. The same officers who are trained in the same agricultural training college and veterinary training college are the same ones who are sitting in the county governments and the national government. These people should not create the impression that when they are the ones executing the function, there is no corruption. It is false. It is true that at the national government, there is as much problems in terms of management of funds as there is in the county. So, let us desegregate this problem.

What we want to say is that more money must be released to the counties. Other countries have done it, and have really grown. It is possible for our country to move from this 22 per cent that we have achieved, and go higher to 30 per cent or 50 per cent, so that county governments can start operating as they should.

Madam Temporary Speaker, with those remarks, I support the Motion on the mediated version of the Bill. I thank you.

The Temporary Speaker (Sen. Mumma): Sen. Veronica Maina, please proceed.

Sen. Veronica Maina: Thank you, Madam Temporary Speaker, for this opportunity that you have given me. I would like to also thank the Committee Members, the Senators who sat in this Mediation Committee to negotiate how much should be allocated to the county governments. I believe they were protecting the interests of the county governments when they went to the Mediation Committee.

It has now become a trend that many Bills that are forwarded from the Senate or amendments that are forwarded from Senate to the National Assembly most likely meet the same verdict. They are rejected. So, increasingly, we are ending up as Senators in mediation committees with the National Assembly. However, we are happy to note that they have come back with the revised version or an agreeable version of the Division of Revenue Bill (DORB).

First, I commend them for getting an additional Kshs13 billion for the counties. Those who have doubted the purpose of the existence of the Senate need to know today that if the Senate was not there, counties would be less Kshs13 billion in this version of DORB.

I also note the inclusion of one Clause 5, which is a good introduction to this Bill. It reads as follows-

“If the actual revenue raised nationally in the financial year falls short of the expected revenue set out in the Schedule, the shortfall shall be borne by the national Government.”

So, the national Government gets to guarantee any shortfall that comes within the budget cycle.

“If the actual revenue raised nationally in the financial year exceeds the projected revenue set out in the Schedule, the excess revenue shall be accrued to the national Government and may be used to reduce borrowing or offset debts.”

It is important for us to know how to manage our debt.

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(Loud consultations)

The Senator for Murang'a together with Senator for Laikipia are really distracting me as I am on my feet.

The Temporary Speaker (Sen. Mumma): Order, Senator for Murang'a and Senator for Laikipia. You do not have to laugh loudly.

Sen. Veronica Maina: Thank you, Madam Temporary Speaker. I do not know why they are laughing loudly. Maybe it is because yesterday they were not laughing. They were very sad. I saw them in that press conference, they were holding, but we encourage them---

The Temporary Speaker (Sen. Mumma): Order, Senator Veronica. Can you proceed?

Sen. Veronica Maina: Honourable Temporary Speaker, I withdraw that comment before you even intervene.

The Temporary Speaker (Sen. Mumma): She has already withdrawn.

Sen. Veronica Maina: It is important to note that any excess revenue should be used to reduce borrowing and offset debts. I find this to be very optimistic of the Mediation Committee to have come up with that clause. It means they had an open mind that we may not only deal with a shortfall, but we could also deal with excess revenue. This is the mindset we need to have both at the national and the county level; that we should see our economy and our country going to a point where we have excess liquidity, which can then manage and offset the debt we have as a nation.

Indeed, if we had this kind of a mindset, we would see reduction of corruption even within the counties. Every county should be working towards ensuring that their allocation is expended in a proper manner, managed in a good, professional and ethical manner, devoid of any corruption that causes this nation to waste so much. We must be able to close out on all the gaps that we are having in our expenditure and start to see revenue coming in excess.

I like that mindset and I hope that the counties, as they take up this budget, will be more responsible on how they expend resources that are allocated to them from the annual budgets.

When I look at what has been allocated to the counties, Kshs428 billion, it is revenue that they should be able to expend in the right way. In the last two days in Murang'a, we have seen the Early Childhood Development Education (ECDE) teachers going on strike because some of them are earning below Kshs6,000. We saw the increment that Governor Kang'ata has given to these ECDE teachers caused them to march to the gates of Murang'a County. They did not even have the energy to demonstrate. The only energy they had was to kneel down at the gate of Murang'a County offices and start praying for that county and for the governor.

These are not the kinds of images we want for our counties and our governors. We want to see governors, at the level of Governor Irungu Kang'ata, not being schooled every day by ECDE teachers about what Permanent and Pensionable (PNP) means in contract terms for people who are working within the county. These are basic things that governors must be able to sort out.

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If a county cannot sort out ECDE; if a governor is only able to decide that children need porridge, but does not know that they need to maintain the ECDE teachers with proper terms and conditions of their labour contracts, then something is very wrong. If governors cannot sort out basics with what has been allocated now, we should not sit as Kenyans and imagine that the day we allocate Kshs600 billion, then we will have prudent expenditure of the resources being sent to the counties.

I call upon the counties not to embarrass themselves with basic programmes such as ECDE. The ECDE is in the best interest of children because it deals with the youngest, most vulnerable members of our community. It is our most precious gifts that we send to the ECDEs. If a governor cannot take care of ECDE teachers; is only able to give them a cup of porridge in the morning--- The porridge is good, it feeds the child. It is nutrition and is important to have that assurance that they can have a simple meal in school. Beyond the meal, can we see the resource that is supporting that ECDE programme being taken care of, so that those children can basically have a minder or a teacher who guides them through the day?

I take this opportunity to congratulate the Mediation Committee for the work they have done. It is commendable. The National Assembly can also make work easier for everybody and make it more seamless.

Some of the proposals made by the Senate, especially like the one that was made before the amendments were sent to the National Assembly, make a lot of sense. We have a lot of resources here in the Senate. By the time a whole group of 67 Senators have sat, used government resources, public resources and their time to sit here and legislate on amendments and bettered some of the legislation that is coming from National Assembly, and it is sent to National Assembly and all they can do is reject, sometimes they need to give very good reasons.

If you count the number of degrees in this Senate, plus PhDs--- We have Prof. Margaret Kamar. I think we need a few more professors. We also have Prof. Tom Ojienda. How can I forget the one who did the impeachment proceedings and defended the Senate? We have such heavy resource within the Senate.

(An hon. Senator spoke off record)

I am reminded of the very Senator Sifuna from Nairobi City County. I hear his name, Senator Sifuna. I am being given the name Sifuna as one of the biggest resources, which is true.

We have a heavy resource in the Senate, and if it can be utilised properly, we will not waste people's time, mediations, six meetings over one month or over two months on just basic rudimentary principles and amendments that were made to better the legislation that came from National Assembly.

I hope the National Assembly can now respect the Senate and allow the Senate to do its work in a seamless manner. It is high time that the National Assembly looked at all those Bills that are stuck there with respectful lenses and passed them.

With those many remarks, I wish to say that the Committee has done a good job and should continue on this track.

I support.

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Sen. Wambua: Thank you, Madam Temporary Speaker, for granting me the opportunity to also add my voice to this debate.

I thank the Committee under the able leadership of the Senator of Mandera, Sen. Ali Roba, who is continuously the speaker and progressively distinguishing himself as a true defender of devolution.

As a Senator, having served as a governor, I think he understands the nuances that happen in that other space. Sen. Cherarkey keeps reminding me that is where I am headed and I have no problem with that.

Madam Temporary Speaker, I have around three things to say about this report. First of all, is to associate myself with the comments made by the Senator for Tana River County, my brother and neighbour, Sen. Mungatana. However, hasten to add something that the Constitution contemplates that the allocations that we give to county governments should not be less than 15 per cent of the nationally collected revenue.

My colleagues, if you look at that provision of the Constitution critically, you realise that there is no minimum allocation to the national government. By extension, it means we could reach a point where we allocate a lot more money to counties from the nationally collected revenue than we allocate to the national government, because there is no minimum to the national government.

So, I want to remind my colleagues, as we sit here, we are grateful for getting Kshs13 billion more to our counties. We are now at 22 per cent of the nationally collected revenue. However, my brother, Sen. Mungatana, we may also want to reflect on this. It is 22 per cent of which revenue and financial year? This is because perhaps, if we did 22 per cent of the current or last year's financial collections, then maybe, we will be talking about a lot more money going to the counties. In which case, we have to push through the Committee on Finance and Budget. We should have a collective responsibility to push our colleagues in the National Assembly to fast-track the audits of the collections from the national Government, so that we are up to date. We are now talking about collections for national revenue. We are perhaps not talking about audited accounts of the Financial Year 2025/2026.

The second thing that I want to add to this Motion is a situation where the National Treasury gives county governments with the right hand, but takes away from them with the left hand. I say this because through the back door, the national government is increasingly budgeting for county governments.

I will give two examples of the County Aggregation and Industrial Parks (CAIPs) where a determination is made at the national government level that every county government will have a CAIP. The national government will put in Kshs250 million and the county governments will put in Kshs250 million. That is a decision made at the national level. The county governments have no say. They just have to comply.

I have just done a very simple calculation. Yes, we have gotten Kshs13 billion more, but look at it this way. Out of the 47 county governments, each county government is supposed to give Kshs250 million for its own CAIP. If you multiply Kshs250 million by 47, you get Kshs11.75 billion. So, we have sent an additional Kshs13 billion to county governments, but the national government has decided that Kshs11.7 billion of this money that they have given is going to CAIPs and there is nothing the county governments can do about that.

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What about a reversal of that situation? If the national government has decided that they are going to co-fund these projects, why can they not calculate the amount of the co-funding from the national government and release it in one lumpsum to county governments as additional allocation in the budget? This is a situation where we give county governments money, but we dictate to them how they are going to spend that money.

The same thing applies to the Community Health Promoters (CHPs). A determination has been made that nationally, we are going to have 107,831 CHPs across the country. The national government will give Kshs2,500 and the county governments will give another Kshs2,500 to the CHPs. A simple calculation tells you that the county governments, in totality, will have to spend around Kshs270 million every month to take care of the CHPs. Why can the national government not send the money for CHPs in the budget as part of the equitable share, as additional allocation to county governments?

If we are not careful, what will happen is that we will be told that there have been additional monies sent to counties, but those monies are budgeted by the national government. This is because these expenditures are non-discretionary. It is not the discretion of a county to spend or not to spend. I am happy that Sen. Veronica Maina has noted that any shortfall in the revenue collected nationally within the budget cycle must be borne by the national Government.

After we have agreed on this amount that we have sent to county governments, there should be no argument at any one given time within this financial year, that somebody is going to touch the allocations to county governments. If there is a shortfall in collections for whatever reason, the national government should bear it.

Additionally, it cuts both ways. If by whatever miracle the National Treasury is able to collect a lot more than has been projected, the county governments will not say they want a share of the more that has been collected. The national government can use that money to service the national debt.

As I conclude, let me address myself to the leaderships of the county governments. We are here debating additional funds to county governments. However, we have just come from a very ugly and unpleasant situation. A section of county governors just decided that they would not want to be held accountable for the resources that are allocated to them. It should be noted by county governors that accountability for resources allocated to county governments, including from own source revenue, is not a favour to the Senate or to the people in the county. It is a constitutional obligation.

Madam Temporary Speaker, I found time to follow discussions on that mediation and I do not believe it was easy. There is no mediation that is easy. We have heard what our colleague, Sen. Faki has just told us that the Members of the National Assembly would be giving an additional Kshs1 billion per sitting. Sen. Tabitha and your team, I was wondering whether you should have waited a little longer so as to get other additional Kshs1 billion, so that we get to Kshs450 billion. Perhaps, you should have waited a little longer; you should have asked for additional time like 50 days, so that we get to Kshs450 billion. Be that as it may, you have done your job. I mean, you have delivered at least something better than what we had.

Now, what we are saying is this; the time that the Senate and the representatives of the Senate spent pushing for the additional monies to counties should not be taken for

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granted. It is the same thing that happened to the 12 county governments, including Nandi, Samburu, Taita Taveta and I think, Laikipia. We sat here and out of our clean hearts and our love for devolution, invoked the provisions of Article 203 of the Constitution on affirmative action and said that other counties were ready to lose some little money, so that we can get a little more to the 12 counties. We agreed that when we give those additional monies to those counties, we are going to ringfence those monies and spend them on critical projects.

Immediately the governors received that money, they completely disappeared and forgot that there was a deal on how that money was supposed to be used. Now, they are running away from accountability on how that money has been spent. Let county governors be accountable for the resources that we sent to them.

As I conclude, I address myself to my County Government of Kitui. There is a tussle that I am trying to mediate as much as I can. If I do not succeed in that mediation, I will be asking the Committee on Devolution and Intergovernmental Relations to step in and help us mediate between the County Assembly and the County Executive on matters of budget.

There was an argument that they were waiting for the Division of Revenue Bill (DORB) to be passed, so that they can agree on certain issues. This is going to pass any time soon. I hope that both the Executive and the County Assembly of Kitui will realise that the monies that we sent to Kitui County are supposed to help people in the county from Usweni in the north to Athi in the south. From Endau Malalani in the east, to the Thaana Nzau in the west.

It is not money that should be a source of conflict or dispute between the two arms of government. It should be appropriated in harmony between the county assembly and the executive to benefit our people. When the executive and the Assembly are unable to agree on budget issues, it is not them that are suffering. It is the people of Kitui who need water, better healthcare, support in agriculture, roads fixed and their Early Childhood Development Education (ECDEs) to be fixed.

With those many remarks, I support the Motion on the report.

Thank you.

The Temporary Speaker (Sen. Mumma): Sen. Ledama, proceed.

Sen. Olekina: Madam Temporary Speaker, let me begin by thanking my co-members of the Mediation Committee for the good work and the number of hours that each one of us dedicated to mediating to a compromised figure. I just want to state it clearly here that the compromise figure of Kshs418.28 billion was not really meant to come out as a defeat of the counties, but rather, a figure that can allow counties to work.

Having sat in that Committee, I will take a few minutes to demystify a few things and plead with both sides of the aisle to support this mediated version of the Division of Revenue Bill. I got an opportunity to interact with figures and be realistic on the current situation of finances in this country.

We have Article 223 of the Constitution of Kenya. If you look at the way the national government has been operating, just in the last year, there has been over reliance on Article 223. This is an article in the Constitution that allows supplementary budgets or other expenditures outside the budget. We realised that in the past, this country had a

habit of spending money outside the budget. That was one of the issues that we noted that keeps encouraging supplementary budgets.

This is one of the reasons I was convinced that the money that we negotiated to go to counties is money that will at least reach counties. The Kshs428 billion is money that the Constitution protects and it will be able to go to the counties. Most of the money that is appropriated by the national government ends up just being good on paper because if that money was there, there would be no point of having a supplementary budget.

The position that we took yesterday was one that defends the interests of counties to guarantee at least the Kshs428 billion. The reality in this country today is that Kenya owes about US dollars 80 billion to foreign and domestic debt. In fact, as of Monday next week, Kshs85 billion will be due to be paid and if that money is not paid, Kenya will default in its payment. So, colleagues, this figure of Kshs428 billion was not what we thought would go to the counties. It was less than even the figure the constitutional body tasked to recommend on how money should be shared, the Commission of Revenue Allocation (CRA), had proposed.

I want to correct my brother, the distinguished Senator from Kitui County on the notion that this issue of County Aggregated Industrial Parks (CAIPs) in counties is mandatory. The way I understand the role of county governments, particularly looking at Article 217 and Article 219 of the Constitution, when it comes to the issue of financial management of counties, it is not a must that counties agree to what the national government dictates to them. In fact, the notion that the national government dictates to counties on how to spend their money is farfetched.

The challenge is the issue of leadership in the county governments. That project is co-funded. Instead of a governor who would want to see a CAIP built in the county agreeing with the national government that they will co-fund Kshs250 million to build it, they should first take it to their county assembly, discuss it, take it to the public and then budget for it. Once you budget, then you can do it. If you have not budgeted for it, there is no point in agreeing with the national government. No one is holding a gun to your head to say that you must now do what the national government wants.

Madam Temporary Speaker, it is imperative for us to separate facts from fiction. I want to beseech colleagues that one, the Mediation Committee succeeded in ensuring that if there is a shortfall in revenue collection in the country, the national government will absorb that shortfall. That is a repeated clause that the National Assembly, each financial year, attempts to remove. I am so happy that our Standing Committee on Finance and Budget is so keen on ensuring that clause remains, so that it protects county governments. It is also in line with Article 219 of the Constitution of Kenya, 2010, which talks about the share of revenue that has been allocated to be released without undue delay or any deduction. That was a win for our counties.

Two, adding Kshs13 billion to Kshs415 billion to make it Kshs428 billion was also a win. We know what is happening around the world. The prices of fuel are going up. Recently, I was in France and I was driving. I rented a car and when I went to fill gasoline, a litre of diesel or gasoline was retailing at Kshs370 at the pump. That is when I said in Kenya, I think we are either a spoiled lot or we are very lucky, because we complain about everything.

Our mediated version of DORB settled a prolonged dispute between the National Assembly and the Senate in terms of dividing the resources that are collected by the national government.

As I conclude, I want to reiterate the points that were brought up by my colleagues, Sen. (Dr.) Mungatana, on the need for us to enhance our fiduciary responsibility. The National Assembly must now move expeditiously to consider the Auditor-General's current report. My colleague, Sen. (Dr.) Mungatana, said that we are getting 23 per cent of revenue going to the counties. What if we had considered the audited reports for the Financial Year 2024/2025? That 23 per cent you are seeing there, my good brother, would probably be eight per cent. So, I think it is important that the National Assembly pulls up its socks to make sure that we are current.

While we were at the Mediation Committee, my good brother, Sen. Eddy Oketch, raised a very valid question and asked this question: what if a Kenyan, and you know the way Kenyans are, just ordinary litigants--- I think the Judiciary makes a lot of money from cases which are being filed daily. What if someone goes there and says that money should not be sent to counties or should not be divided between the counties and the national government because the figures that are being used to determine are figures from two to three years ago?

I think it is about time that we put discipline in our institutions. Both Parliament and the Executive must be on the front line to inculcate financial discipline and accountability, so that we can teach future generations that when we were here, we made sure that we solved problems that have taken us so many years to solve.

I am happy that this Senate, the County Public Accounts Committee (CPAC) and also the County Public Investments and Special Funds Committee (CPI&SF) are ahead of their game. That is not because of our own doing, but because someone out there went out and questioned the work that we are doing.

Finally, to the county governors, we took a lot of time to mediate and to negotiate. My sister, Sen. Tabitha Mutinda, alluded to the fact that we were being treated to a musical chair of getting a billion here, a billion here, but we stood firm for you. I want to plead with you to ensure a fiduciary responsibility. The money that we are sending to the counties must reach the poorest of the poor. It is sad when we sit here and burn the midnight oil to make sure that we fight for you to get that money, but when we call you to come and account, it becomes long stories. When you have the money, you do not do what is supposed to be done.

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

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

Madam Temporary Speaker, this Senate has done its job. A lot of people do not understand the work of Senators. They think the work of Senators is to run around fundraising in villages daily. Our work is to put discipline in institutions.

We have managed to make sure that we send more money to counties. We have also managed to make sure that we develop legislation that will support the current and future generations. It now behooves the county governors also to play their role. This

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money does not belong to them. A lot of governors run counties as if it were their personal kiosk. It is not. This Senate, particularly the CPAC, has managed to compromise and, instead of sticking to the cash basis of accounting, has gone into the accrual basis of accounting because of the trade payables or pending bills that are choking this economy. We move from pending bills to trade payables. It does not change. It is still the same thing. County assemblies, do your job. Ensure that these trade payables become the first charge of the account, so that the money that we send to you does not start new projects if you have not paid suppliers.

A lot of people are committing suicide. That is the reality. You go and take a loan, then you are auctioned. You took a loan because the law; the Public Finance Management (PFM) Act, the Public Procurement and Asset Disposal Act, prohibit any county government or any institution from providing services. In fact, it is not even like going to the shop.

We may want to consider a situation where I deliver a bottle of milk and you pay me. I deliver a bottle of water, you pay me. This business, where we have legislation that will allow you to tender, you supply everything and then you start billing. When you are billing, and this Senator sends money to the counties to pay you, they start telling you stories of “oh, the money is in Internet Banking; oh, the money---” The problem is control of the budget.

The same discipline that the Ministry of Roads and Transport has instilled in its system, whereby there are no current pending bills of all road contractors, is the same thing that we need to borrow to send to our counties. A county governor who will stand there and say, we do not owe anybody money, would be one who would be seen as wanting to grow and to narrow the gap between the rich and the poor.

With those few remarks, I want to plead with my colleagues to support this Motion, so that we can complete the division of revenue, immediately start the process of the County Allocation of Revenue Bill (CARB) and after CARB is assent and becomes CARA, we can do the cash disbursement schedule, and then send money to counties. From there, we can now follow up and ask questions.

Madam Temporary Speaker, I thank you.

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

(Interruption of debate on Motion)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM GENDA MIXED
SECONDARY SCHOOL, MURANG'A COUNTY

Hon. Senators, I have a communication from the Chair on a delegation of teachers and students from Genda Mixed Secondary School from Murang'a County, the county where yours truly comes from.

Hon. Senators, I would like to acknowledge the presence in the public gallery this afternoon, a visiting delegation of four teachers and 92 students from Genda Mixed

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Secondary School in Murang'a 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 will now request Sen. Karung'o Thang'wa from the neighbouring county to welcome this delegation together with Sen. Consolata Wakwabubi, who is a former teacher.

Sen. Thang'wa: Thank you, Madam Temporary Speaker. I take this opportunity to welcome the delegation from Murang'a, that is, Genda School. Yes, I am the Senator of Kiambu County, which neighbours Murang'a and Thika. Sen. Nyutu, who is your Senator, a very aggressive Senator and someone who stands for his people, was here a few minutes ago.

I have been given this opportunity to welcome you on his behalf. He had told me that, for sure, he will continue fighting for his people in Murang'a, and especially when it comes to education because he understands that once we have an educated lot, counties become better. So, mine is to say welcome, and whenever you are around Kiambu, come and say hi. Thank you.

Sen. Wakwabubi Consolata: Thank you for the opportunity to welcome the visiting delegation to the Senate. On my own behalf, and on behalf of the Senate, I wish to welcome you cordially to the Senate. I expect that your learning experiences and whatever you are going to share from the Senate will form a springboard for your future development as aspiring leaders in this country.

Formerly a teacher, I like insisting on discipline, teamwork and unity amongst all the education stakeholders. So, remember, as you get back to your school, you must have borrowed the best practises from the Senate. Look at the way the Hon. Senators are deliberating inside here, and I know you will be motivated to go and work smart.

On behalf of the Senate, I also want to wish you well in your academic pursuits. I want to encourage you to shun bad manners, because in recent times, we have witnessed a wave of unrest in schools. Please learn to dialogue, share with your teachers, with your mentors and anybody within the school setting on whatever grievances you have amicably, so that they are sorted out amicably.

Otherwise, I want---

(Loud consultations)

Hon. Speaker, I am getting a lot of disturbance from Sen. Mundigi and Sen. Tabitha.

The Temporary Speaker (Sen. Veronica Maina): Sen. Tabitha and Sen. Mundigi, please, maintain order. Finalise, Sen. Consolata.

Sen. Wakwabubi Consolata: Thank you for the protection. I wish I had a cane, but then I do not have one.

So, I want to wish you well in your studies, and thank you, teachers and the stakeholders who have accompanied our dear students. With love, from the Senate. Thank you.

The Temporary Speaker (Sen. Veronica Maina): Sen. Consolata, you sound like you are reintroducing the cane from the Floor of Senate. Thank you, Sen. Consolata. Sen. Sifuna, please proceed.

(Resumption of debate on Motion)

Sen. Sifuna: Madam Temporary Speaker, thank you for letting me take after a teacher.

As you know, I am a son of a teacher. These days, sections of the media in this country call me the embattled Secretary General of ODM, and the matter that is before consideration this morning on the Senate is part of where my problems began.

On 22nd July, 2025, I appeared on one of the popular shows on Citizen TV and declared a very famous MoU dead because I was growing continuously exasperated at the pace or lack thereof, of implementation of that MoU. One of the critical things or provisions of that MoU was that a promise was made to my party and my former party leader, the late Hon. Raila Amollo Odinga, that, in fact, because ODM believes in devolution and we call ourselves the party of devolution, that in the Financial Year 2025/2026, we were expecting that counties would receive Kshs450 billion in allocation.

I ran into a lot of problems on the Floor of this House during debate in March this year after the meeting that happened at KICC, that sought to extend that MoU. I remember saying on the Floor of this House that I was extremely embarrassed that my colleagues in this House were present at KICC clapping and ululating when the Head of State was saying counties are going to receive Kshs450 billion, and yet we could not see the money. In fact, my senior, the Senator from Narok, Hon. Olekina, almost could not be alive, but here we are now.

I want to make it clear that my entire tribulations and trials in the ODM Party are because of my continued insistence on implementation of the promises that were made by none other than the Head of State to the family of devolution, to the ODM party, and most significantly to the late Raila Amollo Odinga.

What is most embarrassing is that Baba is being betrayed by his own people. On this one, I am not even going to blame Hon. William Ruto. For the first time, I am going to excuse the President on this one. We thought, as members of ODM, that after we have the Head of National Treasury coming from ODM, and he is a former chairman of ODM-- Shame on you, Hon. Mbadi. You have ashamed Baba because wherever he is right now, he is wondering how it is possible that his main man is the head of the National Treasury, and they are the ones taking us around in circles here.

It is even further annoying that the Chairperson of the Budget and Appropriation Committee of the National Assembly, Hon. Samuel Atandi, Member of Parliament from Alego, elected on ODM, is the one betraying Baba's dream to see Kshh450 billion going to devolved units. I am deeply embarrassed as the SG of ODM, that our own members can be the ones frustrating the dream of Raila, in trying to make sure that resources are devolved to counties.

I was following the mediation process and it is Hon. Samuel Atandi who is repeatedly telling us that there is no money to give counties. It is extremely embarrassing. Yesterday, we had a debate here on the Feeds and Food Safety Bill, and we were

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lamenting here that the National Assembly always trashes the reasoning of the Senate on every single matter. So, I look at this report of the mediation committee, look at the reasoning of the National Assembly as to why we cannot be given Kshs450 billion as a family of devolution. They have given two reasons there.

At paragraph seven of that report, you will see that they are saying revenue shortfalls as one of the excuses. Then they have said that the House observed that the allocation of Kshs420 billion as equitable share to county governments was informed by prioritising of expenditures of national interest, including public debt, obligations and other national commitments. When the National Assembly defines national interest, the counties do not feature anywhere as an ingredient of national interest.

Then you go to page three of that report and you see the reasoning of the Senate. From paragraph 11, we have taken time to explain to the National Assembly why counties need these resources. These guys just do voodoo math. They just pull numbers from the air, whereas the Senate sits down and tells them point by point why we need this extra allocation.

Number one, there are mandatory obligations that have been put on the Senate, including annual salary adjustments of county government workers. They are always here at our gate protesting because counties are unable to honour their obligations under the Collective Bargaining Agreement (CBA). Additionally, county governments are in arrears in implementing the third and fourth remuneration and benefits review cycle as recommended by the Salaries and Remuneration Commission (SRC), amounting to Kshs10 billion.

We gave another reason of the joint funding of national government programmes that counties are expected to finance, as mandatory obligations, including CAIPs, CHPs, FLLoCA and food systems resilience projects. We thought it would find favour with Hon. Atandi and his colleagues:

Madam Temporary Speaker, I heard the Senator for Narok County during his submissions mention that counties have to find a way to accommodate the national government when it comes to some of these projects, particularly the counties that need the CAIPs.

We have Members of the County Public Accounts Committee (CPAC) in this House. We have had governors, such as the Governor of Makueni County, Hon. Mutula Kilonzo Jnr., appear before us. He stated that they specifically told the national government that they did not need the CAIPs. However, the national government insisted they must be built. In fact, the design of these parks is the same throughout all counties.

For them, the interest lies in the construction, not in whether they are necessary in the counties. It was forced upon the governor and he had to accept and co-finance it, even though it was not in the interest of the people. We therefore said there is a need for stability and predictable county budgets.

In this Senate, we passed a very useless document called, “the Disbursement Schedule”. Not once has the National Treasury, led by Hon. John Mbadi, ever honoured the Disbursement Schedule passed in this House. Essentially, we pass these laws merely to tick boxes. When has the National Treasury ever complied with the Disbursement Schedule?

At times, very senior people in the government go around in rallies claiming that counties are up to date with their disbursements, yet county governors tell us a very different story. We can go on and on, but the Senate always presents reasoned arguments as to why counties need this money. Then Hon. Samuel Atandi, the Chairperson of the Budget and Appropriation Committee of the National Assembly says there is no money. He goes for lunch, comes back and says he will add Kshs1 billion. He simply pulls figures from the air. There is no scientific process in his mind that results in the allocations under this Bill. This is deeply embarrassing.

I want the people of Kenya to know that those betraying the dream of devolution are members of the Orange Democratic Movement (ODM). They are the ones betraying devolution. Hon. Samuel Atandi, as Chairperson of the Budget and Appropriation Committee, should put his foot down. He comes from Siaya and calls himself Baba's child. He should surely defend devolution. In fact, I saw on social media that even the DJs who perform at their events are not being paid. I want Hon. Atandi to see me on television. If he does not pay that DJ by the end of this week, he will see that DJ in Thika. It is deeply embarrassing.

They even go around lamenting that the national government has refused to pay the ODM Kshs12 billion owed under the Political Parties Fund yet they are the ones in charge of the basket. It is like going home with the basket and failing to put aside flour for your own children, while giving others money and leaving your children starving. You are the ones in charge of the basket, Hon. Atandi and Hon. Mbadi. For heaven's sake, you are embarrassing us, as a party. We are embarrassed. Instead of lamenting like the rest of us, why not take the money and put it in the budget? Then they tell us there are shortfalls in revenue. I will not tire in saying how embarrassed I am as the Secretary-General of ODM.

Hon. Temporary Speaker, the National Assembly uses four methods to deny counties money. The first is the base amount used to calculate revenue. Article 203(2) of the Constitution states that in every financial year, counties should not receive less than 15 per cent of the revenue that has been received, audited and approved. What the National Assembly does is ensure that they are never up to date with the audited reports.

Here in the Senate, we have the County Public Accounts Committee (CPAC), of which I am a member. It is proudly chaired by a member of ODM who understands what the party stands for, the Senator for Homa Bay, Sen. Moses Kajwang. The Senate adopted last year's audited accounts of counties in March. We are up to date. In our meetings, we are only following up on where counties stand.

Can you imagine that the amount being used to calculate the share to county governments is from the 2022/2023 Financial Year? I am not certain who chairs the Public Accounts Committee in the National Assembly, but I suspect it is also a member of the ODM. It is Hon. Tindi Mwale. He is embarrassing us as a political party. It is his responsibility and that of his committee to ensure that they are up to date. These are the people letting down Baba and killing the dream of devolution. These are the people who should be held before the disciplinary committee of the party, not Sifuna for insisting that we need to implement the Memorandum of Understanding (MoU) that Baba signed.

Before I depart from the issue of the base amount, if you look at the revenue for the Financial Year 2022/2023, it is stated to be Kshs2.050 trillion. If they were using

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current audited accounts, the last financial year's revenue was at Kshs2.571 trillion. That is not insignificant. That is over Kshs571 billion. If you applied 15 per cent on that amount, you would see the revenue for counties increase.

The second issue is borrowing. Yesterday when we were debating the Food and Feed Safety Control Coordination Bill (National Assembly Bills No.21 of 2023), one of the reasons advanced by the National Assembly on why county governments and their departments cannot be considered authorised entities was that they are not recognised internationally.

When it comes to borrowing in this country, the only level of government able to borrow from foreign markets is the national government. Counties are unable to access this. However, when calculating shareable revenue, the national government first deducts national interests and national obligations in repayment of debt.

One of the arguments I have made is that whereas under the framework of devolution we can see a schedule of 47 counties on the received amount, we do not see a similar schedule of the expenditure of the debt accumulated in projects across counties.

If you ask the people of Bungoma whether they know how much money is spent in Murang'a or Mandera from the national basket, they do not. When people complain, others respond by claiming that counties also get money and ask what they have done with the money allocated to them.

The figure of Kshs428 billion is insignificant compared to the amount retained by the national government. Therefore, nobody should make such arguments. In fact, I want to promise here that once we establish the government in 2027, one of the things we shall do is ensure that we only use the resources we raise. The issue of borrowing is also killing devolution.

The Cabinet Secretary for the National Treasury and Economic Planning, Hon. John Mbadi, will go to Jeevanjee Gardens and sell open lies to Kenyans about the state of debt in this country. We must also address public expenditure, so that we can eliminate borrowing. If the late former President, Hon. Mwai Kibaki, was able to balance our budget, it can be done. We see a lot of wastage in this country, with large sums simply thrown around.

Madam Temporary Speaker, I do not know if I can ask you a question directly, I understand the rules do not allow. However, when was the last time you replaced the roof of your house yet there is this spectre where someone replaces the roof of State House every two weeks simply because he has the money? If he dislikes the colour or if rain has faded it, he decides to change the roof again.

(Loud consultations)

That is what I am saying. In fact, we were discussing this with one of the Senators here.

Sen. Abdul Haji: On a point of order, Madam Temporary Speaker.

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

Sen. Abdul Haji: Thank you, Madam Temporary Speaker. My point of order is on the content of the speech by Sen. Sifuna. I was following his contribution, which was very good, until the point where he decided not to give us facts by stating that the roof of

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State House is changed every two weeks. Could the Senator substantiate that? It is kind of ridiculous to make such a statement. Perhaps Sen. Cherarkey knows if the State House roof is changed every two weeks.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Abdul. Sen. Sifuna, you have made a sweeping allegation of the roof being changed every two weeks. Could you substantiate?

Sen. Sifuna: Madam Temporary Speaker, I wanted it to sound ridiculous, so that it punches the conscience of Members of this House. It might not be every two weeks.

The Temporary Speaker (Sen. Veronica Maina): Sen. Sifuna, you may then proceed to withdraw that statement.

Sen. Sifuna: Let me not say every two weeks because I do not have that evidence.

The Temporary Speaker (Sen. Veronica Maina): Then withdraw that statement.

Sen. Sifuna: I have withdrawn.

The Temporary Speaker (Sen. Veronica Maina): Okay, proceed.

Sen. Sifuna: Madam Temporary Speaker, in the life of this Parliament, we have seen changes to the State House more than we have seen in the past 10 years. That is the point I was making. In fact, we were joking here in Parliament, but the Secretariat of the Senate do not like me talking about Parliament.

Since I came to this Parliament, that main door there has changed more times than I can remember. I mean, which Senator complained about the door? We even have a new desk. I do not know if it is the Serjeant-at-Arms who liked that new design. At the end of the day, Kenyans can see that there is a lot of wastage and unnecessary expenditure in the way we manage our finances. You will see somebody coming to say that we cannot deal with taxation because if we are not able to tax you more, then programmes will collapse. If we can reduce taxes and decide that we will go and get one *mabati* roof that can last 10 years---

I am sure there are *mabatis* that can last 10 years. We built my mum's house I think 10 or 15 years ago, but we have never replaced the roof. I will go to that same supplier if indeed we need to buy a roof for State House.

Madam Temporary Speaker, let me conclude by discussing the question of---

(An. hon. Senator spoke off record)

I am being informed there is also the question of flowers, but I do not know if Sen. Cherarkey has details.

Let me address the issue of delays in exchequer releases. That is the other way they use to frustrate devolution. They know that we will sit here and make noise and there will be a lovely figure there. They are talking of Kshs428 billion that will go to the counties, but there is no way counties can predict when they are going to receive the money.

It is very difficult to run counties in an unpredictable fashion if you do not know. For instance, if Senators do not know when we are going to be paid, how do you tell when to settle your obligations for rent, school fees and other things? Therefore, it is

wholly difficult and we place the blame squarely on the National Treasury because it behaves as if it is the national government Treasury and not Treasury for all of us.

Lastly, Madam Temporary Speaker, there is a refusal to devolve functions. Sen. Mungatana has taken us through many examples of refusal to fully devolve functions. I will reiterate that, in fact, the full unbundling of functions was one of the conditions in the expired Memorandum of Understanding (MOU). These are issues that bring me problems because I remind Members of the Orange Democratic Movement (ODM) that is what Baba signed up for.

We have had fights here with Members of the National Assembly again on the Road Maintenance Levy Fund (RMLF) because the Constitution recognises only two levels of roads. That is national and county roads. We are supposed to have only two levels of funding. They are supposed to take care of national highways and trunk roads while counties are supposed to do roads in the counties.

Madam Temporary Speaker, can you imagine that we have the Kenya Rural Roads Authority (KeRRA) doing roads in Nairobi? Under what definition does a road in Nairobi fall under KeRRA? Hon. Raila was very clear because he is the one who brought these road agencies. He said they became obsolete after promulgation of the new Constitution and therefore they needed to be wound up. We will continue to defend that legacy even if it costs us our lives. We want people to know that we will defend things that *Mzee* used to believe in, including this.

With those many remarks, Madam Temporary Speaker, I refuse to support this report. The Senate committee should have done more to get us money that was promised by the Head of State.

I thank you.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Sifuna. Now we can have Sen. Abass.

Sen. Abass: Madam Temporary Speaker, I also want to join my colleagues in discussing issues in this report. First and foremost, I thank Members of the Mediation Committee for the struggle they made, but I have a rider on that.

Allocation to counties, according to Article 203, is a constitutional right for counties to receive more than 15 per cent of revenue collected. However, we go for mediation every financial year, but I do not see why. The Commission on Revenue Allocation (CRA) is there to calculate what should go to the counties and what should go to the national government. Therefore, there is no need going for having mediation every time. The National Assembly assumes it has all the rights to allocate at its will and not do according to the Constitution. That should not be the case.

Another issue is that the audited accounts that we are using to allocate funds are for Financial Year 2021/2022. Again, the same National Assembly has failed to approve the latest audited report sent by the Office of the Auditor-General (OAG). That should have been the case for money that we will appropriate to both levels of government.

The figure of Kshs428 billion is not enough for the counties. One thing is that counties have majority of Kenyans. Look at the services they are supposed to provide? I do not know what the national government wants to do with the eight per cent of the revenue that is allocated. I think Kenyans get services through the counties. That is why we have devolution. Therefore, we need to allocate them more money. If not all, then at

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least 50 per cent should go to counties because that is where majority of the population get their services.

Another issue is that every time we see our doctors and teachers striking because there is no money being allocated to them. It is their right to have an increment every year. There are also pending bills in the counties. It is indicated here that we have inclusion of Clause 5 as part of the Bill to provide that the national government will bear any revenue shortfall and in case of any surplus, the surplus will be applied to pay debts. If there is a surplus, we need not to reduce money for counties. However, I doubt if there is any surplus because we have huge debts to pay for and every time the country is committed to debts.

It is because of that that there is a lot of wastage. Perhaps only a blind person may not see that there is a lot of wastage. I agree with the Senator for Nairobi City, *Mheshimiwa* Sifuna, that we have a lot of unnecessary expenditures in both cases where, for instance, the national government is using a lot of money, including buying flowers and other funny things.

If you go to our offices, you will find a lot of flowers. Do we really need to have flowers in offices when Kenyans are hungry? We spend a lot of money on unnecessary things such as newspapers. Some of us can afford to buy newspapers. Likewise, a senior officer in a certain office can afford to buy *Daily Nation* or *The Standard* newspaper. Therefore, we really do not need to supply them. That money can be put to other uses.

There are also functions that have been abandoned. We have 42 institutions that are still performing functions of the counties. Already, it was approved by the Cabinet, including functions of the Kenya Urban Roads Authority (KURA) and KeRRA that my friend talked about. They are supposed to be wound up because they have no business doing functions that belong to the counties. However, the same agencies and other parastatals continue doing functions that are supposed to be performed by counties because the National Assembly allocates funds to them. That is wrong. If those institutions are wound up and those functions are taken to the counties, the same money will go to counties therefore calling for an increase of the amount of money to the counties.

We also have officers such as Community Health Promoters (CHPs). That is actually a national programme, which should be taken by the national government, but it is co-shared thus reducing the amount that would have gone to the counties. However, what has been brought by the national government is cost-shared again, reducing the money going to counties. In most instances, the national government meets this obligation. It pays the Kshs2,500 in time, but counties cannot pay because they lack funds and are not given extra money for that. As a result, these people who work under the scorching sun and walk long distances to promote health services, are not paid on time. Their money is delayed for four to five months. That money should be released immediately.

There is also a lot of duplication of functions. Water, agriculture and health are all devolved functions yet when counties sink water pumps and drill boreholes, Members of the National Assembly take money from the Ministry of Water, Sanitation and Irrigation, and do the same job again. This kind of wastage and duplication must stop. If the money goes to the counties, the same work can be done more efficiently. In fact, about 80 per

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cent of the budget for water, agriculture and health remains at the national level, while what goes to counties is very little. This duplication of projects should be done away with.

Madam Temporary Speaker, on page five, the National Assembly gave reasons for rejecting the Senate amendments. The funny reason cited was limited fiscal space. It says-

“The House noted that increasing the equitable share to county governments to Kshs454 billion for Financial Year 2026/2027 would widen the fiscal deficit and increase borrowing”.

I do not understand that argument. It is a wrong perception. There are other factors increasing borrowing, not the allocation to counties. That is, therefore, not the right message to give to Kenyans. Governors have turned counties into private enterprises where everything is done at the governor’s will. The governor decides where to put water or what to do, instead of following the Appropriations Bill. County assemblies have also failed to provide oversight. It is the assemblies that appropriate funds, yet Senators are the ones forced to say if what is going on in counties is unacceptable. Our assemblies must wake up and improve oversight because they are the ones who appropriate the funds. Fund appropriation must be done properly to meet the required distribution of funds. Funds must go up to sub-counties, wards and locations.

As much as we appreciate that the national government has committed to release money to counties, there are unnecessary delays. Sometimes it takes three to four months for counties to receive funds. The National Treasury holds county money and delays it until counties are forced to borrow from banks at a cost. Banks charge interest on such loans. I therefore request the National Treasury to release funds on time, so that counties can meet their bills.

With those few remarks, I beg to support the Bill.

The Temporary Speaker (Sen. Veronica Maina): Sen. Maanzo, I am giving you the opportunity with the request that you share that time with one more Member from the other side.

Proceed and share with Sen. Sigei. Thank you.

Sen. Maanzo: I will be brief because most points have been made.

This Division of Revenue Bill and the negotiated version still fall below the constitutional threshold for what should go to counties.

There have been serious challenges with delays in releasing money from the National Treasury, and counties cannot perform on time. There are also pending bills dating back to 2013 in all counties, including Makueni. New governors find it difficult to clear those pending bills.

There is also the issue of oversight by this House. Primary oversight is done by county assemblies, while secondary oversight is done by us through audited accounts. Whenever we summon governors, they appear. For example, today, we passed a report by the Committee on Health that visited some counties, including Makueni. We made recommendations on ambulances and other health issues in Makueni County. We will return to these counties, including Makueni, to verify implementation of the report, which will be shared with them.

On funding of counties, there is still a challenge. I associate myself with Sen. Sifuna and say that all devolved functions must be devolved fully. If it is agriculture, functions should not be held in Nairobi. We, in Makeni, deal with mangoes and citrus fruits. When the national government retains certain functions that are not fully devolved, we cannot devolve the functions and fail to have the money follow those functions.

If functions and money are devolved, counties will have enough. In health, if the entire function is devolved in totality with the money, we will achieve devolution. In totality, this version presented today fails the test of the Constitution and the wishes of counties. I oppose it and will vote against it.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Maanzo. Proceed, Sen. Sigei.

Sen. Wakili Sigei: Madam Temporary Speaker, thank you for giving me the opportunity to add my comments on this important Bill. First, I thank the Committee led by the able Chairperson, Sen. Ali Roba, and the team of Senators who were part of the Mediation Committee.

When the Vice-Chairperson was moving this Motion, she took us through the experience they had with our counterparts in the National Assembly, the back-and-forth engagements aimed at enhancing allocation to counties, ultimately reaching Kshs428 billion. Although this is not what we asked for, and not what this House passed, which is Kshs454 billion, it is still an improvement on the previous allocation.

I wish they had stayed longer. From the moving notes, Sen. Faki said they had back-and-forth talks. If every break yielded a billion, we would have gotten more. Nonetheless, I appreciate them. They have done what the rest of us in this House would have wanted.

Madam Temporary Speaker, even as we debate this Bill today, we are doing so as angels because we seek to enhance resources allocated to our counties. Sen. Wambua, while contributing earlier on, made reference to the ugly scenes that we sometimes experience in the course of conducting our oversight mandate before the various committees or even sometimes when we appear physically in the various counties where we are undertaking our oversight role.

Madam Temporary Speaker, why am I saying that? I am saying it because we have put in a lot of energy, as a House, to push additional resources to be allocated to our counties. Of course, as protectors of devolution, under Article 96 of the Constitution, we definitely expect that accountability, which we have said is not an option and, in fact, is not available for any other governor or any other person who is running an institution at the county level, to make a choice whether to be accountable to the Senate or to the public in the positions that they are holding or otherwise.

However, we stand here to fight for additional resources to the counties. We definitely then expect that a similar responsibility goes out to the governors to make sure that whatever resources that we do take out there should be put into good use, so that even as we fight as a House, we know that the beneficiaries are the people who are sitting out there in the counties in terms of service allocations that they are getting.

In the report, I will just try to run specifically to a number of issues which I picked. I would like to deal with the inclusion of Clause 5 of this particular Bill, which cushions the House and also our respective county governments from any kind of

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responsibility that we would be expected to bear in the event of a shortfall of revenue that would be collected. Similarly, in case of any surplus, the requirement that that surplus revenue that would be made available will be utilised to pay debts. This is one of such clauses that the Committee indeed managed to retain because when you look at the conversation that went on in the National Assembly, their rejection was under two headings - revenue shortfalls and national interest obligations.

The Committee, however, managed to make sure that the introduction of Clause 5 is not defeated. Therefore, we would expect that all our county governments, throughout the financial year, will be protected. In the event that there is any shortfall, county governments and the allocations that have been given are not going to be affected. That in itself is one of such responsibilities that the Committee indeed protected devolution and the resources that are available to the county governments.

Madam Temporary Speaker, secondly, and this is also one of the important concerns that has been raised by colleagues, is with regards to the resources on projects which are co-shared by the national government and the county governments. This is the County Aggregation and Industrial Parks (CAIPs), among others, including the issue on-- - I am forgetting the term. It is disappearing. Allow me to correct this. That is, besides the CAIPs and the team that is normally the responsibility of the national government. The issue which colleagues have talked about here in terms of the allocation on those roles that are shared by the county governments and the national governments, it is because of the mistrust, I believe, that has gone out there to the county governments, such that when you talk about the allocation, for instance, of Kshs250 million for purposes of the County Aggregation and Industrial Parks or the Community Health Promoters (CHPs), as well as the Financing Locally-Led Climate Action (FLLoCA) programme.

Yesterday, we had one of the committees where we were subjecting governors, including the Governor of the County of Bomet, where FLLoCA projects which have been funded have been taken over by county governments as though they have been fully funded by the national government. When you look at the regulations that are coming from the National Treasury, these are supposed to be projects managed and handed over to the community upon their completion.

Joint funding is going to continue as is to make sure that we protect these joint projects from being taken over by county governments. Since they are continuously funded, control on the resources that are located is going to protect service delivery and also misuse of these resources. It speaks back to what I said in terms of accountability, for those who are in charge of our counties as well as us at the national level in the role that we are conducting as an oversight House.

The role that this Committee has done; the push that they have maintained to enhance from Kshs415 billion to Kshs428 billion is an improvement of last year's funding. I call upon the colleagues who are also saying that they are not going to support this to change their mind because we have to protect devolution. The reasons that have been advanced by the National Assembly as well as the justifications of our counterparts who sat in the Mediation Committee are sufficient enough to objectively accept the fact that Kshs428billion is in itself an improvement of the amount that we got in the previous year.

Of course, we should encourage the National Assembly to make sure that in the subsequent financial years, this amount goes up. We are looking at this because it has improved from Kshs415 billion to now Kshs428 billion. We definitely look forward to getting additional allocations in the subsequent years because we are protecting devolution. I ask colleagues to support this Bill. It has been brought in good time because there is no way CARA can be dealt with without DORA being passed by this House.

I support.

Sen. Ogola: Thank you, Madam Temporary Speaker, I rise to support the report that has been brought by the Mediation Committee.

The Mediation Committee was established as an alternative dispute resolution method. It came in to bring in the interest of the Senate, which is primarily to protect the interests of our counties.

Two factors have been raised in this report. One is the idea of checking on the funding needs of both the counties and the national government, but for our reason, we are keen on the funding needs of the county governments. The Mediation Committee looked at the realities as they are. We want to tell even members of the National Assembly that all of us, as Kenyans, we live in some counties. Our families are members of some counties and so what affects those counties affects all of us as members, be it you in the Senate or whether you are a member of the National Assembly.

Look at the functions that counties undertake. In a key function such as health, all our families wherever they are you know back at home get services from the hospitals that we have in the counties. We all need to pay attention to counties whether you are in the National Assembly, county or the Senate. Look at the cost of the provision of health. Sometimes it is a pity and we have said it over and over again that most of these functions were never costed. A sector such as health should never be arbitrarily given resources without costing because it is so key to our people.

When you walk around in most of our hospitals, most of the time there are no provisions that should be there. An example is the sub-district hospital in my constituency Ndhiwa. It is a pity that there are complaints in our community now. Either there is no medicine or good attention given to the sick. It is even unfortunate that there are allegations of government hospitals referring patients to private hospitals.

The Temporary Speaker (Sen. Veronica Maina): Sen. Ogola, you will have a balance of 17 minutes when the Motion is next scheduled in the afternoon. We also have a list of Senators that had requested to speak, including Sen. Kinyua, Sen. Mundigi, Sen. Kisang, Sen. Thang'wa, Sen. Ali Roba and Sen. Madzayo. This list will be prioritised when debate on the Motion resumes.

ADJOURNMENT

The Temporary Speaker (Sen. Veronica Maina): Honourable Senators, it is now 1.00 p.m., time to adjourn the House. The Senate, therefore, stands adjourned until later today, Wednesday, 10th June, 2026 at 2.30 p.m.

The Senate rose at 1.00 p.m.