

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 18th April, 2024

Afternoon Sitting

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

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Clerk, do we have quorum? Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

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

PAPERS LAID

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

LEGAL NOTICES ON FISHERIES MANAGEMENT AND DEVELOPMENT

Sen. Seki: Sir, I beg to lay the following Papers on the Table of the Senate, today, Tuesday, 26th March, 2024-

The Fisheries Management and Development (Fish Levy Trust Fund) Regulations, Legal Notice No.52 of 2024.

The Fisheries Management and Development (Marine Fisheries) Regulations, Legal Notice No 53 of 2024.

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REPORTS OF THE AUDITOR-GENERAL ON FINANCIAL
STATEMENTS OF VARIOUS ENTITIES

Report of the Auditor-General on Financial Statements of Kisumu County Social Health Insurance Fund for the year ended 30th June, 2021.

Report of the Auditor-General on Financial Statements of Kisumu County Social Health Insurance Fund for the year ended 30th June, 2022.

Report of the Auditor-General on Financial Statements of Kisumu County Social Health Insurance Fund for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of the City of Kisumu for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of the Kisumu County Education Fund for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Gulf Water Services Company Limited for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Nyanas Water and Sanitation Company Limited for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of the County Government of Kiambu – County Revenue Fund for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of the County Government of Kiambu - Receiver of Revenue for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Kiambu County Health Services Facility Improvement Fund (HSFIF) for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Kiambu Water and Sewerage Company Limited for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Baringo County Executive Mortgage Scheme Fund for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Baringo County Assembly (Staff) Car Loan and Mortgage Fund for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Baringo County Older Persons and Persons with Disability Fund for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of the County Government of Bomet – County Revenue Fund for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Bomet County Bursary Fund the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Bomet County Education Revolving Fund for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Bomet County Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Bomet Municipality for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Municipal Council of Machakos Water and Sewerage Company Limited for the year ended 30th June, 2023.

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Report of the Auditor-General on Financial Statements of Mavoko Water and Sewerage Company Limited for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Kathiani Water and Sanitation Company Limited for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Mwala Water and Sewerage Company Limited for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Matungulu Kangundo Water and Sewerage Company Limited for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Nakuru City for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Nakuru County Executive (Staff) Car Loan Scheme Fund the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Nakuru County Persons with Disabilities Fund for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Nakuru Water Sanitation Services Company Limited for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Nakuru Rural Water and Sanitation Company Limited for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Nawasscoal Company Limited for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Naivasha Municipality for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Naivasha Water and Sanitation Company Limited for the year ended 30th June, 2023.

(Sen. Seki laid the documents on the Table)

The Speaker (Hon. Kingi): Next Order.

NOTICES OF MOTIONS

DEVELOPMENT OF A LAW FOR SOCIAL RISK MANAGEMENT IN INFRASTRUCTURE DEVELOPMENT PROJECTS IN KENYA

The Speaker (Hon. Kingi): Proceed, Sen. Miraj on behalf of Sen. Mumma.

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

AWARE THAT the Constitution has entrenched a strong Bill of Rights in Chapter 4, which recognizes human rights including socio-economic rights and the principle of equality and non-discrimination.

FURTHER AWARE THAT Kenya lacks a policy for guiding the management of these Social Risks in the design and implementation of infrastructure projects.

CONCERNED THAT inadequate attention to social risks in the planning and implementation of development projects at both national and county levels makes them

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unacceptable and end up costing the taxpayer colossal sums of money in suits filed before the courts and tribunals by local communities and affected interest groups seeking protection from such social risks.

NOW, THEREFORE, the Senate resolves that-

(1) The National and County Governments develop a Social Risk Management Policy that outlines the standards, guidelines and procedures for guiding infrastructure and other development projects both at the national and county governments; and

(2) The national executive establishes an independent multi-sectoral agency under the authority of the Cabinet Secretary in charge of Social Security and Protection to design a mechanism that can factor in the inclusion of Social Impact Assessments standards and monitor their implementation in infrastructure and other development projects in Kenya.

The Speaker (Hon. Kingi): Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

The Speaker (Hon. Kingi): Statements pursuant to Standing Order No.56 (1)(b). The Chairperson of the Standing Committee on Information Communication and Technology (ICT).

ACTIVITIES OF THE COMMITTEE ON INFORMATION, COMMUNICATION AND TECHNOLOGY

Sen. Miraj: Mr. Speaker, Sir, I rise pursuant to Standing Order No.56(1) (b) of the Senate Standing Orders to make a Statement relating to the activities of the Standing Committee on Information, Communication and Technology for the period commencing 1st January, 2024 to date.

The Senate Standing Committee on Information, Communication and Technology is established under Standing Order No.228 (3) of the Senate Standing Orders and is mandated to, “consider all matters relating to technology, engineering and electronic research, information, broadcasting and Information, Communications and Technology (ICT) development.”

Mr. Speaker, Sir, during the period under review, the Committee held a total of nine sittings, during which it considered five Statements and four inquiries.

Mr. Speaker, Sir, four Statements were ongoing from the previous reporting period and one Statement was sought from the Committee during the current period. The Committee considered and concluded one of them and is currently considering the remaining four.

In considering the said Statements, the Committee considered the Statements through physical sittings with the stakeholders and the respective Senators who made the requests, while in other instances admitted written submissions and shared the responses with the respective Senators.

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Mr. Speaker Sir, the statement sought by Sen. Cherarkey, MP on the alleged breach of customer data at the Naivas Supermarket was considered by the Committee and concluded.

The Committee is currently pursuing a response from the Ministry of ICT and Digital Economy, the Communication Authority and Safaricom on the Statement regarding the increased number of dropped calls on the mobile network telecommunication service provider, Safaricom, requested by Sen. Methu, MP.

Mr. Speaker, Sir, the Committee is currently conducting the following inquiries:

(1) Inquiry into the Digital Assets Infrastructure in Kenya and will table a report once it is concluded.

(2) Inquiry into the Critical Telecommunication Infrastructure in the country.

(3) Inquiry into the establishment of Digital Infrastructure and Data Centres in the country.

(4) Inquiry into the operation of Integrated Financial Management Information System (IFMIS) and other County Revenue Collection and Management Systems.

Mr. Speaker, Sir, the Committee during this reporting period, concentrated on the Inquiry into the operation of IFMIS and other County Revenue Collection and Management Systems and had meetings with the Controller of Budget, the Auditor-General and the Chairperson, Commission on Revenue Allocation (CRA).

The Committee is scheduled to meet the Council of Governors (COG), the National Treasury and the Kenya Revenue Authority (KRA).

Mr. Speaker, Sir, the Committee conducted its Stakeholder engagement and networking retreat from 8th to 13th April, 2024 and met with the Ministry of Information, Communication and Digital Economy to understand the ICT sector-specific policy directions for each State Department and Agency, identify legislative gaps, identify the priority areas for the 13th Parliament and possible proposals and opportunities for collaboration and cooperation with the various stakeholders.

The Committee is scheduled to conduct an engagement retreat with the private sector and development partners to better understand their perspectives on strengthening ICT sector policies and legal frameworks, collaborative opportunities for policy implementation and policy implications, and regulatory frameworks for emerging technologies.

Furthermore, the Committee will use the event to meet with stakeholders in the telecommunications sector to deliberate on navigating the telecom sector from a regulatory perspective.

Mr. Speaker, Sir, as I conclude, the Committee intends to conduct a fact-finding visit to various counties, to establish the extent of coverage of the National Optic Fibre Network Backhaul Initiative (NOFBI) to county headquarters, county assemblies, Government offices, primary and secondary schools. This is to ensure that access to online services is available to all.

In conclusion, I thank your office and that of the Clerk of the Senate for the continuous support accorded to the Committee in undertaking its work.

Lastly, I also wish to thank the Members of the Committee for their commitment and diligence in contributions during the Committee activities.

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I thank you.

The Speaker (Hon. Kingi): The Chairperson, Justice, Legal Affairs and Human Rights, you may have the Floor.

ACTIVITIES OF THE COMMITTEE ON JUSTICE,
LEGAL AFFAIRS AND HUMAN RIGHTS

Sen. Wakili Sigei: Thank you, Mr. Speaker, Sir. This is the Statement on the activities of the Committee for the period 13th February, 2024 to 15th April, 2024, pursuant to Standing Order No. 56(1) (b) of the Senate Standing Orders.

Mr. Speaker, Sir, I rise pursuant to that Standing Order to enumerate the sittings and the report of the Committee during the period under reference.

The Committee held 15 sittings at which it considered various legislative businesses as set out below -

Legislative proposals - The Committee conducted pre-publications scrutiny on two legislative proposals, which were referred to the Committee Pursuant to Standing Order No.130(3)(a) of the Senate Standing Orders.

These two-scrutiny pre-publications are-

(a) The County Governments (State Officers' Removal from Office) Procedure Bill, 2023, sponsored by Sen. Karungo Thang'wa, MP, and;

(b) The Advocates (Amendment) Bill, 2024, sponsored by Sen. Mogeni Erick Okong'o, SC, MP.

Mr. Speaker, Sir, the Committee concluded consideration of the legislative proposals and submitted its comments to the Hon. Speaker of the Senate, paving way for publication of the legislative proposal as Bills.

The Committee is further in the process of considering the draft Constitution of Kenya (Amendment) Bill, 2024 sponsored by Sen. Samson Cherarkey, MP and it projects to transmit its comments on the Bill within the coming week.

Mr. Speaker, Sir, under Bills, the Committee considered three Bills during the period under review. That is -

(1) The Statutory Instruments (Amendment) Bill (National Assembly Bills No.2 of 2023).

(2) The Conflict of Interest Bill, 2023 (National Assembly Bills No.12 of 2023).

(3) The Constitution of Kenya (Amendment) (No.2) Bill (Senate Bills No.52 of 2023).

The Committee concluded consideration of the first two Bills and tabled the reports thereon. In the case of the Constitution of Kenya (Amendment) Bill, the Committee held a meeting with the key stakeholders on Monday 15th April, 2024, to receive submissions and deliberate on the Bill.

The Committee has further scheduled a public hearing on the Bill in early May, following which, we shall finalise on the Committee report for tabling.

Under statements, the Committee considered four Statements during the reporting period. These are -

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(1) Statement sought by Sen. Hamida Kibwana, MP on gender-based violence incidents in the political space in Kenya.

(2) Statement sought by Sen. Mohamed Chute, MP on the status of court construction projects in Kenya.

(3) Statement sought by Sen. Tabitha Mutinda, MP on the assault of a female passenger by a matatu conductor along Thika Road.

(4) Statement sought by Sen. Edwin Sifuna, MP on the predicament of Master Austin Karanja, a minor with hearing impairment, who was mauled by school dogs on 28th October, 2023 at the Isinya School for the Deaf.

The Committee concluded consideration of the first Statement. In the case of the other three, we have invited written responses and scheduled meetings in the coming weeks to interrogate the responses received from the concerned line Ministries and agencies.

Mr. Speaker, Sir, under petitions, the Committee presently is considering two Petitions namely -

(1) Petition by Ms. Christine Njoki Mweru concerning incomplete investigations and failure to arrest and prosecute suspects involved in the abduction and disappearance of Mr. Joshua Gichuki Mwangi.

(2) Petition by Mkupuo Network Awareness concerning implementation of an award by the Environmental and Land Court for compensation and land resettlement.

Mr. Speaker, Sir, the Committee is scheduled to meet the respective petitioners and other stakeholders in the coming weeks following which it will prepare its report for tabling before the House.

Implementation of the recommendation contained in the report for the National Dialogue Committee (NADCO) and the Multi Sectoral Working Group (MSWG) on the implementation of the two-thirds gender principle:

Mr. Speaker, Sir, following the Communication from your desk that you issued on the 25th March, 2024, the Standing Committee on JLAC has held several meetings with our counterparts from the National Assembly on the implementation of the recommendations contained in the NADCO and MSWG reports.

To this end, six of the Bills proposed under the NADCO Report have since been published and are at various stages of consideration. These Bills are:-

(1) The Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bills No.10 of 2024).

(2) The Ethics and Anti-Corruption Commission (Amendment) Bill (National Assembly Bills No.11 of 2024).

(3) The Election Offences (Amendment) Bill (Senate Bills No.9 of 2024).

(4) The Statutory Instruments (Amendment) Bill (Senate Bills No.10 of 2024).

(5) The Elections (Amendment) Bill (Senate Bill No.11 of 2024).

(6) The Political Parties (Amendment) Bill (Senate Bills No.13 of 2024).

The first two Bills were introduced in the National Assembly and we expect that they will be referred to the Senate in the coming weeks, while the other four Bills were read a First Time in the Senate yesterday and committed to our Committee for consideration.

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Additionally, we are deliberating on the framework for implementation of the proposals to amend the Constitution as contained in the NADCO and MSWG Reports, including matters relating to elections, the establishment of State offices and special funds, and implementation of the two-thirds gender principle in Parliament.

Mr. Speaker, Sir, in fact, as we speak right now, there is an ongoing joint meeting between the JLAC of the National Assembly and the Senate for purposes of considering public participation on the Independent Electoral and Boundaries Commission (IEBC) draft Bill.

I want to assure this House, and indeed all Kenyans, that this an assignment that we take very seriously. We shall in the coming weeks be tabling our Joint Report in the two Houses, proposing the framework for implementation of the resolutions and recommendations contained in the NADCO and MSWG Reports.

On other activities by the Committee, during the period under reference, the Committee further -

(1) Hosted and held deliberations with a visiting delegation of Murang'a County Assembly Committee on Governance, Labour, Justice and Legal Affairs.

(2) Held engagements with various stakeholders during consideration of legislative business before the Committee.

Mr. Speaker, Sir, in conclusion, I wish to thank your office for the support accorded to the Committee in undertaking its work.

I also wish to acknowledge the immense secretariat support that the Committee has received from the office of the Clerk.

Lastly, I wish to commend the Members of the JLAC Committee who have been very diligent in executing the work of the Committee.

I thank you.

The Speaker (Hon. Kingi): The Chairperson Standing Committee on Labor and Welfare.

ACTIVITIES OF THE COMMITTEE ON LABOUR AND SOCIAL WELFARE

Sen. Mbugua: Mr. Speaker, Sir, I rise pursuant to Standing Order No.56(1)(b) of the Senate Standing Orders to make a Statement relating to the activities of the Standing Committee on Labour and Social Welfare for the period commencing 1st January, 2024 to date.

Mr. Speaker, Sir, the Senate Standing Committee on Labour and Social Welfare is established under Standing Order No.228(3) of the Senate Standing Orders and is mandated to consider all matters related to manpower in human resources planning, pension, gender, culture, social welfare, youth, National Youth Service (NYS), children's welfare, national heritage, betting, lottery, sports, public entertainment, public amenities and recreation.

During the period under review, the Committee held a total of 15 sittings, during which it considered 41 Statements and one Bill. The Committee did not consider petitions

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during this period as it concluded and tabled reports on all the six Petitions committed to the Committee in the Second Session.

Mr. Speaker, Sir, 29 Statements were ongoing from the previous reporting period and 12 Statements were sought from the Committee during the current period.

The Committee considered and concluded four of them and is currently considering the remaining ones. The Committee considered the six Statements, through physical meetings with stakeholders and the respective Senators who made the requests. While in other instances, the Committee admitted written submissions and shared responses with the respective Senators.

Mr. Speaker, Sir, the Committee received a response of the Statement sought by Sen. Samson Cherarkey, MP, on the implementation of the Report on a Petition on alleged fraud by First Choice Recruitment and Consultancy Agency Limited and shared it with the Senator. This is a matter that the Committee is still actively pursuing.

The Committee is currently sending out reminder letters on its pending Statements and has scheduled meetings on some of them as follows-

(a) On Thursday, 25th April, 2024, the Committee will meet with the Teachers Service Commission (TSC) and the management of the Kenya National Union of Special Needs Education Teachers (KUSNET) on the Statement sought by Sen. Crystal Asige, MP, regarding the registration of teachers with disability by KUSNET.

(b) On Tuesday, 30th April, 2024, the Committee will meet with the National Treasury on the Statement regarding the payment of one-off honorarium for former councillors by Sen. Enock Wambua, MP and the Statement regarding the delayed payment of the Kenya Railways pensions by Sen. Mwaruma Johnes, MP.

(c) On Thursday, 2nd May, 2024, the Committee will meet with the management of the National Fund for the Disabled of Kenya (NFDK) on the legal structure and operations of the Fund.

(d) On Thursday, 7th May, 2024, the Committee will meet the Ministry of Youth Affairs, Creative Economy and Sports on the various Statements before the Committee.

Mr. Speaker, Sir, the Committee has considered the following proposals and recommended them for publication-

(i) The Labour Relations (Amendment) Bill, 2024 by Sen. Eddy Oketch, MP.

(ii) The Labour Relations (Amendment) Bill, 2024 by Sen. Miraj Abdirahman, MP.

(iii) The Sports (Amendment) Bill, 2024 by Sen. (Prof.) Tom Ojienda, MP and Sen. Raphael Chimera, MP.

On Bills, during this reporting period, the Committee considered the Gambling Control Bill (National Assembly Bills No.70 of 2023) and tabled reports on the Bill. The Committee also considered the Public Service (Values and Principles) (Amendment) Bill (National Assembly Bills No.46 of 2022) and tabled its report on the same.

Mr. Speaker, Sir, the Committee is scheduled to hold various stakeholder engagements including with the Ministry of Public Service, Performance and Delivery Management, the State Department of Gender, the State Department of Social Protection

and the National Council of Persons with Disability (NCPD) on various issues that are its mandate.

Mr. Speaker, Sir, I wish to thank your Office and that of the Clerk of the Senate for the continued support accorded to the Committee in undertaking its work.

Lastly, I wish to thank the Members of the Committee for their commitment and diligence in contributions during the Committee's activities.

I thank you.

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

ACTIVITIES OF THE COMMITTEE ON AGRICULTURE,
LIVESTOCK AND FISHERIES

Sen. (Dr.) Murango: Mr. Speaker, Sir, I rise pursuant to Standing Order No.56 1(b) of the Senate Standing Orders to make a Statement relating to the activities of the Standing Committee on Agriculture, Livestock and Fisheries during the First Part of the Third Session, January to April, 2024.

The Senate Standing Committee on Agriculture, Livestock and Fisheries is established under Standing Order No.228(3) of the Senate Standing Orders. It is mandated to consider all matters relating to agriculture, irrigation, livestock, fisheries development and veterinary services.

During the period under review, the Committee held a total of 27 sittings, during which it considered three Bills, 20 Statements, two public Petitions and tabled one Report.

During the period under review, the Committee did not consider any legislative proposal.

Mr. Speaker, Sir, during the period under review, the Committee considered the following two Bills:

(a) The Sugar Bill (National Assembly Bills No.34 of 2022). This Bill was referred to the Committee on 31st October, 2023. Following its introduction in the Senate by way of First Reading, the Committee facilitated public participation pursuant to provisions of Article 118 of the Constitution and Standing Order No.145(5) of the Senate Standing Orders through a public advert requesting written memoranda.

The Committee met with the Council of Governors (CoGs), the Ministry of Agriculture, Livestock Development, Kenya Agricultural and Livestock Research Organization (KALRO), National Federation of Sugarcane Manufacturers and Kenya Sugar Farmers Association and the Commodities Fund.

The Committee conducted public participation of the Bill in Kakamega, Bungoma, Busia and Kisumu Counties. The Committee thereafter tabled the report on 27th March, 2024.

(b) The Nuts and Oil Crops (Senate Bills No.47 of 2024). This Bill was read a First Time on 14th February, 2024. The Committee facilitated public participation pursuant to the provision of Article 118 of the Constitution and Standing Order No.

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145(5) of the Senate Standing Orders, through a public advert requesting for written memoranda.

The Committee received submissions from the COGs, Nature Kenya and the Law Society of Kenya (LSK). The Committee will conduct public participation on the Bill in various counties from 2nd to 13th May, 2024.

(c) The Rice Bill (Senate Bills No.19 of 2023). This Bill was read a First Time on 4th May, 2023. The Committee facilitated public participation was pursuant to the provisions of Article 118 of the Constitution and Standing Order No. 145(5) of the Senate Standing Orders through a public advert requesting written memorandum. The Committee will conduct public participation on the Bill in rice-growing counties and thereafter table its report.

On Statements, during the period under review, 20 Statements were sought from the Committee. The Committee has concluded nine Statements having received responses, which were shared with the requesting Senators who were satisfied with the responses.

The Statements are-

(a) Statement on provision of agricultural extension services in Kisumu County by Sen. (Prof.) Tom Ojienda, MP.

(b) Statement on the state of coffee industry in Kisumu County by Sen. (Prof.) Tom Ojienda, MP.

(c) Statement on delayed payment to enumerators and village elders engaged in data collection for the farmers' registration exercise in Nyandarua County by Sen. John Methu, MP.

(d) Statement on promotion of fish farming in Kisumu County, requested by Sen. (Prof.) Tom Ojienda, MP.

(e) Statement on the distribution of maize dryers to farmers by Sen. Allan Chesang, MP.

(f) Statement on alleged shortage of certified seeds supply to farmers by Sen. Alexander Munyi Mundigi, MP.

(g) Statement on the state of livestock sector in Kenya by Sen. Abass Sheikh, MP.

(h) Statement on subsidization of farm inputs by the Government by Sen. Allan Chesang, MP.

(i) Statement on the shortage of suitable fertilizer and seed varieties for farmers in Bungoma County by Sen. David Wakoli, MP. The response was shared with Senator but yet to state if satisfied or not.

Mr. Speaker Sir, the following nine Statements are yet to be responded to by the Ministry of Agriculture, Ministry of Water, Sanitation and Irrigation and the Governor Kakamega County.

(a) Statement on safeguarding the stability of the Agricultural sector by Sen. Julius Murgor, MP.

(b) Statement on the stalled Government irrigation projects in Embu County by Sen. Alexander Mundigi, MP.

(c) Statement on the Statement on the planned importation of sugar by Sen. Edwin Sifuna, MP.

(d) Statement on the non-implementation of the Presidential Order on the establishment of the National Livestock Development and Promotion Services by Sen. Abass Sheikh, MP.

(e) Statement on the failure to compensate farmers in Embu County by Sen. Alexander Munyi Mundigi, MP.

(f) Statement on distribution of subsidized fertilizer to farmers in the North Rift and other parts of the Country by Sen. Samson Cherarkey, MP.

(g) Statement on the purchase of cereals by National Cereals and Produce Board (NCPB) from the farmers in Embu County by Sen. Alexander Mundigi, MP.

(h) Statement on the distribution of fake fertilizer to farmers in Kakamega County and various parts of the country by Sen. (Dr.) Boni Khalwale, MP.

(i) Statement on the completion of the Isiolo Export Abattoir by Sen. Fatuma Dullo, CBS, MP.

Mr. Speaker, Sir, the following two Statements have been responded to and shared with the Senators, but they are not satisfied. The two Statements are:

(a) Statement on vaccine production and distribution at the Kenya Veterinary Vaccines Production Institute (KEVEVAPI) by Sen. Mohamed Chute, MP.

(b) Statement on existence of an Artificial Insemination (AI) goat centre in Ahiti Ndomba in Kirinyaga County by Sen. Mohamed Chute, MP.

The Committee will hold a meeting with the KEVEVAPI to conclusively address the questions raised in Statements.

Moving on to petitions, the Committee considered two petitions:

(a) Petition on the Ethics and Anti-Corruption Commission (EACC) graft investigation on West Kano Irrigation Scheme.

(b) Petition on the catastrophic maize diseases that farmers in Bomet County have endured for the last 12 years.

On the Petition regarding the EACC graft investigation on West Kano Irrigation Scheme, the Committee has met with the petitioner, Chairperson of the EACC, the Governor of Kisumu County and the leadership of West Kano Irrigation Scheme, who had been adversely mentioned.

The Committee considered submissions from the Kenya National Trading Corporation (KNTC) and the National Irrigation Authority (NIA) and resolved to invite all the stakeholders involved to another meeting scheduled for 23rd April, 2024.

On the Petition regarding the catastrophic maize diseases that farmers in Bomet County have endured for the last 12 years, the Committee has met with the Petitioner and will invite all the stakeholders on 30th April, 2024, and thereafter, visit Bomet and Nandi counties.

Moving on to Stakeholder engagements, Mr. Speaker Sir, the Committee attended a high-level parliamentary meeting on enhancing agri-food systems transformation on 1st and 2nd February, 2024, and a workshop on agricultural produce cess and other market related levies on 22nd and 23rd March, 2024.

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The Committee is conducting an inquiry into the distribution of fake fertilizer in various parts of the country. Members of the Committee watched an exposé titled; “Fertiliser Deception” by Africa Uncensored. Following this, the Committee resolved to visit depots in various counties and met with the affected farmers.

The Committee, thereafter, met with the Cabinet Secretary, the Ministry of Agriculture and Livestock Development, the National Cereals and Produce Board (NCPB), the KNTC and the Silica Booster Innovate Manufacturers Limited.

The Committee will this Friday, 19th April, meet with the Kenya Bureau of Standards (KEBS) Kel Chemicals Limited, Mems Distributors Limited and all other companies that supplied fertiliser under the Government Fertilizer Subsidy Programme and, thereafter, table its report.

Mr. Speaker, Sir, in conclusion, I wish to thank your Office and that of the Clerk of the Senate for the continuous support accorded to the Committee in undertaking its work. I also wish to thank Members of the Committee for their commitment and diligence in their contribution during the Committee activities.

I thank you.

The Speaker (Hon. Kingi): The next Statement is by the Chairperson of the Standing Committee on Health.

Where is Sen. Mandago? I thought I saw him in the House!

Sen. Mandago: I am here, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Proceed.

ACTIVITIES OF THE COMMITTEE ON HEALTH

Sen. Mandago: Mr. Speaker, Sir, this is a Statement relating to the activities of the Standing Committee on Health, from 13th February, 2024, to 28th May, 2024.

Mr. Speaker, Sir, I rise pursuant to Standing Order No.56(1)(b) of the Senate Standing Orders to make a Statement relating to the activities of the Standing Committee on Health during the Part I of the Third Session of the 13th Parliament.

The Standing Committee on Health is established under Standing Order No.228 (3) of the Senate Standing Orders and is mandated to consider all matters relating to medical services, public health and sanitation.

During the period under review, the Committee held 16 sittings, during which it considered one Bill, one inquiry, undertook one county visit and held one stakeholder engagement.

Concerning the Bills, during the period under review, the Cancer Prevention and Control (Amendment) (No.2) Bill (National Assembly Bills No.45 of 2022) was committed to the Committee on Thursday, 28th March, 2024. The Committee is waiting for memoranda submissions for consideration and intends to lay its report thereafter.

The Committee has concluded on the following Bills and the reports are undergoing approval process for tabling by Tuesday, 23rd April, 2024:

- (a) The Community Health Services Bill (Senate Bills No.4 of 2023).
- (b) The Maternal, Newborn and Child Health Bill (Senate Bills No.17 of 2023).
- (c) The E- Health Bill (Senate Bills No.32 of 2023).

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On petitions, Mr. Speaker, Sir, the Committee has concluded its consideration of the Petition by Kenyatta University medical students on the engagement and use of Kenyatta University Teaching, Referral and Research Hospital (KUTRRH) by medical students at Kenyatta University. A report on this has been compiled and is awaiting adoption by the Committee.

Moving to Statements, during the period under review, the Committee considered and sought responses on the following 10 Statements as follows–

(a) Statement by Sen. Hamida Kibwana, MP, on the circumstances that led to the amputation of baby Jennifer Mwasi’s hand at Wesu Hospital in Taita-Taveta County.

(b) Statement by Sen. Hamida Kibwana, MP, on the absence of a databank for unclaimed bodies in Kenya.

(c) Statement by Sen. Joe Nyutu, MP, on the state of medical equipment supplied by Megascop to Level 5 Hospitals across the country.

(d) Statement by Sen. Fatuma Dullo, MP, on the operational state of the Isiolo County Referral Hospital Morgue.

(e) Statement by Sen. David Wakoli, MP, on the assessment of policy on the availability and supply of medical oxygen in Kenya.

(f) Statement by Sen. Gloria Orwoba, MP, on the inadequate bed capacity at Mbagathi and Mama Lucy hospitals in Nairobi City County.

(g) Statement by Sen. Kathuri Murungi, MP, on the delayed remittance of funds by the National Health Insurance Fund (NHIF) to health facilities.

(h) Statement by Sen. George Mbugua, MP, on the expected impact of trained and experienced nurses seeking jobs abroad on nursing services in hospitals countrywide.

(i) Statement by Sen. Joseph Kamau Githuku, MP, on the poor state of healthcare in Lamu County.

(j) Statement by Sen. Miraj Abdulrahman, MP, on the healthcare provision to teenage and adolescent mothers in public healthcare facilities.

The Statements are pending consideration by the Committee. Correspondences on the pending Statements have been forwarded to the relevant stakeholders.

Mr. Speaker, Sir, during the period under review, the Committee finalised its inquiry into alleged irregularities in procurement of Long-Lasting Insecticidal Mosquito Nets (LLINs) by the Kenya Medical Supplies Authority (KEMSA). A report on this has been compiled and is awaiting adoption by the Committee.

Further to the above, the Committee has resolved to open inquiries into the following topical issues of concern during this session–

(a) Inquiry into the access and provision of oxygen in emergency care facilities in the country.

(b) Inquiry into the circumstances that led to the amputation of Baby Yasir Ridhwan’s fingers at Kerugoya County Referral Hospital.

(c) Inquiry into the death of Wakili Macharia J. M. at Murang’a Level Four Hospital.

(d) Inquiry into pending bills and fraudulent claims at the NHIF.

(e) Inquiry into exchequer funding for delivery of community health services by Non-State Actors (NSA).

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Moving on to stakeholder engagements and workshops, during the period under review, the Committee, in collaboration with the Senate Liaison Office (SLO), held one stakeholder engagement with Westminster Foundation for Democracy (WFD), a United Kingdom (UK) public body dedicated to supporting democracy around the world, and working with parliaments, political parties and civil society groups to help make countries political systems fairer, more inclusive, accountable and transparent, in its quest to implement post-legislative scrutiny as a monitoring and evaluating tool on health related laws, not only national, but also county laws, with a particular focus on the Health Act, 2017.

Next is county visits. Ordinarily, committees execute bulk of their work in the committee rooms within the precincts of Parliament. However, occasions do arise when it is necessary to augment the evidence gathered within the precincts with site visits. Site visits, apart from providing first-hand evidence, do avail the opportunity for intensive oversight and extended public participation.

Accordingly, during the Second Session, the Committee undertook inspection and familiarization visits to seven counties, including Kisii, Nyamira, Bomet, West Pokot, Trans Nzoia and Turkana. The reports of the said visits have been compiled and are awaiting adoption by the Committee. The Committee further commits to undertake additional visits of all the remaining counties during the Third and Fourth Sessions.

Moreover, on Monday, 25th March, 2024, the Committee undertook an inspection and familiarization visit to Nairobi City County, arising from Statements sought by fellow Hon. Members and the general outcry over the deplorable state of healthcare services in certain health facilities in Nairobi City County.

The Committee intends to undertake another visit to Nairobi City County and, thereafter, will present its findings to the House.

In conclusion, Mr. Speaker, sir, I wish to thank your Office and that of the Clerk for the support accorded to the Committee in undertaking its work. I also wish to acknowledge the support of the hon. Members of the Committee and this House for the support.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Statement pursuant to Standing Order No.52.

The Hon. Mwinyihaji Faki.

HALI NGUMU NA UNYANYASAJI WA
WAFANYIKAZI EPZ

Sen. Faki: Asante sana Bw. Spika. Nimesimama kuambatana na Kanuni za Kudumu za Seneti 52(1) kutoa kauli kuhusu jambo linalohusu kaunti nzima, kuhusiana na hali ngumu za kazi na kunyanyaswa kwa wafanyikazi wa *Export Processing Zones (EPZ)* hususan wafanyikazi wa Ashton Apparels Mjini Mombasa.

Kuna mashirika mengi ambayo yamefungua biashara ili kusafirisha bidhaa kwenda masoko ya Marekani kupitia kwa mpango wa *African Growth and Opportunity Act (AGOA)* ambayo ni sera maalum ya Serikali ya Marekani inayochukua bidhaa kutoka nchi za Afrika.

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Lakini fursa hii imekuwa ni sababu ya baadhi ya mashirika yanayo faidi kutokana na mpago huu kukandamiza haki za wafanyikazi, hivyo basi kuhujumu sekta hii ambayo inatoa ajira kwa Wakenya wengi. Kumekuwa na visa tele vya ukandamizaji wa haki za wafanyikazi mikononi mwa mashirika haya kama ifuatavyo -

(i) Kuzuiliwa kwa wafanyikazi kujiunga na chama cha kutetea haki zao na kupelekea waliojiunga na vyama hivyo kupoteza kazi zao;

(ii) Hujuma za kijinsia ambazo kina dada wanalazimishwa kushiriki tendo la ngono na waajiri au wasimamizi wa kampuni ili kupata ajira;

(iii) Kufanyishwa kazi kwa muda mrefu bila kupewa barua za uajiri;

iv) Ubaguzi na ukabila ambapo jamii moja pekee ndio inafanya kazi katika kimoja maalum kwa kampuni hiyo;

v) Kufanyishwa kazi kwa muda mrefu katika mazingira duni yenye msongamano na vumbi, kupelekea afya za wafanyikazi kuwepo hatarini na kupata magonjwa;

vi) Mishahara duni inayolipwa na mashirika hayo, basi kunyanyasa Wakenya; na pia,

Vii) Hali tete iliyopo katika mashirika haya ambapo wafanyikazi hawajui hatima ya siku za baadaye.

Majuzi wafanyikazi wa Kampuni ya Ashton Apparels iliyoko katika eneo Bunge la Changamwe mjini Mombasa walifanya mgomo kutetea haki yao ya kujiunga na chama cha wafanyikazi. Wafanyikazi hao walitimuliwa na maafisa wa polisi wakisaidiwa na Naibu Kamshna wa Kata Ndogo ya Changamwe bila ya kuwa na kosa lolote.

Licha ya viongozi wa Mombasa kuingilia swala hilo, shirika limekataa kukubaliana na wafanyikazi, hivyo basi kupelekea wafanyikazi 2,000 kusimamishwa kazi. Serikali ya Marekani inazingatia kwa makini haki za wafanyikazi. Iwapo swala hili halitatatuliwa kwa haraka, Kenya iko hatarini kupoteza fursa hii ya mpango wa AGOA ambao ni muhimu vilevile kwa uchumi wa taifa.

Tayari nchi kadhaa za Bara Asia zimepoteza fursa hii kwa sababu ya kutozingatia haki za wafanyikazi. Hili swala ni zito. Ninapendekeza Kamati ya Kudumu ya Leba na Ustawi wa Jamii ifuatilie ili wafanyi kazi wasidhulumiwe.

Asante.

The Speaker (Hon. Kingi): Statement pursuant to Standing Order No.53 (1).

Hon. Karen Nyamu.

TRAFFIC CONGESTION IN NAIROBI CITY COUNTY AND ITS ENVIRONS

Sen. Nyamu: Mr. Speaker, Sir, I rise pursuant to Standing Order 53 (1) to seek a Statement from the Standing Committee on Roads, Transportation and Housing regarding the traffic congestion in Nairobi City and its environs.

In the Statement, the Committee should -

(i) State the major causes of traffic congestion in Nairobi City County and its environs highlighting the roles played by the Public Service Vehicles, private motorists and other classes of vehicles in increasing the congestion.

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(ii) Report on initiatives undertaken by both the National and county governments to alleviate the traffic congestion in the city, considering the negative impacts of traffic jams on productivity and the economy.

(iii) Provide an update on the progress of the implementation of the Bus Rapid Transit System (BRT) project, including the total project expenditure to date, the contracted companies responsible for the project execution and the projected timelines for completion and handing over for public use.

(iv) Outline any measures implemented by the Government to increase the availability of parking spaces within Nairobi City County.

I thank you.

The Speaker (Hon. Kingi): Statement pursuant to Standing Order No.57(1).

The Senate Majority Leader.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 23RD APRIL, 2024

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I rise pursuant to Standing Order No. 57(1) to hereby present the business of the Senate for the week commencing 23rd of April, 2024.

Before I present this Statement, allow me to use this opportunity to welcome colleagues back from the short recess period. I believe that we have had some time to meet our constituents, spend time with our families and friends, rejuvenated over both the Easter and Ramadan holidays and are now ready to work for the people of Kenya.

At the close of the First Part of the Third Session, 36 bills were pending conclusion in the Senate. Over the last two days, five other Bills were read the First Time and in addition to the one in the Order Paper today, 42 Bills will be pending before the Senate.

Out of these Bills, 10 Bills have been scheduled at Order Nos.8 to 18 in today's Order Paper. From the foregoing, we have resumed regular sittings with our in-tray already full. Let us redouble our efforts collectively and individually, whether in the Committee or in Plenary, to ensure that the business before the Senate is dispensed with expeditiously.

With respect to other businesses before the Senate, 15 Motions are pending conclusion, while 24 Petitions are pending before the respective Standing Committees. Additionally, 336 statements are pending before the respective Standing Committees. I urge the Committees responsible for the Petitions and Statements to expeditiously conclude these matters.

Mr. Speaker, Sir, I can see the Deputy Minority Whip and the Majority Whip. I think he has stepped out, but he was here. I want to urge the offices of the Whips to assist us next week because this week we have not succeeded in carrying out any delegation-leading votes due to quorum hitches.

Therefore, I humbly request or direct - not request - Sen. Sifuna, yes, and Sen. (Dr.) Khalwale, to do their best to ensure that this Senate lives up to its billing.

Sen. Sifuna: On a point of Order, Mr. Speaker, Sir.

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The Speaker (Hon. Kingi): Sen. Sifuna, that was in good faith, honestly. Proceed, Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): I do not want to make another positive comment on Sen. Sifuna, because I am not sure whether he will understand, or he will challenge me again.

At its meeting held on Tuesday 16 April, 2024, the Senate Business Committee (SBC) approved the next set of Questions to be scheduled in the Order Paper for Wednesday 24 April, 2024. The summary of the questions is the Cabinet Secretary to appear as follows;

Question No.25, the Cabinet Secretary for Gender, Culture, Arts and Heritage by Sen. James Murango on the establishment of public libraries in 47 counties; Question No.37, to the Cabinet Secretary for Foreign Affairs by Sen. (Dr) Bonnie Khalwale on the welfare of Kenyans working in the Gulf States; and, Question No.40, to the Cabinet Secretary for Foreign Affairs by Sen. Ojienda on the obligations of Government of Kenya to Kenyans in the Diaspora who face arrest, detention or deportation.

In conclusion, Mr. Speaker, Sir, I take this opportunity to appreciate all the hon. Senators for their vigour and display at the start of the Second Part of the Session and to encourage the same spirit throughout this Part of the Session.

I thank you and do hereby lay the Statement on the Table of the Senate today, Thursday 18th April, 2024.

I thank you.

(Sen. Cheruiyot laid the document on the table)

BILL

First Reading

THE LAND (AMENDMENT) BILL (NATIONAL
ASSEMBLY BILLS NO.40 OF 2022)

*(Order for the First Reading read- Read the
First Time and ordered to the referred to the relevant
Senate Committee)*

The Speaker (Hon. Kingi): Now, Hon. Senators, you will allow me to rearrange the sequence of today's Order Paper. We will proceed to Order No.13, dispense with that before we resume the natural flow of today's Order Paper.

Clerk, proceed to call that Order, please.

BILL*Second Reading*THE GAMBLING CONTROL BILL (NATIONAL
ASSEMBLY BILLS NO.70 OF 2023)*(Sen. Cheruiyot on 17.4.2024)**(Resumption of debate interrupted on 17.4.2024)*

The Speaker (Hon. Kingi): At the interruption of debate, Sen. Mungatana had the Floor and had a balance of 13 minutes. He is not in the House, so we will proceed.

Sen. Crystal Asige, you have the Floor.

Sen. Cristal Asige: Thank you very much, Mr. Speaker, Sir, though I had pressed the microphone to comment on the Statements just read.

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

(Sen. Orwoba spoke off record)

Sen. Onyonka, you may proceed.

(Sen. Onyonka spoke off record)

The Speaker (Hon. Kingi): All right then. I will call upon the Mover to reply.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. I want to thank colleagues who took the time to speak to this very important Bill. This is an important industry, and I must mention that Sen. Sifuna decided to take my comments out of context yesterday when I said that I do not understand gambling. He decided to say that I am moving a Bill that I have no idea what it is about. Of course, he chose to misinterpret my comments, but I am sure the only thing that he knows better than me in that industry is how to place a bet. Beyond that, we are the same.

As I explained, this is a very complex industry, in which many of our young people find themselves engaged in one way or the other. It is important because in this House, apart from being leaders, many of us are also parents. Some of us have children the age of Sen. Sifuna and I, and they are Members of this House. So, we must pass legislation that secures the prosperity of our future generations.

Therefore, I am particularly impressed that the setting up of this authority, as many colleagues did agree, will help to curtail bad betting and gambling behaviors that are creeping into our society. I am extremely glad also that many of my colleagues who spoke on this matter agreed that they shall be sponsoring amendments about particularly two issues that I raised.

One is on the fines for violations of various provisions of this Bill, which we all agree was too low to force compliance at Kshs1 million. The Second was to conform the

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board to the tenets of devolution and ensure that the Council of Governors (COG) has better representation than what is presently in the Bill.

Therefore, I want to take this opportunity to urge those colleagues who have promised to file these amendments to do so. I intend to perhaps progress the Bill later next week, subject to the membership of the House being quorate, to ensure that we have enough numbers.

However, before then, I want to request all those who made their submissions and in one way or the other felt that the Bill would have been better if this or the other aspect of it was changed.

Mr. Speaker, Sir, with those very many remarks, I beg to reply, and according to Standing Order No.66 (3), request that you defer the putting of the question until a later time.

I thank you.

The Speaker (Hon. Kingi): Very well. The division on this Bill is deferred to a later date.

(Putting of the Question on the Bill deferred)

We will proceed with Order No.14.

Clerk, proceed to call that Order, please.

BILL

Second Reading

THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO.25 OF 2023)

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

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I rise to move the County Governments (Amendment) Bill (Senate Bills No.25 of 2023).

Mr. Speaker, Sir, this is a very straightforward amendment, and thank you for allowing me to move. I have been waiting for long, but I understand the order of the business keeps changing and this is just a way of improving, enhancing widening and deepening the devolution.

That is why members of the public who watch us when we make laws should understand that we can make and amend, and at the same time, we can review them because we are the lawmakers.

The Constitution envisages us, as the Senate and Parliament of the Republic of Kenya, as per Article 93 of the Constitution, have the power to amend. Therefore, the reason we have the power of lawmaking is to exercise the power on behalf of the people of the Republic of Kenya. Each of us, the 47 delegations and our Nominated Members, exercise that authority. Therefore, we are the apex of democracy and exercising the free will of the people.

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Yesterday, I heard somebody within Parliament trying to issue gagging orders for some of us not to speak about the welfare or concerns that we have. I want to put it without fear of contradiction that many people tried to intimidate us in our previous lives. Some of us were arrested, persecuted and prosecuted, but I want to inform them the price of intimidation and blackmail is zero. Therefore, there are no gagging orders.

If there is something wrong - if there is no water in the Chamber - we have a right to ask questions about it. You cannot threaten any Member of Parliament with being taken to the Powers and Privileges Committee for asking what rightfully belongs to them.

I want to call upon you, because all of us are brothers and sisters in this House, that if there are any gagging orders from you or any other individual from the National Assembly, then they should inform us in advance. We do not want to operate with the principle of monkeys; hear nothing, see nothing, and say nothing. Then why are we elected through a democratic process? That is why I must insist that let us always have conversations on many issues surrounding the running of this Parliament at any given time.

The Speaker (Hon. Kingi): The Senator for Nandi County, are you making a Statement based on the Standing Order No.52 or you are moving the County Governments (Amendment) Bill (Senate Bills No.25 of 2023)?

Sen. Cherarkey: Mr. Speaker, Sir, I am building the basis of moving my amendment Bill.

The Speaker (Hon. Kingi): There is no relationship. Just go ahead and move your Bill, please.

Sen. Cherarkey: Mr. Speaker, Sir, in conclusion, we shall keep asking questions about the Bunge Tower as long as something is wrong.

Mr. Speaker, Sir, on that note, why are the guilty afraid? Let the people who should carry the cross, carry the cross when they need to.

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

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

Sen. Sifuna: Mr. Speaker, Sir, is the Senator for Nandi County in order to impute ill motives on Members of this House? I would want him to clarify who the guilty, who are afraid, are.

I hope he is not referring to the Chair, which would be something terrible to do. Please, could he clarify who are these people afraid of discussions regarding the welfare of Members are?

The Speaker (Hon. Kingi): Senator for Nandi County, kindly, proceed to lay bare the names of those who are guilty. If you cannot, you may proceed to withdraw that statement.

Sen. Cherarkey: Mr. Speaker, Sir, I did not look for a time in my life here on the Floor that Sen. Sifuna would be defending you, but that one is said and done.

The Speaker (Hon. Kingi): Are you saying I am one of those who are feeling guilty?

Sen. Cherarkey: Mr. Speaker, Sir, it is just a euphemism; a saying that, there are people who are afraid, the guilty are always afraid. I did not mention any name, even the

HANSARD can bear me witness. However, if it is misunderstood, I withdraw that statement and replace that people---

Mr. Speaker, Sir, why is Sen. Sifuna smiling today? He has been told that Uhuru Park cannot be used for political rallies. I hope he is aware.

I replace this by stating that everyone within the rank and file of running of Parliament, including ourselves at the Committee level, should be ready to answer questions. We are asking these questions for the sake of our welfare.

While moving this Bill, I want to indicate that our business is lawmaking. Let us play this role as we give Members of Parliament an opportunity to do their job.

In the proposed amendment in this Bill, the Senator of Kiambu had an impeachment procedure, Bill. As we wait for the Bill to come, this proposed amendment will increase the threshold for removing a Member of the County Executive Committee.

Mr. Speaker, Sir, being the governor emeritus of Kilifi County, Sen. Mandago and Sen. Ali Roba having also been governors, understand what it means to have stability and prediction regarding the County Executive Committee Members (CECMs).

This Bill is just rationalizing with the national legislation. If you indicate 'one-third,' it means if you have 80 members in an Assembly, 10 members could sign a motion and remove the County Executive Committee.

This Bill is rationalized by national legislation. There is a threshold before you impeach or have a vote of no confidence against a Cabinet Secretary. We want to rationalize, so that we can bring stability.

In as much as we oversee county governments and other independent institutions, our goal is not to stifle the flourishing and expansion of devolution. We want stability and predictability, so that we can oversee things with ease.

The proposals in this Bill do not mean the Members of the County Assembly (MCAs) will always have the power to summon the CECMs', Chief Officers, and directors of various departments within the county Government structure to appear before them. We are putting in place a game with rules. We are putting a stopgap, so that the law is not open to abuse.

Imagine if only a third of 365 Members of the National Assembly were required to pass a vote of no confidence against a Cabinet Secretary, how many Cabinet Secretaries would have gone home? Are there Cabinet Secretaries who are supposed to go home? This will be an abuse.

Section 40 of Act No.17 of 2012, which is proposed to be amended, talks about removing members of the executive committee. The grounds have been laid.

Section 40(2) says that a member of the county assembly, supported by at least one-third of all the members of the county assembly, may propose a motion requiring the governor to dismiss a county executive committee member on any of the following grounds—

- (a) gross violation of the Constitution or any other law;
- (b) incompetence;
- (c) abuse of office;
- (d) gross misconduct, or
- (e) if convicted of an offense punishable by imprisonment for at least six months.

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Section 40 (3) (a) states-

“If a motion under subsection (2) is supported by at least one-third of the members of the county assembly—

(a) the county assembly shall appoint a select committee comprising five of its members to investigate the matter.”

We need to rationalize this threshold. The removal of a CECM, the vote of no confidence, impeachment, and the right to recall are political processes that try to bring accountability to our offices. When you swear an oath in Parliament, you swear to uphold the rule of law.

In another realm, this is a way of checks and balances. One of the ways of doing this is removing somebody incompetent in office. Sometimes, you could reprimand, recall, give show-cause letters and interdict.

I thank the Committee on Devolution and Intergovernmental Relations, led by my senior, Sen. Abass, for doing a good job on these amendments. We propose deleting "one-third" appearing after and replacing it with "Majority." This has been used before. In part (a), we remove the "one-third" to put into a majority.

The County Assembly of Nairobi has around 80 members. The majority will be 50 to 60 MCAs who sign for the removal. This will ensure the stability of your cabinet.

I am told there is a viral video of the Speaker of the Nairobi County Assembly trying to hug a Member of the County Assembly forcefully, and it has caused consternation across the nation. We advise MCAs not to hug people forcefully because it can cause a lot of consternation. People such as Sen. Orwoba were up-in-arms on social media over that issue.

Most MCAs fear the governor, but do not fear CECMs, chief officers or the directors. They would rather go for low-hanging fruits. As the governor of the region, they could end up undermining and frustrating your development agenda.

Part B is deleting the words "at least one-third" and substituting them with "majority." The parent Act states that –

"(6) If a resolution under subsection (5) (b) is supported by a majority of the members of the county assembly—

(a) the speaker of the county assembly shall promptly deliver the resolution to the governor.”

Mr. Speaker, Sir, we need members to grasp what we are saying. This Bill proposes that the CECMs should be subjected to principles of natural justice. The CECM has a right to appear as we do in the Senate.

The accused appears and defends themselves and may have a legal representative. These are the principles of the right of representation.

The Parent Act has provided that –

“5(b) substantiated, the county assembly shall vote whether to approve the resolution requiring the county executive committee member to be dismissed.”

We are amending subsection six by deleting the words "a majority appearing after the words "supported" with "at least two-thirds." The threshold should be very high to ensure due diligence.

Mr. Speaker Sir, you have been a governor, while Sen. Sifuna is a Member of the County Public Accounts Committee, as I am. We know that it is hard to have a county assembly clerk who has survived in the seat for a long time, unless that clerk is a unique creature. This is because the threshold for removing the clerk is low.

On the issue of CECM, as a governor, you need stability to ensure that your CECMs are not intimidated. Several county executives, chief officers and directors in various departments within the county structure live in fear of being undermined or targeted politically.

You know that there is a lot of political witch-hunt in these offices. For you to recall a Member of Parliament through the right of recall, is not as easy as many people want to imagine. Senior learned friends, Sen. Faki and Sen. Maanzo, will state that it is a herculean task.

When Sen. (Dr.) Mwaura, the current Government Spokesman, Sen. Omanga alias Mama Miradi, the late Sen. Prengei - may his soul rest in peace - during the "war" - had been removed by the Jubilee Party under the arrangement of "handshake," it was hard to remove them, yet they were nominated. You can imagine a recall of an elected person.

Our stopgap measure is that we are so protected, so that we are not exposed as opposed to appointive positions.

Mr. Speaker, Sir, that is the essence of this Bill. This is a straightforward amendment Bill. I want to ask my colleagues to ensure that we espouse the issues of national values and public power.

Article 10 of the Constitution provides for the national values and principles applicable to State officers when exercising public power. These values and principles include good governance, integrity, transparency and accountability. One of the means of ensuring accountability in the exercise of public power is oversight of members of the executive by the legislature at both levels of government.

If you may recall, the County Executive Committee Members (CECM) appear both to the county assemblies and the Senate. Therefore, as per Section 40, the County Governments (Amendment) Bill, 2023 provides for the procedure for the removal of the members of the county executive committee. However, cognizant that the office of the CECM is established by the Constitution and noting the adverse consequence of removal by impeachment of a member of a county executive, the threshold for voting for such a removal in the Act are low.

Mr. Speaker, Sir, in this House we have a live example, a testimony by the name "miracle" Senator of Kiambu, Sen. Thang'wa. He knows this and I hope that he will have a chance to say something about this Bill because he is in the House. I know he has sponsored another Bill on the Impeachment Procedure Bill, so that he can give us the experience.

The reason we are calling him a "miracle Senator" is because in his other life as CECM, he had fought many battles, including being removed during Governor Waititu's era. If you remember, there was a governor in this county called Waititu "Baba Yao," and you cannot miss him on the streets of Nairobi. He is a friendly man. He faced tribulations in that there were people at some point who had planned for Sen. Thang'wa not to be

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elected. However, he became a miracle Senator by going through that tribulation, and hence this Bill.

When you recall somebody or impeach them, it is almost like threatening him not to be elected. Even Governor Sonko, the immediate former popular Governor of Nairobi City was impeached. The consequence of him being impeached is so painful. You have to stay out of office for more than 10 years. If Governor Sonko was to even contest as governor for Mombasa, he would have won and become the governor of Sen. Faki at that point in time. However, that is the pain of being impeached. These are the things we want to cure, such that by the time you are impeached, you should have committed a serious offence and sin against man, God and the Constitution of Kenya.

Thank you, Mr. Speaker, Sir, for this opportunity. This is a straightforward amendment and I want to ask my colleagues to allow us to process as much as possible.

With your permission, I beg to move and request the Chairperson, Sen. Abass, one of the wisest Senators on the Floor of the House, to second me.

Sen. Abass: Thank you, Mr. Speaker, Sir. I thank my friend, Sen. Cherarkey, for giving me that kind of title. I think he is in a very good place and I hope to meet that standard.

As the Chairperson of the Committee of Devolution, we have gone through all the Acts and laws. We found there is a lot of lacuna in the law, which needs to be changed or improved.

As the Mover rightly said, the CECMs are actually people of high calibre. Some of them have come from other ministries, the private sector and some are people who were running their own businesses. However, when they are appointed, they work in an atmosphere of fear and intimidation, such that they cannot deliver their work as required. Whatever qualification they may have, they are at the mercy of the politicians, especially the Members of the County Assemblies (MCAs) and the governor, who is the appointing authority.

We felt that the threshold of a third does not give somebody security to work comfortably in the way one should work. Therefore, as you are aware, this equally happens to the deputy governors. They also experience that problem.

Today, as I speak before this House, we have 21 cases where the deputy governors are actually being threatened with removal from office. Many speakers and clerks are also under similar threats. If we continue with the same trend, then devolution will not work properly. People will continue being intimidated. This business of trying to impeach people also encourages corruption and that is why we are losing a lot of money in the counties.

As a Committee, we felt that we need to change some of these laws, so that at least we can have job security for all the members who are working under the county. For instance, the removal of a governor requires a two-thirds threshold. So, the CECMs as the highest executives next to the governors and the deputy governors, also need to have security for their work.

Mr. Speaker, Sir, with those few remarks, this House has to safeguard devolution and the staff have to be safe from interventions, so that at least they can deliver.

I beg to second, Mr. Speaker, Sir.

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(Question proposed)

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

Sen. Maanzo: Thank you, Mr. Speaker, Sir. I congratulate Sen. Cherarkey for coming up with this thought and having drafted the Bill very professionally.

If you look at the other thresholds in all the other laws affecting any other member, it is two-thirds. If it is the removal of the President, Speaker or a Cabinet Secretary, the threshold is two-thirds. However, when it comes to the CECM, it is one-third. This means, even an opposition party in the county can remove a CECM whom they do not like. It also means that the majority party in the county can do away with a CECM in just one sitting. Therefore, there is a need to balance or equalize this.

The standard the world over is two-thirds and, therefore, this is in line with the world practice and gives protection to any person who gets appointed to a position and then witch-hunt removes them from their position.

Impeachment is a political process. The moment politics changes it becomes very easy to impeach officers or force them out of office, while they had been guaranteed of a job or to be able to earn a living. When it also comes to the other procedures like when you want to raise signatures to remove a Member of Parliament, the law is not clear what will happen to a Senator. Unfortunately, currently we do not have the Independent Electoral and Boundaries Commission (IEBC), which would have processed that. However, the threshold is high. It is not as low as a third.

Therefore, this is a law which we should pass even without an amendment. It is very well drafted and it is good for the nation, so that we can safeguard the rights of the other people, and especially employment rights and safeguard them against political witch-hunt.

Mr. Speaker, Sir, I support.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I did not know that Sen. Maanzo once in a while can have so little to say on a particular topic. I know him to be a man of many opinions. However, today is one such rare occasion.

This is a straightforward Bill, but I have a problem with it. I have a problem with how we are amending the County Governments Act. In my life here in the Senate over the years, I have seen no less than maybe 10 or 12 amendments to the County Governments Act.

Mr. Speaker, Sir, in a practical environment, the application of its contents as an Act of Parliament is jeopardised by continuous amendment. The only other Bill that is amended as many times is the Public Finance Management Act. I agree with Sen. Cherarkey that if you make the threshold too low, yet the consequences are too severe, then we are not delivering justice.

Sen. Thang'wa nearly missed an opportunity to serve the people of Kiambu as their Senator on account of an impeachment. I do not know what he had done or whether he was guilty or otherwise, but knowing him as a person, chances are that it must have been politics at play. However, if that decision had been left to stand, then he would never have seen the four walls of Parliament.

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An impeachment process is not an easy thing. Unfortunately, to those whom that power is given, they do not treat it with the seriousness it deserves. An impeachment process at the county assemblies is done the same way it is done in this House. I have seen more than 10 impeachments in this House. The things you do here as Senators is what our Members of County Assemblies (MCAs) do. I know Members know what I mean when I say ‘the things you do.’

Imagine a situation where the only thing that saves the day is that you need at least half of the Members of this House for an impeachment process to go through. The threshold was extremely low in this particular instance. Therefore, I agree with the thinking to raise the threshold, so that it is a bit higher. On flimsy grounds, somebody cannot just be removed as a County Executive Committee Member (CECM), so that people are able to carry out their duties.

Mr. Speaker, Sir, you can imagine with the diversity of our counties, if a CECM was to fall out with the MCAs from a particular sub-county, on account of a decision that has been taken in the greater interest of the entire county. What will happen is that the particular CECM, on account of petty little politics, can lose their job, yet up to now, we do not have sufficient jurisprudence on what happens when somebody is impeached. In fact, this afternoon, I met the former Governor Sonko, one of the victims of an impeachment process of this House. During his impeachment, it was clearly demonstrated to us in this House that the threshold was not achieved at the County Assembly of Nairobi City County, yet like I have explained earlier, there are many things that happen in an impeachment exercise. The Senator for Makueni County knows this because he appeared here as advocate for Governor Sonko in that impeachment hearing. He knows what happened. I am not sure how Sen. Wambua voted in that one.

Impeachments have become political processes, yet they have very serious legal and constitutional consequences. We cannot afford to allow that anybody--- I suggest that we exercise our mind better even in the impeachment process of the Senate. The only unfortunate thing is that it is a constitutional threshold, because the process does not matter. What matters is at the end when they eventually call the Senators to vote. For example, Sen. Godfrey Osotsi, Senator for Vihiga is called upon to vote and he rises and say he votes ‘yes’ or ‘no’. At the end of the day, the process that has gone through does not matter. He can also choose to abstain, just the way other Senators do because of many other reasons.

Therefore, I like the fact that we are raising the threshold. By the time two-thirds of the members of an assembly are agreeing and concurring that something is wrong with you, definitely something is the matter. However, a third was too low a threshold. Therefore, I urge colleagues that we support this Bill.

It is a good thought, but I have expressed concern. Sen. Abbas is in the House. As the Chairperson for the Standing Committee on Devolution and Intergovernmental Relations, there is something you must do for us. These piecemeal amendments of the County Government's Act are not good. I say so because after the passage and assent of this Bill in both Houses of Parliament, you publish a new County Governments Act. I know there are other draft legislative proposals to further amend the County

Governments Act. It is better if Sen. Abbas's Committee goes through the entire breadth of that law.

With the experience that this House has, where we have Senators who are former governors, governors who are former Senators and Senators who were MCAs and speakers, we do not lack the experience that is needed to understand the instruments and the operations of devolution in this country at this moment. This will enable us to have a more comprehensive cleanup of that law. Remember, when that law was being drafted, nobody had practiced devolution in Kenya. However, 12 years down the line, we have learnt what can work and what cannot.

As the Senate Majority Leader, I have Bills that are amending the County Governments Act, establishing the various leadership offices in our assemblies. This is part of the work that we did at the National Dialogue Committee (NADCO). I would not mind donating that contribution and legislation to Sen. Abbas's Committee if they promise to be diligent and conclude on that exercise.

There are so many other suggestions that we have been given, including entrenchment of various offices in the county assembly, so that you have a more comprehensive legislation. Once the Bill is done, then it will settle devolution for another maybe four or five years before you amend the County Governments Act.

I, therefore, pass the challenge to Sen. Abbas and his Committee, because the County Governments Act is the Bible of devolution. Piecemeal amendments to it is not doing justice to those who practice using this law. Otherwise, I appreciate the industry of Sen. Cherarkey in the proposal of various legislations before the House. I do not agree with him on many other things, especially what he is trying to do with Bunge Tower.

I am one of those who contributed significantly in that house being there. I served as a Commissioner for five years. We did the best that we could under very difficult circumstances. When we found Bunge Tower, there was nothing other than a junkyard. By the time I left the Commission, it was standing tall on the skylines of Nairobi. In fact, what Sen. Kinyua and Sen. Korir have done, is apply paint and open the building. The bulk of the work was done by the previous Commission. I do not know why Sen. Cherarkey all of a sudden---

I know he loves his office at the Kenyatta International Conventional Centre (KICC) for reasons that I cannot discuss on the camera. Why can he not remain in KICC without disparaging our very ultra modern building of the Bunge Tower?

That building has state-of-the-art facilities and modern committee rooms. I know they have not concluded many of the things that need to be done there, but that building is built well. The offices may not be as large as Members would have wanted. I do not know if that is still the plan because Sen. Kinyua and Sen. Korir are not there. Initially, we were squeezing Members into those offices and they have been partitioned in a way that can easily be moved, to provide space to renovate the current Continental House, so that when we have sufficient space in both Continental House and Bunge Tower, Members can have slightly larger offices and not what it is. That was the plan by the time I was in the Commission.

Parliament spends close to Kshs400 million each year paying for offices for Members, which is not fair to taxpayers. We had to conclude that building, so that we knock off that budget. The Kshs400 million can serve other pressing needs in the country.

I agree with the decision of the Parliamentary Service Commission (PSC) to conclude Bunge Tower. I will be there tomorrow, at 8.00 a.m., to see my work because I participated in the coming together of that building. There are many things. I know they have a state-of-the-art gym.

Sen. Cherarkey, you can run away from not having an office in Bunge Tower, but you must use the gym on that particular floor because it is extremely healthy to all of us.

Mr. Speaker, Sir, with those many remarks, I beg to support and urge colleagues to support this legislative proposal by Sen. Cherarkey.

The Speaker (Hon. Kingi): Sen. Osotsi, you may have the Floor.

Sen. Osotsi: Thank you, Mr. Speaker, Sir, for this opportunity to contribute to this important Bill; the County Governments (Amendment) Bill, 2023, by Sen. Cherarkey. The Bill seeks to amend the current County Governments Act to enhance the threshold of removal of a County Executive Committee Member (CECM) from one-third to two-thirds of Members of the County Assembly (MCAs).

Mr. Speaker, Sir, just like my colleagues have said, this is a straightforward Bill. It is long overdue. I think this Bill is popular among the Members because we have been having challenges in our counties. The CECMs have not been able to carry out their duties confidently and effectively because they are always under threat of being removed from their positions through impeachment by MCAs. With enhancement of the threshold, this will help them to focus on their jobs and deliver to the people in those counties. So, this Bill is timely.

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

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

Mr. Temporary Speaker, Sir, I also support the suggestion by the Senate Majority Leader. I think it is long overdue for us to also develop an impeachment law on removal of governors because there are gaps. We should also tighten the process.

We have cases where some of the documents that are brought to us for impeachment do not meet the threshold and we have rejected those impeachments. It is important for us to have a law that governs the whole process, not just for the governors, but also CECMs and people who work below them.

Impeachment is good, but it is also bad. It is a good thing because it keeps leaders in check. It is bad because it can also be misused. Sometimes we wonder why we have so many impeachment Motions coming against governors. However, since devolution started, we have not had any single Cabinet Secretary or President who has been removed from office through impeachment. We should ask ourselves why.

Some of those people who have been impeached by this House have committed lesser crimes than some people in the Executive, such as Cabinet Secretaries. However, they are let off the hook. We need to be fair to every public servant, so that when we

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exercise our power of impeachment, that power must be seen to have been exercised fairly and effectively.

Mr. Temporary Speaker, Sir, even as we seek to enhance the threshold of removal of CECMs, it is also important for them to perform their roles effectively. Some CECMs in most counties are not diligent in their work because they have not delivered in their various portfolios. We cannot continue sustaining such people and make it difficult for MCAs to remove them. Some of them may be close to the governor and, therefore, removing them becomes a problem.

We need to look at both ends. We should enhance the threshold, but at the same time, how do we make them accountable to MCAs? Our role here is secondary oversight. We also need to help MCAs to perform their role of primary oversight effectively. One way is by making CECMs accountable to county assemblies.

I look at it from both perspectives. Perhaps the Mover of this Bill needs to look at that fact. On one hand, we are making it difficult for MCAs to remove a CECM, but on the other hand, we could be encouraging impunity in our counties. It could become difficult to remove incompetent CECMs or those who just refuse to do their jobs for one good reason that they are friends of the governor. I think we need a balance.

I support this Bill, but on the other hand, I also encourage that we look at ways of enhancing primary oversight for MCAs. One way is to make sure that CECMs are also accountable. In my county, for example, most of them are invited to appear before MCAs, but they ignore the summons. The MCAs cannot do much because these people are friends and relatives of the governor. A lot needs to be looked at from that perspective, so that we do not just cripple MCAs, but also make them effective while at the same time ensure that we maintain fairness to CECMs.

At some point, we had said that we need to fast-track the impeachment law. However, every time we finish an impeachment process, we somehow forget about it. Even as we discuss this, I encourage that we look at that law, so that we have a proper law that guides the process of impeachment.

The Senate Majority Leader has said that we are making many amendments to the County Governments Act. I also think the same applies to the Public Finance Management (PFM) Act. Perhaps it is time we had a holistic view of some of these laws that are attracting many amendments such as the Powers and Privileges Act, the PFM Act, the County Governments Act and--- I have forgotten the other one. I will mention it if I remember. We should have a holistic approach of these laws in order to reduce the many amendments, which are making the whole thing untidy.

Mr. Temporary Speaker, Sir, now that the Senate Majority Leader has talked about the building, whereas I agree with what Members have said, it is also important to question why that project has taken long and exceeded the budget. These things should not be swept under the carpet. I was a bit perturbed when I heard the Speaker of the National Assembly cautioning Members that we should not discuss this matter. Parliament is a House of free speech.

Mr. Temporary Speaker, Sir, we cannot be intimidated not to talk about our welfare here. We cannot be intimidated! We have to talk about it. Someone was saying

they want to see how Parliament will oversight itself, but the relevant Committee should do that. They should look at this matter

On one hand, I agree on the suitability of that office. I have been to that office allocated to me and I have never had an office like the one I have been given.

(Laughter)

I want to move into that new office like tomorrow, but at the same time, I am questioning the other concerns being raised by the Members and the general public on the length of time and cost of the project.

Mr. Temporary Speaker, Sir, I support this Bill.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Orwoba Magoma Gloria.

Sen. Orwoba: Thank you, Mr. Temporary Speaker, Sir. I had formally requested to be referred to as Sen. Gloria Orwoba. I do not know whether they forgot that name in the middle, the one that I do not want.

I rise to support this Bill by Sen. Cherarkey. I have the privilege of coming from the corporate background. I have worked in various industries, the field of architecture and construction, production and the creative industry. One thing that is usually clear from the corporate world is that institutional memory is key and valued.

When I look at how at some of these county governments are run with a high turnover of members of staff, then this is something we have to legislate, and I am happy that Sen. Cherarkey has brought this Bill. A County Executive Committee Member (CECM) is a very senior position and has many responsibilities. They are tasked with the duty of preparing county policies, budget planning and implementation of all the bylaws that are passed in the county assemblies. They are also there to give reports of the operations and the goings-on of the county governments.

Mr. Temporary Speaker, Sir, these kinds of responsibilities are roles that should be protected and should not be taken as casual labour. Hence, moving the threshold from a third to two-thirds is not something we should do with the County Governments Act, but it needs to be looked at. This is because a look at how we are impeaching our Cabinet Secretaries, their threshold is a quarter and it needs to be amended. At the end of the day, it is not about whether 10 people or a handful do not like an individual, but it is about sustaining the operations of that county government.

Some of the advantages of retaining staff members, and this is my experience from the corporate world, it reduces lost knowledge. It takes a long time for a new employee to come in and build relations so that they can collaborate with stakeholders, and when they are ready to effectively implement their tasks, you call for transfers and impeaching of the CECMs. That has been a big hindrance to devolution.

Mr. Temporary Speaker, Sir, I am not sure whether this Senate is aware that after we impeached the Deputy Governor of Kisii County, where I come from, it has been a headache, a political one and a continuity headache because the Governor has proposed a name and he wants to move on with ensuring that the services are being provided to the people. However, because of that impeachment, many issues have mushroomed and we

have a section of politicians running to the courts ensuring that the next Deputy Governor is not impeached.

Therefore, we need to understand that it is not only the impeaching of that person in office, but what happens next has a huge effect on the services being delivered to the people. It is sad that until today, more than a month after the impeachment, my County of Kisii, has been unable to swear in the nominated Deputy Governor.

Perhaps when Sen. Cherarkey is done with this one, because he has a history of knowledge on these kinds of Bills, I challenge him to also bring some amendments that will ensure that once the Senate, the 'Upper' House has executed a matter as grave as impeaching a governor or a deputy governor, there should be no other legal loopholes that are being explored by rogue politicians that will make the people of that county, for instance, Kisii County, not get a replacement for the impeached individual, in this case, the Deputy Governor.

Mr. Temporary Speaker, Sir, as this Bill is being tabled, one of the things I would have as an amendment is on continuity. We are talking about from one-third to two-thirds, and that is okay. We have raised the threshold. However, in the event that the threshold has already been raised and a CECM is still impeached, we will need a transition plan that is within a legal framework. This is because sometimes you have a governor wanting to get rid of their cabinet and it takes up to five or six months because of all the loopholes of people running to court. There has to be a piece of legislation that is brought to the 'Upper' House, meant to protect devolution, to ensure that devolution is working. The business of impeaching CECMs, governors or deputy governors should also be accompanied with the business of continuity. I hope I am making sense.

There has to be framework even if we are guided by the number of days. However, we have to make that process more efficient by legislating on what happens next after that impeachment. I have heard my colleagues say that we are only impeaching governors and their deputies and not anyone else. If I am not wrong, the National Assembly that deals with all oversight issues of the national Government has a Motion to impeach a Cabinet Secretary.

Mr. Temporary Speaker, Sir, there should be a first time for everything. I truly hope that the Motion in the National Assembly will be taken seriously and if there are grounds enough to impeach the Cabinet Secretary, because the issue of fake fertilizers is something we do not take lightly, let it be an example. This is so that other Cabinet Secretaries who are taking their appointments lightly will understand that they might have favour from God and the appointing authority, but when it comes to oversight, the National Assembly and the Senate are not here to give favours. We are going to do our work as it is and give a strong message.

I am glad that we are discussing only impeaching governors and deputy governors, and not their cabinet secretaries. We should even be asking why we are not impeaching Chief Executive Officers (CEOs) of state agencies. Sometimes, you look at the work we do in these committees. We are constantly calling in CEOs of state agencies and our business is just inviting them to explain this or that. However, we should legislate on a threshold like how many times you should be called because your Ministry or the institution you are running to ask you what is happening. At one point, we will need to

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have a way to impeach these people. There is a misconstrued notion that some of these Cabinet Secretaries have favour or are the favourites of the President, and they think they can get away with anything.

Mr. Temporary Speaker, Sir, it is a fallacy. You can be the President's favourite, but as long as you are not working or delivering to the people, he is very clear and he keeps saying that he has not appointed you because you are a friend, but because you are supposed to deliver to the people.

When I look at this piece of legislation that Sen. Cherarkey has brought, I think it should be scaled up to cover many other people who should be impeached. We probably need to look at those State agencies in a manner that if they affect county governments, the impeachments should be carried out here. This is one of the moments where I suspect the President requires that we also do our work as legislators, as Members of these two Houses carrying out oversight, to ensure that if anyone is sleeping on the job, we do not have to wait for him to reshuffle the Cabinet or drop someone. We can just do our work here as the holders and protectors of devolution.

Mr. Temporary Speaker, Sir, I do not want to comment on the Bunge Tower, but I want to encourage my colleagues to do the work that we have been given here. Some of us have been conducting this work without offices. I have not had an office given to me by the Senate. Therefore, now that you are being allocated offices, it will make your work easier. However, I must say this carefully. My background is in architecture and when I looked at how the use of space in that building was crafted, someone slept on the job or someone with fake architectural papers was given that job to design.

Some offices do not have windows. In some offices, you have to sit under air conditioning for all the hours. We put in four hours in the Chamber in the afternoon. Some of us are in committees from 9.00 a.m., and we also have to see the electorate. How will you be sitting under the air conditioning? When I see Sen. Cherarkey raising concerns, I can tell you that those concerns are valid.

I know that my area Member of Parliament from Bobasi Constituency in Kisii County is involved as a quantity surveyor. I can tell you that coming from the field of construction, with a background in architecture, we need to ask for a proper audit of the monies that were paid to each contractor, from the architect, the quantity surveyor, to the person who supplied those lifts. You cannot be waiting for lifts for 15 minutes. I was there yesterday. I stood there pressing all the buttons on that floor waiting for a lift, which took me about 15 minutes. It is not that we want a soft life, but things must work.

Mr. Temporary Speaker, Sir, I am very happy to have been allocated an office there. I have seen the office and from a person who has come from no office at all to an office, I appreciate that at least my office has a window. I cannot complain, but point out that as legislators with different delegations of people to address, I have a staffer who deals with sexual reproductive health and rights, periods and menstruation. I am sharing an office with a person who wants nothing to do with those things.

All my guests who will be coming there with menstruation cups and sanitary towels *et cetera* will be forced to interact with those members of staff. What was the necessity of forcing legislators who have nothing to do with each other's constituencies to share an office; at the cost of Kshs9 billion and how many years later?

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Truly, if we are a House of oversight, we must start within ourselves. If there is money that has been spent that we cannot see from the auditor, starting from my MP in Bobasi Constituency as the quantity surveyor, they should be called to order. Let them refund that money. You cannot be billed for services that you never provided. If they have already spent that money -we are talking about asset recovery and the other institution that we were questioning here - we are willing to also take back the assets that they have acquired through the proceeds of this particular project.

With those few remarks, I will be there tomorrow to launch the office because as much as I criticise, as I have said I have not had an office for 20 months plus. I am happy to have an office.

Thank you.

The Temporary Speaker (Sen. Wakili Sigei): Proceed, Sen. Mohammed Faki.

Sen. Faki: Asante Bwana Spika wa Muda kwa kunipa nafasi hii ili nitoe kauli yangu kuhusiana na Mswada ambao umeletwa Bungeni na Seneta Cherarkey. Kwanza nampongeza Seneta wa Nandi kwa kazi nzuri anayofanya katika Bunge hili. Tulipompokea hapa mwaka wa 2017, tulimpa wadhfa wa Mwenyekiti wa Kamati ya Sheria na Haki za Kibiinadam. Ni hapo tulipoweza kumnoa.

(Applause)

Kwenye kamati hiyo, kulikuwa na Wakili Fatuma Dullo, Wakili Amos Wako, Wakili Okong'o Omogeni, Wakili Orengo, mimi na wengine. Tulimpa mikoba ambayo anaendelea kuitumia hadi sasa. Kwa hivyo, hawezi kukosea. Vile vile, ningependa nimpongeze kwa kauli aliyotoa jana kuhusiana na jumba la Bunge Tower.

Bw. Spika wa Muda, kuna wabunge zaidi ya 400. Wengine watachukuwa ofisi pale kwa kuwa usalama wao ni muhimu sana. Tukija katika Mswada huu, naunga mkono kuwekwa kwa *threshold* ya thuluthi mbili iwapo unataka kumuondoa mamlakani waziri katika kaunti zetu. Tumeona kwamba mawaziri katika kaunti zetu hawajakuwa na msisimko wa kisawasawa kwa sababu mara nyingi, wanaangalia gavana anafanya nini. Wanapokuwa karibu sana na gavana, Wabunge wa Bunge la Gatuzi wanachukulia kuwa ni unyonge kisha kuwatoa mamlakani kiholela. Hii sheria itasaidia pakubwa kuweza kuleta haki katika wale wanaotaka kuondolewa katika mamlaka ya uwaziri katika kaunti zetu.

Bw. Spika wa Muda, tumeona kwamba mara nyingi magavana wanakaba sana kutoa mamlaka kamili kwa waziri. Utapata kwamba waziri mara nyingi anaangalia gavana anasema nini ndiposa afanye kazi. Wanapochaguliwa wanaapishwa kwamba watafanya kazi kulingana na sheria na katiba ya Kenya.

(Sen. Beth Syengo walked into the Chamber)

Karibu mama orange, naona umeingia. Unahanyahanya mbele yangu wakati nazungumza. Karibu Mheshimiwa. Hii sio lugha mbaya, ni lugha safi ya Kiswahili.

(Laughter)

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Bw. Spika wa Muda, tunasema kwamba ni swala muhimu kuwe na mamlaka ya kuhakikisha kwamba wale wanaoondolewa mamlakani wanatendewa haki. Kumuondoa mtu mamlakani kama alivyoondolewa naibu gavana wa Kisii mwezi uliokwisha ni jambo nzito sana kisheria kwa sababu unamfunga yule mtu kutofanya mambo ya kisiasa na pia kupata kazi serikalini inakuwa ni shida.

Kwa hivyo, lazima kuwe na kiwango fulani ambacho kikifikiwa mtu yule anaweza kutoka kwenye mamlaka. Mengi yamezungumzwa kuhusiana na maswala ya kuondoa mamlakani viongozi. Sisi kama Bunge la Seneti tuna mamlaka ya kumuondoa hata Rais. Ila cha kusikitisha, hatuna mamlaka ya kumuondoa waziri katika serikali kuu.

Tuliona hapa kwamba kuna mawaziri ambao wana utepetevu mwingi katika kuendesha kazi zao, ila hatuna mamlaka ya kuwaondoa. Naibu wa Kiranja wa Upinzani, Seneta Sifuna, alileta Hoja ya *kumcensure* Naibu wa Rais lakini haikuona mwangaza. Sina neno la Kiswahili ambalo naweza kutumia kwa sasa ndio maana nikatumia *censure*.

(An Hon. Member spoke off record)

Kashfa ni *kucriticise*. Hoja ile haikuweza kuona jua kwa sababu ya yale mamlaka yamewekwa katika Bunge ambayo mara nyingi yanahujumu kazi za Wabunge.

Kwa hivyo, Bw. Spika wa Muda, naunga mkono Mswada huu. Tutasaidiana kuhakikisha kwamba umepita ili tuweke sheria itakayosaidia kuongeza uwazi katika kaunti zetu.

Asante Bw. Spika wa Muda.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Seki, proceed.

Sen. Seki : Thank you, Mr. Temporary Speaker, Sir. I also want to strongly support this amendment to the County Governments (Amendment) Bill (Senate Bills No.25 of 2023). I appreciate and thank Sen. Cherarkey for coming up with this amendment. I believe that this will be quite handy in terms of counties. Particularly on the section of county governments, the CECMs have been removed sometimes, for no reason by governors in the counties. I believe that there are several litigations in county governments through the removal of these CECMs. It has been a big pending issue because it comes in millions of money from counties. Counties are being charged by courts for violating this kind of law.

More importantly, I want to support a number of our colleagues who have also supported this Bill. It is one of the areas that county governors have misused. I believe that this brings stability to our counties and gives CECMs reason to make their independent minds; to think, plan, and even work without any harassment from county governors. This goes to an extent where people have security of tenure. They will work without fear. So, I think this is very important, and I appreciate it. It is in the spirit of supporting devolution.

The Senators have reasons to support county governments. This also brings the issue of performance to CECMs and the Chief Officers (Cos) even in the counties. This comes at the right time when we want to strengthen devolution. We have seen several impeachments, which are not necessary. So, I think this is the right time.

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It is a very clear amendment and we want to see how we can improve further the County Governments Act, particularly on seeing how even the County Secretary can be improved, so that he or she also has security of tenure. These governors should not just wake up one day and do their things in their offices.

The Governor has been given more power to do whatever he wants to, and they do almost everything. They give orders from one corner to another without even considering anything, including laws that are there. With very loose laws like this one, somebody will get afraid to make up his mind and even his own decision. I, therefore, support this Bill and even this amendment and request that the other Members support it.

Otherwise, it is quite in order to have a threshold which is quite higher than the one that we have of one-third, to go to two-thirds.

I support.

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

Sen. Kiio Wambua.

Sen. Wambua: Thank you, Mr. Temporary Speaker, Sir. I rise to support the Bill sponsored by Sen. Cherarkey on the threshold for the removal of a Member of the Executive in the county government.

As we support this Bill, it should also be noted, as I heard the Senate Majority Leader say, that this is patchwork. May be at some point, we may need to deal with it and come up with complete legislation, especially on the matter of the removal from office of both the Governors and CECs in the counties.

I say this because the county assemblies must be supported to continue to exercise the provisions of Article 185 of the Constitution to oversee the executives. However, they should also respect the principle of separation of powers between themselves and the executives. I am of the view that the place where we should have started, and I saw it starting here, is that on the hearing of the first impeachment Motion on the Floor of the Senate, the Fourth Senate, I saw the Majority Whip give an undertaking to this House that it was going to be working very closely with the Committee on Devolution and Intergovernmental Relations, to come up with an impeachment Bill.

There are Senators here who would have wanted to sponsor that Bill. However, because the Whip took the responsibility and said he was going to bring the Bill to the Floor, those other Senators who wanted to do it took a back seat. It is my humble request to the Majority Whip and the Committee on Devolution and Intergovernmental Relations to take this matter a little bit more seriously.

I say they should take it a little bit more seriously because we have seen governors go through the anguish and pain of impeachment for reasons other than the provisions of the Constitution on the removal of governors. Some governors are out of office today for extra-constitutional reasons.

Mr. Temporary Speaker, I would dare, because Sen. Cherarkey while contributing to this Bill, made reference to me and where I stood on the impeachment of Governor Sonko. I want to remind this House and country that to date I believe that there were no grounds for the removal of Governor Sonko from office. He was removed not because of the breach of the Constitution, but for other reasons.

What has happened is that now a very young leader, very robust, a man of the people, cannot hold public office because he was impeached for extra-constitutional reasons. If Sen. (Dr.) Khalwale for whatever reason, is unable to move fast, let the Committee on Devolution and Intergovernmental Relations take up this matter and bring a Bill, so that we debate and put in place proper requirements for impeachment of Governors.

Some of the things that we are being treated to in this House are personal vendetta. If somebody disagrees with their political party, this House has no business fixing disputes between parties. That is not our problem. This House has no business fixing disputes between parties; that is not our problem. If somebody's business has gone sour with some other people, it is not the business of this House to fix those relationships. We need a watertight impeachment law.

Mr. Temporary Speaker, Sir, I would dare say that we, as a House and Parliament, have failed this country. We have failed this country because when you look at Article 181 of the Constitution - and if you allow me, for purposes of clarity - I would want to read a section of that provision.

Article 181(2) of the Constitution reads as follows-

“(2) Parliament shall enact legislation providing for the procedure of removal of a county governor on any of the grounds mentioned in clause (1).”

Mr Temporary Speaker, we are required by the supreme law of the land to come up with an impeachment law; we have not done that. Now, what is going to happen is that the National Assembly will realize that we are dillydallying on this matter, and you will see them originate an impeachment law and just bring it here for concurrence. This will happen and yet, we are the people charged with the responsibility of protecting and defending devolution of the county governments.

With those remarks, I want to support the enhancement of the threshold for the removal of County Executive Committee Members (CECMs). However, as I said, we must also be very careful to strike a balance, so that again we also do not curtail the operations of the county assemblies because it is their responsibility and their constitutional mandate to all county executives to account.

Lastly, I have heard comments about the Bunge Tower. I have heard Sen. Cherarkey being praised for bringing up the matter yesterday. I have not heard people praising Sen. Chute and yet, he raised a Statement, which was also processed the day before yesterday, in the Committee on Roads, Housing and Urban Development in which I sit.

If we cannot talk about problems and challenges in our own compound, then we lack the moral authority to speak about the challenges of people in other compounds. Truth be told, there is a problem with Bunge Tower. Forget the exquisite offices that Members have been allocated. Forget the fact that there are offices that I am told do not have windows; forget all that. There must be a problem.

There must be a problem that a project which was initiated and costed at Kshs5 billion to last for 48 months, takes 14 years to complete, and Kshs9 billion goes down the drain. There is a problem. Whether we want to admit it or not, there is a problem. How do you deal with this problem? The way of dealing with this problem is to call out people

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because whatever has happened at Bunge Tower was done by human beings. There are people who took decisions. There are people who authorized payments. There are people who authorized variations.

We need to call people out. We need to answer the question of accountability. How accountable are those people who were supposed to make decisions? How accountable are they to us and this country? The money that has been used to build Bunge Tower is public money. If somebody can tell us to keep quiet about Bunge Tower, then that person should tell us to keep quiet about the expenditure of money in counties.

Money has come from the same kitty; it is public money. Some money has gone to the counties and some other money has gone to construct Bunge Tower. If we cannot question Bunge Tower, then we cannot question what is happening in our counties.

I want to conclude by saying this, and people must listen very carefully. I am aware that there are members of staff who are being threatened with being sacked. In fact, I am told some of them have been interdicted. What is their biggest crime? Their biggest crime is allowing media to access Bunge Tower.

This Bunge Tower is not heaven. Even in heaven, Jesus Christ died for us and we have straight access. There can never be justification for firing a member of staff who allows media to get into Bunge Tower and show Kenyans how their Kshs9 billion has been used. As a House, we must defend these members of staff because if we do not, then these members of staff will not be able to do anything. They will live in fear.

With those very remarks, I support.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Thang'wa, you have the Floor.

Sen. Thang'wa: Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity to also contribute to this very important amendment. However, from the onset, I could have stood on a point of information to inform my good friend, the Senator of Kitui, but I did not want to confuse his line of thinking about the Impeachment Bill.

It is good to inform the House and inform him that this Bill is in the publication stage because the Committee on Justice, Legal Affairs and Human Rights looked at it. They wrote a report to the Speaker and the Speaker has sent it for publication. I believe we are moving in the right direction, and I am the Mover of that Bill.

Mr. Temporary Speaker, Sir, I would like to thank the Senator of Nandi, Sen. Cherarkey, for coming up with this amendment. When I look at this amendment, it is saying almost the same thing as my Bill. This is because we believe how you got in should be the way you get out. There are no shortcuts. If you came in through the majority of all the members, you should go out through the majority of all the members; not the Members who are seated at that particular sitting, but Members of that County Assembly.

Before I give my reasons on why this amendment almost goes in line with my proposal, which we will be discussing probably within the next few weeks, I would want this House to understand something. You can have a very competent CECM working for a very incompetent governor, but you can never have an incompetent CECM working under a competent governor. Why am I saying that? A competent governor will always

know who is an incompetent CECM and the law gives the governor an express route of removing a CECM without anything, without discussion.

The CECMs are at the mercy of governors and it should remain so because they are the carriers of the vision of governors. However, when you have a very competent CECM who is working for the people of a certain county and the governor is happy about it, politics comes in.

That is why the impeachment comes because the governor does not want to lose a certain CECM, but the MCAs, because they believe this person is taking credit for everything that he is doing, would want to remove him from office and that is why the impeachment of CECs comes through. They would want to remove him from office, which is why the County Executive Committee Members (CECMs) impeachment has come through. They only do impeachments to punish the governor and remove somebody they think is working beyond themselves. This is why we should raise the threshold.

As we raise the threshold, the County Government (State Officers' Removal from Office) Procedure Bill, which is the impeachment Bill, has given proper direction from the inception to the time the CECM is removed from office. Initially, a county assembly could have removed the CECM, and once they are removed, the Act at that particular time stated that the governor shall dismiss.

The question was why a CECM should be removed, and then the governor is also ordered to remove them. The governor should be allowed an opportunity to remove or refuse to remove them. He or she can return a memorandum to the assembly, stating if the CECM was accused of stealing money, they have not signed any signatures. If the allegation is failure to report to work, the governor would state that they are accountable to them. The governor's registers and schedules will be presented to show that the CECM always appeared.

In the future, the impeachment Bill that will come after this amendment will provide a polite process that will allow everyone an opportunity to be heard. I would like to give you an example of Kiambu County, where I come from. I have worked as a Member of the County Assembly (MCA), a CECM, and I am now the Senator of the great County of Kiambu. Maybe, I am in the process of metamorphosing into something else.

We have had four governors in Kiambu County. I am not insinuating anything. However, allow me to mention that the first governor, Gov. Kabogo, had properly empowered the CECM. They were respected and were working because he had allowed MCAs to oversee his government.

When the second governor, Gov. Waititu came to office, the CECMs were mere flower girls. He realized they do not sign any documents and he instead empowered the chief officers. The third governor, Gov. Nyoro, I cannot tell because it is not known what happened in between.

The current governor does not empower the CECMs; he only empowers the chief finance officer. We must protect the CECMs because they carry the governor's vision and are governed by people who sit in the cabinet. That is why I am giving this example, so that you understand that we should not let a *Waziri* in the county to be taken advantage of.

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In Baringo County, MCAs threatened to impeach a CECM because he had not shaved his beard. In Kirinyaga County, between 2013 and 2017, MCAs wanted to impeach a speaker because he chewed gum in the chamber. You might be disappointed by a person's behavior, but that is not enough grounds to remove him or her from office. You better resign yourself for not wanting to see such a person.

I agree that we need to relook this issue of the County Governments Act. The Senate Majority Leader has called it the 'bible' of counties. I will call it the constitution of counties. This is the law that all counties use to run their affairs. Instead of amending the law as it is, we should take section by section and develop a new law on how it should be governed. If it is touching on public finance management, we take that section and make a stand-alone law, the way we are making a stand-alone impeachment Bill on county governments.

I urge Senators to read that law. As we read it, we should develop more laws that will help govern the counties. One of the ingredients that is a catalyst for the removal of people from office is emotions. The law I will present in this House in the next few weeks is removing those emotions by increasing the number of days from when a CECM is supposed to be removed from the three to seven days to 21 days. At that particular time, emotions will have cooled down and people will start seeing things directly.

Once the Motion of removal of a CECM is approved by the Clerk after meeting the requisite requirement, within seven days, the MCA is supposed to table it on the Floor of the county assembly. Once it is tabled as a notice of motion, the county assembly will require 14 more days to discuss it. After that, they will have a committee to investigate the CECM, which will take another 14 days. If they remove the CECM, the county assembly informs the Governor within three days. The Governor has two options. The first option is to dismiss the CECM. The second is to write memoranda to the county assembly explaining why he disagrees.

Once they see the memorandum, the county assembly can discuss it, agree or disagree with the governor. Once they disagree with the governor, they vote again. This way, we will allow everybody to be heard. The governor should be a witness to the CECM. The governor should be standing at the dock.

I would like to explain to this House, for us to understand who a CECM is. The CECM is a watchman who stands by the gate to see who goes in or out. He does not sign any documents. He sits in the cabinet with the governor and passes programmes. Once they pass them, they inform the chief officer, and the accounting officer, who can implement the programmes from behind the CECM's back.

We should change the law and make the CECM a CO. You should have two positions. The CECM and a CO should be in person. This will help to reduce the wage bill. Why do we have a CECM who attends the meetings of the governor and tells someone else to implement? These are some of the things we should be discussing. I believe that once we get there, everyone will understand.

Sen. Orwoba asked what next? We should come up with a law that says that even after an impeachment, what next? Within the Bill that is coming, I feel like I am moving, but it is good to help the Members understand where we are headed. We have said there should be no replacement of a CECM after the impeachment. There should be no

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replacement of a deputy governor, even after impeachment, within 14 days until we give the deputy governor or the governor an opportunity to go to court.

We are not “gods” at the Senate. We cannot say that our decision is final. We have just been told that Governor Mike Sonko was never removed fairly. If we gave him an opportunity to go to court and the timelines, probably, he would be safe by today.

I will give another example of Kiambu County. I like talking about my county. Even if Governor Waititu was impeached by this House, the people of Kiambu knew there was no requisite numbers at the County Assembly of Kiambu County. The other day, the former Speaker of Kiambu County Assembly, Hon. Stephen Ndichu, was on radio and he said he did not know what happened. He said "*mashetani ilikuwa kwa kichwa*". He knows there were no numbers to impeach the Governor. The people of Kiambu heard him say that there were no numbers when impeaching Governor Waititu. He was also impeached in the Senate and now he can never vie for office or take any public seat because politics was the issue at that particular time.

We should come up with a law that tells MCAs if they impeach a person, they should, first of all, give us the video evidence, the HANSARD and the number of votes. If there is an MCA who says they never voted, we should listen to them first.

As I conclude, it is good that we look at this County Governments Act with a fine-tooth comb, so that we help the counties. I dare say that between 2013 and 2017 and 2017 and 2022, it was the national Government that was trying to kill devolution. However, between 2022 going to 2027, county governments are being killed within. Governors and probably representatives at the ward level are the ones killing counties. Therefore, we must work to empower them.

I do not agree with Sen. M. Kajwang'. He said that the oversight role should be taken away from MCAs. Instead, they should be empowered, so that they can ask questions that we ask in the Senate. Let us empower MCAs for them to understand that their role is to ask governors questions about monies that we send to county governments.

Mr. Temporary Speaker, Sir, I know this Bill has taken our focus away from devolution and oversight by the Senate because of the Bunge Tower. Allow me also say something on that issue. That matter is with my Committee. If there is a committee that never jokes around with issues, it is my Committee. I am not saying that no one is like them, but I must be proud of my Members.

I have Sen. Chute, Sen. Sifuna, Sen. Tobiko, Sen. Kinyua, Sen. Wambua and Sen. M. Kajwang'. Look at that combination. We are going to look into this matter to the end. If it gets to a point where we need to summon the contractor who built that building, we will do so.

We will summon everybody, so that we get to the bottom of this matter, to know why this building took that long, why they over bloated the expenditure and why they are not answering questions that we are asking.

We do not even know how many floors are in that building. A building of so many floors has a report of about 13 pages. I mean, if you have at least one page per floor, there should be more pages to tell us how you did it and how you got to that point. Therefore, I support everybody who says that we should look into the issue of the Bunge Tower, even if it was constructed by our brother or sister.

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The other day when the Deputy Governor of Kisii was impeached, you could hear his brother saying the man must go. Even if our brothers are not doing the right thing, we, as the Senate, should tell them to return what they have taken from this Parliament.

Mr. Temporary Speaker, Sir, with all those many remarks, I support that we should have a higher threshold to remove CECMs. As I support, the law, which is a step by step process, is in the pipeline. I hope Members will support it.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Proceed, Sen. Kavindu Muthama.

Sen. Kavindu Muthama: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to, first of all, congratulate Sen. Cherarkey, the Senator for Nandi, for bringing this Amendment Bill on the threshold by county assemblies to impeach CECMs.

I would like Sen. Cherarkey and the committee that will deal with this Bill to establish how MCAs can be empowered in order to summon CECMs to county assemblies for questioning, just like we, Senators, summon Cabinet Secretaries here to question them. They only question CECMs at the committee level, which is not enough for them.

Secondly, as we recommended the threshold to be two-thirds of MCAs, we should also think about a county assembly legislation to protect both CECMs, county assemblies and governors. For example, if Cabinet Secretaries do not deliver, all the blame goes to the President. Anybody who stands accuses the President, yet it is Cabinet Secretaries who are failing in their dockets where they are supposed to deliver.

We should also look into that at the county level. Before a governor fails, CECMS will have failed because they are given dockets to assist. If it were possible for governors to deliver on their own at the county level, they would not have appointed CECMs. The same thing applies to the President and Cabinet Secretaries. Therefore, there is a gap somewhere, which should be looked into by this Senate, so that we streamline things.

The MCAs in county assemblies are not doing their work of oversight of governors because they have no funds. Why has the Government not given MCAs a fund, so that they are independent? As long as they continue depending on governors to deliver in their wards, they will never perform oversight properly. To enable them to work, we must find a way for them to get direct money.

When I was in the Building Bridges Initiative (BBI), we recommended that we have Kshs20 million go directly to enable them to do work in their wards, so that they are not at the mercy of governors. That would have enabled them to oversight governors properly without fear that there will be no development in their wards. If they do not have any developments in their wards, they risk being re-elected.

As we protect counties as Senators, we should also protect MCAs as well because we are defenders of devolution. We should make sure that governors, MCAs and CECMs do what they are supposed to do.

Mr. Temporary Speaker, Sir, with those few remarks, I support but with those many amendments. Let us check from the top because if we only correct things at the county and not national level, we will not be doing anything. Sen. Cherarkey and Sen. Thang'wa should sit down, see where gaps are in this Bill, and make sure it flows from the Executive down to county assemblies.

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Mr. Temporary Speaker, Sir, I have also heard so many stories about hon. Sonko's impeachment. At that time, I was not in the Senate. I have heard many Senators saying that hon. Sonko was impeached for no good reason. It could not just be him alone; perhaps there are others.

We should look at the threshold for impeachment of governors and come up with a law that will not be compromised; either by the Senate or county assemblies. That will help us to move forward as a nation.

On the issue of Bunge Tower, it should be looked into to clear any doubt about its construction. If it is okay, we clear the doubt. If not, then the law should be followed to the letter.

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

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Kavindu Muthama.

Sen. Chute, proceed.

Sen. Chute: Thank you very much, Mr. Speaker, Sir. I am happy to get this opportunity to also support this Bill's amendment by the distinguished Senator for Nandi County, Sen. Cherarkey.

Article 179 (3) up to 180 talks about County Executive Committees (CECs). This amendment is very crucial and it came at the right time. Removing a CEC member with one-third is not justifiable. What Sen. Cherarkey has done is commendable. We need to have two-thirds majority, as he has said, to enhance this threshold. We need to sit with Sen. Cherarkey to add a few amendments here and there. It is very important for us to make sure that CECs are protected.

If you look at the way CECMs are handled in the counties, in fact, it is like they are flower girls for governors. A CECM has no authority to sign any financial documents. The person in charge of finances are Chief Officers (COs). When they sit in the Cabinet with the governor, they make amendments, laws and have plans for up to five years. However, a CECM will only do what the governor wants. Most governors are threatening the CECMs and COs to do whatever they want.

In some instances, letters are written from another office, including award of tenders. Then, the name of that CO is written below the letters, which will be brought to the CO for the signature.

Mr. Speaker, Sir, the biggest problem we have in the counties is corruption. That is why you see a governor can promise somebody a contract without going through a normal tendering system. Sen. Cherarkey, in his wisdom, brought this amendment, so that a governor cannot influence the MCAs to remove a CECM.

Having said that, we also have another problem of salaries of the MCAs in the counties. An MCA in Marsabit County Assembly earns about Kshs150,000. Let me give you an example of an MCA from Ileret. Marsabit is almost over 500 kilometres from Ileret. It takes you two days to go to Ileret. The road and security is very bad, yet you expect this man to travel all the way to Eldoret. The fuel he uses to go to Ileret and come back is not less than about Kshs60,000. The same MCA is having issues in the villages, such as weddings, funerals, harambees and many other small jobs, and then you expect the same MCAs to come and make laws in the county assemblies.

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Mr. Temporary Speaker, Sir, if you want to amend these laws, we need to help our MCAs get a salary of at least not less than Kshs400,000 a month. If we want them to do a very good job, we must empower them. Some people are saying MCAs are removing governors and deputy governors from the offices, and that they can be influenced to do so. Probably that can happen because they do not have enough money to attend their own personal things, like taking their children to school.

Mr. Temporary Speaker, Sir, I will tell you today, how do you expect an MCA to oversight a CECM who is earning over Kshs400,000? How can that be possible? It is not possible. He cannot work efficiently because he is not being paid well. If we want efficient control of the county governments, we need to pay our MCAs well. This proposed amendment needs to be looked into. In fact, we need to add a few things.

I met the former Governor for Nairobi City County, Hon. Mike Sonko, about an hour ago in this premises. The way he was removed from office was unconstitutional. There should be a way of asking him to bring a Petition to this House because the way he was removed was totally unconstitutional and irregular.

The laws of impeaching governors should be looked into. We need to do amendments. That amendment can go as far as after they have been impeached in this House. This matter needs to go to the courts, for the courts to say, yes, this person was removed regularly.

Mr. Speaker, Sir, some people are saying Governor Sonko was removed from office from “up there”, but I want to differ with them. This is because, the same Senators, some of them are in this Parliament even now, removed Sonko from office. If they wanted to defy the issue of “up there,” they should have refused. I am very grateful that our President is not following that. He says no, because he goes to church every Sunday and believes in God.

Removing a governor elected by over 500,000 voters in some instances, by about 30 to 40 people, is not the right thing to do. Article 181 talks about the removal of a governor. Article 181 (c) talks about abuse of office and gross misconduct. What is this gross misconduct? When we removed the Deputy Governor for Kisii County, they were talking about money that was sent to him, about Kshs800,000. Is that gross misconduct? This is what we need discuss.

I am happy with this Bill, but we need to do further amendments. We need to have a discussion on the governors’ issue. I have a proposed Amendment Bill, on the governors coming before this House. We were just discussing which particular day is convenient for the House and the management of this House. So, any time we agree, this proposed Bill will come before this House. I am sure, Sen. Cherarkey will support me on that.

Mr. Temporary Speaker, Sir, there is this issue of Bunge Tower. I brought a Statement to this House regarding the same. I happen to be in the Standing Committee for Roads and Transportation and the answers we got from that statement were shocking and quite unbelievable.

The initial cost of building was Kshs5 billion, and it was supposed to be completed after two years. Surprisingly, we were told that the contract was increased from initial cost of Kshs5 billion to Kshs9.6 billion, and it took 11 years to complete.

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Even some items, specifically, electrical items, are already outdated. They cannot be used now. They need to remove most of them.

The main contractor had so many sub-contractors, you could not even know who was doing what. That was the Statement from Parliamentary Service Commission (PSC). There is an elephant in the room; the Parliamentary Joint Services led by a Director General.

Next week, I will bring a statement in that regard. We want to know how much budget they have and how that money is used. I also thank Sen. Wambua. He brought up an issue of employees who were interdicted because they invited some media people into that building.

Mr. Temporary Speaker, Sir, the Bunge Tower is not the only issue we have, there is something else happening in this Parliament. They are doing something called the Physical Security Information Management System (PSIM), which is contracted to a contractor. I am told that it is already going into Kshs6 billion.

Next week, I am also going to bring a statement. We want this House to be furnished with documents that show the exact position when they started that project and where we are now, how much money was tendered for, how much was already spent, what is the balance payable and if the work is complete and/or when it will be completed.

Just like Sen. Wamuba said, we need to start to clean our house first. We call governors and Cabinet Secretary because of corruption, we also need to clean our house first. The Speaker of the National Assembly said that he is going to punish those people who are asking these questions.

Mr. Temporary Speaker, Sir, we are elected on behalf of 60 million people of this country and we do not fear anyone except our God. We will ask questions today, tomorrow and as long as we are in this House.

In support of Sen. Cherarkey's Bill, next week, I urge that that we sit and discuss this amendment and see how we can help add more to it.

I support this Bill.

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

Sen. Syengo.

Sen. Beth Syengo: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to speak to this Bill. I congratulate Sen. Cherarkey, whom I usually call Nandi's finest. I usually call him that.

When there is cheap or weak threshold for removing CECMs, then they become grounds for corrupt governors to deal with those they feel are not dancing to their tune. It is important that there is a proposal to increase the threshold from one-third to two-thirds, so that there are good grounds to remove a CECM from office.

Mr. Temporary Speaker, Sir, when a CECM is working under fear and is not sure how long they can remain in office, they may not perform their duties well. This amendment will make them accountable as they perform their duties without fear, and they will deliver. As the Senate, we are to protect and take care of devolution and then it will work.

I am also concerned about the independence of county assemblies. How I pray that the Mover of the Bill will include their independence. When they have their financial autonomy, they will perform duties effectively.

Mr. Temporary Speaker, Sir, it is important that we have clear thresholds of removal from office for public servants. When political differences are used to remove a governor or a CECM from office, it is not right.

I will give the example of hon. Governor Sonko, who was removed from office under unclear grounds. Maybe, it was because of political interests or personal hatred. It is a pity that the young man of this country cannot serve in any other public office. I repeat that it is important to have clear grounds and we should increase this threshold for impeachment.

Our duty as Senators in this House is to make sure that Kenyans are served effectively. If there are people who feel they have been removed from office because of victimization, such as hon. Mike Sonko, what are we telling the young generation, which is looking at taking up leadership positions in this country?

Mr. Temporary Speaker, Sir, allow me to add my voice slightly on the intimidation of our staff and their sacking, just for making Kenyans know that things are not done right in the Assemblies and Parliament. When the media brought up the issue of the incomplete Bunge Tower, that is when things were done hurriedly. Some of us who had been suffering in squeezed offices were then relocated to other offices.

I cry for justice for those staff members who were victimized because they allowed the media to expose what was hidden. As many of us have said, let us clean our house first. Let us do things right so that we may have the authenticity to speak of rot and other bad things in other institutions.

Mr. Temporary Speaker, Sir, allow me to finish by saying that I strongly support this Bill. I look forward to having a strong and good Bill that will be used when moving an Impeachment Motion for a CECM or even governors.

I support.

The Temporary Speaker (Sen. Wakili Sigei): Proceed, Sen. Mungatana.

Sen. Mungatana MGH: Mr. Temporary Speaker, Sir, I want to thank you for giving me the opportunity to support this Bill. First, I want to congratulate the Mover of this Bill, Sen. Cherarkey, for shifting the attention of this Senate.

Since we came in, we have focused a lot on governors and discussed deputy governors, but we have not really engaged on the CECMs or the ‘ministers’ at the county level. This is a good opportunity for us to discuss the ‘ministers’ at the county level. I fully support the protection of the ‘ministers’ at the county level.

Increasing the threshold for removal of ‘ministers’ at the county level makes that office respected. Respect and protection is critical for the performance of their duty at the county level. We, in Tana River County, have had the sad experience of having a CECM who has gone for a formal engagement and then the driver tells her, “I have been asked to take the car back by the governor.”

So, the CECM finishes her work and finds that she has no car to take her back to the station because the governor has ordered that the vehicle be taken back to the station.

The lack of respect and the lack of protection for CECMs has hampered the execution of their duty.

Mr. Temporary Speaker, Sir, this amendment that gives focus on the offices of the CECMs in our county is a good amendment. In fact, I dare say it is a historic amendment because, many years to come, the office of these ‘ministers’ will be highly respected. These are people who formulate policies that determine how we live in the countryside and determine how our lives will happen when we formally retire from public service.

Mr. Temporary Speaker, Sir, the amendment that we have made; the law that we are writing in this House today, will serve this nation very well 40 to 50 years from today. As of now, since they have not really asserted their presence, these CECMs are treated like appendages of governors, and this should not be the case.

I remember in my older life when we served under President Mwai Kibaki, Ministers used to have full-delegated authority. When a Minister said that a road would be built or he came to your constituency and said they would start the construction of a bridge the following year, they never used to suffer the humiliation of supplementary budgets. Currently, your programmes are removed or wiped out. You cannot become a CECM or Cabinet Secretary who is just picking salaries and not executing a single duty.

For us to return honour, respect and authority to the office of the CECMs in the counties, we need to pass this amendment. For us to be on the right side of the history of devolution, we need to pass this amendment, so that we can give power and authority to the CECMs to execute their functions. Even when they disagree with the governors, but they are doing the correct thing, we should support them. This Bill is a step in the right direction.

In the Senate of the future, we should have laws that specifically deal with the authority of CECMs. This amendment is a good beginning, but we need to protect them, so that they are able to execute their duties. When they sit down, write those programmes and propose budgetary allocations, it should not be so easy for governors to just bring a supplementary budget and wipe off the entire development vote from the CECM, taking it back to special programmes of the office of the governor, leaving the CECM without a single cent of development vote.

We are not being fair to the spirit of devolution in this country. We should have a law that protects them so well that when the governors push them to do the wrong things, they are protected.

This Bill today is a beginning. It is protecting the CECMs against the force of the county assembly. We are increasing the threshold for their removal. However, we need to have another law on the other side that also protects CECMs from the threats of governors who want to use them to do the bad things.

I can name a few CECMs in these counties who are extremely respected. Some have served for a very long time in national Government and they have retired back home. They have no interest in making money. They are contributing to their county when given this position.

Some governors who have foresight have even picked professors. I know of two professors who served as CECMs in some of the coastal counties, not that they did not have good jobs where they were, or could not raise good money wherever they were

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working. They wanted to contribute to their counties and the development of the spirit of the devolution.

Mr. Temporary Speaker, Sir, you can imagine a very good civil servant who maybe served as a Principal Secretary (PS) or a Director, whose contract came to an end after three years at the national Government. He is then taken to serve as a CECM. A professor who is a lecturer at the university is tapped to come and serve as a CECM. Such a respected professional is then treated like an extension or person of no consequence within the administration of a county. It is unfortunate.

Mr. Temporary Speaker, Sir, my prayer is that we have started well by giving this office some protection. However, we must also create further protection from the side of governors. We are creating good protection for the CECMs from the side of the county assembly from this law. However, as we write this law, we must also think of creating protection for the effective management of counties or from the side of governors.

Mr. Temporary Speaker, Sir, as I support this, I believe it is on the right side of the history of devolution that, for the first time, we have focused on CECMs. My prayer is that we will write a full law on how CECMs should be protected, how they will carry out their functions, and how they can make a solid contribution to the management of counties and the spirit of devolution.

With those many remarks, I beg for support.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, there being no other Senator seeking to contribute to the Bill, I call upon the Mover, Sen. Cherarkey, to reply.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, I will make it precise.

I would like to start by thanking colleagues who have contributed to this Bill. I am happy that this Bill has received the necessary input and comments from Members. Any suggestion of improving this Bill is welcome. You can bring ideas to enrich it and even amend it for the better. The ultimate goal is to ensure that we enrich, widen, deepen and flourish devolution.

I thank colleagues led by Sen. Mohamed Abass, the Chairperson of the Standing Committee on Devolution and Intergovernmental Relations, for agreeing that it will ensure stability in our counties and ensure our professionals are protected. As Sen. Mungatana said, you may have a senior person with a wealth of experience, only to subject them to unpredictability.

Sen. Abass has also been challenged as the Chairperson of the Standing Committee on Devolution and Intergovernmental Relations for coming up with an omnibus review of the County Governments Act. It has been long since 2013, when devolution started following promulgation of the 2010 Constitution. Therefore, it is important to take stock of the entire Bill in terms of devolution.

As Sen. Cheruiyot suggested, we should not do a review for the county governments only. We should review all laws on devolution. It has been more than 10 years. We now know what works.

I also thank Sen. Maanzo. I agree with him that we should not allow it because sometimes it perpetuates political witch-hunt. If the threshold of impeachment of a CECM is low, that can be a ground for a political witch-hunt.

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Sen. Cheruiyot said that the threshold is okay. He proposed that we should review all laws on devolution. Sen. Osotsi said that we need to strike a balance, and I agree and thank him.

Sen. Orwoba said that we need to enhance impeachment proceedings and the transition. I agree and welcome those ideas. Sen. Faki is in full support. Sen. Seki talked about stability of the counties.

Sen. Wambua, the Senate Deputy Minority Leader, talked about assessment of impeachment procedure, which I agree with. If the Senate Majority Whip takes long, any Member should pick it up, so that we have decency.

Sen. Thang'wa gave his testimony. We were lucky that we had a testimony by someone who has gone through an impeachment in a county assembly. Those were insightful comments. He is also the sponsor of the Impeachment Procedure Bill. I want to assure him that when it comes up, we will support him.

Sen. Kavindu Muthama said that we should try to protect both the primary oversight role of MCAs, while at the same time, ensure that it is maintained. She proposed that we have a mirror-like glow, where national legislation should reflect other jurisdictions.

Sen. Chute talked about the need to fight corruption and have MCAs welfare. You are aware that I am the biggest champion for that. I am happy the President directed that we need to review and look at the welfare of MCAs, not only their salaries and emoluments, but also their welfare and mileage allowances.

He has said it takes two days to go through the ward. Kilibwoni ward in Nandi is one of the largest. From Kemeloi, Maraba to Songhor/Soba, which is one of the biggest wards. You can imagine the type of car required.

Let us look at the salary disparities. Under labour laws, when MCAs started, the basic salary was around Kshs140,000 to Kshs200,000. However, the basic salary is now Kshs80,000. In contrast, the Speaker of the County Assembly and the CECMs are earning over Kshs450,000. The governors are earning Kshs1.1 million. In the principle of a third, the MCA should be earning the same basic salary as Senators. The President and the Deputy President earn Kshs1.2 million and we are earning Kshs500,000. The basis of their salary should be half of what the governor is earning, so that it gives value to MCAs.

I am happy that the issue of MCAs has received the necessary attention. We must protect the MCAs. Even if we give power to MCAs and they are not well-resourced in terms of the chambers and systems they use, I thank your office because every time a county assembly team comes to your office, the secretariat is always at hand to build capacity for both the MCAs and the secretariat.

MCAs play a critical and pivotal role in protecting devolution in our Republic. Along with other colleagues, I will continue championing the fact that we must protect the MCAs and give them their resources. I hope the County Assemblies Forum (CAF), the Council of Governors (CoG), and the Association of Members of County Assembly (AMCA), led by my brother Mwalimu the MCA from Naivasha in Nakuru County, should fast-track the proposed policies. This is not just about MCAs, it is about the future of devolution in our country.

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I thank Sen. Syengo for giving me accolades. I wish her well as she pursues her ambition of becoming the woman representative of Kitui County. Before I joined Parliament, I used to admire how fiery ‘mha mamba’, Sen. Mungatana, used to articulate issues on the Floor of the House when it was just the National Assembly. It is an honour to serve in the same Chamber as him. His wisdom is valued.

I agree with him that we need to protect these professionals. We cannot create a CCM to be a graveyard of careers. You cannot headhang someone who used to be a Chief Executive Officer by giving him the CECM position and subjecting him to unpredictability, yet that person comes into that position with a wealth of experience. I agree with Sen. Mungatana that we must have stability in devolution.

The fact that we oversight governors does not mean we do not like devolution. We know that if devolution works today, no one will care who the President of Kenya is. If it works, you will have water. You heard the other day that Garissa Town is less than one kilometre, but they need water.

I saw the Garissa Water Company saying that the people of Garissa should harvest water because the rains might end. If those people had water, no one would care about who would become the President. If they have access to bursaries, drugs in hospitals and good roads--- In Nandi County, all roads in the 30 wards are virtually impassable. Our governor has resigned technically because he is no longer in office. He is doing nothing while it is raining and the roads are impassible.

I advise our people to be careful because of the rainfall, which could result in landslides. The rats are walking around the Kabsabet County Referral Hospital. In the town market there is no water, it is dirty. There are no working toilets or electricity. If it rains, those women will continue to suffer not only in Kapsabet town markets, but in most of the town markets from Maraba, Kabiyyet, all over Chepterwai and Mosoriot, who are just sitting in the sun.

Mr. Temporary Speaker, Sir, you can see that in Garissa County, they are still paying 11 people who are retired and should not be paid. Therefore, we need oversight. I am calling upon the MCAs to do their primary role of oversight, even as we assist them. We want to see the MCAs of Bomet or Meru doing their job. This means, that when we give them the opportunity, they should take the necessary action to ensure they do their job. Let all governors be accountable going into the future.

Mr. Temporary Speaker, Sir, in conclusion, I want to thank the Members, on a small matter that I have brought before you and the House. I am bringing a progressive statement to the House.

As I had said, and I want to repeat, we are the apex of democracy. The principles of equity say, ‘he who comes to equity, must come with clean hands.’ We do not have the moral authority to oversight governors, the Executive, the Judiciary and other independent institutions if we cannot question and oversight ourselves. If there is something wrong within the management of Parliament, no one should gag us, unless there is a gagging order that has been issued.

Mr. Temporary Speaker, Sir, I know you have attended our session at the Senate County Public Accounts Committee (CPAC). For instance, Sigor is famous for other things, but before an Early Childhood Education (ECD) Centre in Sigor or Bomet is

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completed, when your governor appears before the Senate, one of the questions we ask him is if the ECD classroom has a certificate of occupation?

The governors normally produce pictures that show that the classroom is available for occupation. If you are building somewhere in Kaplelartet, you must produce evidence of the same. Therefore, I want to say this in conclusion. The fact that most Members do not have offices or they have offices that they are sharing is okay. We do not have a problem with it. However, the point we are trying to make is to follow the law.

We are the lawmakers. Why is it that if today a Cabinet Secretary comes here and they are building an institute, we cross-examine or question them by asking them to issue the certificate of occupation from public works and they do not have a problem with it? Why is it that when it comes to us, as Parliament, we do not want to produce the certificate of occupation and we want to bend the law? I was asking about the certificate of occupation, certificate of completion, pending works and public health.

Mr. Temporary Speaker, Sir, how safe are the offices? As I said yesterday, some offices do not have windows. If you do not see the sunlight for some time coming through those windows, you can get jaundice that is if I am right in Biology. Yesterday, Members got stuck in the lift for the better time of their hours. One has to wait for the lift for more than 15 minutes. Therefore, what is ultra-modern about it?

My brother, the Senate Majority Leader, Sen. Cheruiyot, told me to use the gym. However, I went there, but there are no exits. It is not in use at the moment. Let us be honest with ourselves, as Parliament. When this idea was conceived, it was Kshs5.6 billion. However, it has now gone beyond Kshs9 billion. When we ask our governors, for instance, the Nandi Governor here, we gave you Kshs7.5 billion, what did you do with it? The governors are ready to account, but when we ask on the issue of Bunge Tower, they do not want to account.

Let me give you a comparison, so that Members can understand. The Central Bank of Kenya Towers is a 27-storey building and it is here in the Central Business District (CBD). It was built with Kshs2.5 billion. The cost of Bunge Tower has been inflated from Kshs5.2 billion to over Kshs9 billion.

Mr. Temporary Speaker, Sir, Kshs4 billion to Kshs5 billion cannot be accounted for. Those are three or two mega buildings of Kshs2.5 billion each, that can be built within the CBD of the Republic of Kenya.

As we say, we want to sort out the issue of renting offices for Members, we must also show due diligence and account for the money that we give out. If this will force some of us to appear before the Powers and Privileges Committee, so be it.

We need members of staff in Parliament not to live under fear. Article 34 and 35 talks about media freedom and freedom to information. Why would you interdict two officers who allowed media to do a tour of a public office, unless you are telling the country that Bunge Tower is a private property? Then, put a big sign so that it will not be accessible to the public, but that is a public office. Media have a right to access, look at it and share with the nation.

I hope the interdiction of the two members of staff will be withdrawn. They should be allowed to report back to their offices immediately. They should not be victimised because some of us understand the labour laws. That is what I wanted to say.

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As we go into the future, I will not be intimidated. We shall continue to ensure that we call for accountability and sobriety. I want to confirm to the nation that because of the reservations I have against the opening of the Bunge Tower offices, I will keep off to retain my sobriety and integrity. I assure the nation that I will not show up.

When we asked questions, we were told you cannot question. If you question, you will appear before the Powers and Privileges Committee. I said before that there is one man called Uhuru Kenyatta, the former President. There was a powerful Cabinet Secretary for Interior and Coordination of National Government during his term, who used to arrest and intimidate me every Friday. The price of the era of intimidation, blackmail and coercion has gone down in this country.

Mr. Temporary Speaker, Sir, I will be enjoying myself and discharging my duty because you will release us today. I can even come to Bomet County and enjoy the wonderful football match that you have prepared under the Wakili Sigei Football tournament somewhere in Silibwet Stadium or Bomet Green Stadium. I can start enjoying from Friday to the final day in support of what you are doing to empower the youth talents in Bomet County as their Senator. We have so many places we can go. No one should blackmail or intimidate us. Let Members be allowed to express their reservations. We understand there is need for office space, but that one does not give a ground to break the law.

I thank my colleagues and request that pursuant to Standing Order No.66 (3) of the Senate Standing Orders, you defer the putting of the question on this Motion to a later date when we have good numbers to go for division.

With those many remarks, allow me to rest my submission. Thank you, for the opportunity. I wish all of us a blessed and safe weekend.

I ask Kenyans wherever they are to be careful on our roads and farms. As I am told there is going to be heavy rains during this weekend. Let them not cross a river during flash floods. I know there was an incident in Chemase, where I come from.

Let us be careful in the City too as the flash floods continue. The young people going for *Aluta* or any other business in the City, as they do their *TikTok* movies and filters, let them ensure they are safe wherever they are. Let them not overdo it. The floods do not know you. Be careful.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Cherarkey. Pursuant to the provisions of Standing Order No.66 (3), the question regarding the Bill is not put today, until the next sitting of the House.

(Putting of Question on the Bill deferred)

Hon. Senators, owing to the earlier rearrangement of the Order Paper, Order Nos.9, 10 and 11 were deferred for the next sitting, owing to the numbers in the House.

BILL

Second Reading

THE TEA (AMENDMENT) BILL
(SENATE BILLS NO.1 OF 2023)

(Division)

(Bill deferred)

BILL

Second Reading

THE CONFLICT OF INTEREST BILL, 2023
(NATIONAL ASSEMBLY BILLS NO.12 OF 2023)

(Division)

(Bill deferred)

BILL

Second Reading

THE NATIONAL RATING BILL (NATIONAL
ASSEMBLY BILLS NO.55 OF 2022)

(Division)

(Bill deferred)

Order Nos.15, 16, 17, 18, 19, 20, 19 and 20 are hereby deferred because the sponsors are not in the Chamber.

BILL

Second Reading

THE CO-OPERATIVE SOCIETIES (AMENDMENT)
BILL (SENATE BILLS NO.53 OF 2023)

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(Bill deferred)

BILL

Second Reading

THE EARLY CHILDHOOD EDUCATION (AMENDMENT)
BILL (SENATE BILLS NO.54 OF 2023)

(Bill deferred)

BILL

Second Reading

THE FIRE AND RESCUE SERVICES PROFESSIONALS
BILL (SENATE BILLS NO.55 OF 2023)

(Bill deferred)

BILL

Second Reading

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

(Bill deferred)

MOTIONS

APPROVAL OF CONDITIONAL GRANT FOR THE
CONSTRUCTION OF MOMBASA MUNICIPAL STADIUM

THAT AWARE THAT, Part 2 of the Fourth Schedule to the Constitution of Kenya obligates County Governments with the responsibility to develop, establish, manage, and maintain sports and cultural facilities which includes stadiums, sports arenas, cultural centers, and other related infrastructure;

NOTING THAT, the entire Coastal region of the Country lacks a modern stadium built to international standards, thereby depriving the people the benefits that come with stadia and sports facilities;

CONCERNED THAT, the construction of the Mombasa Municipal Stadium has encountered delays and setbacks since the inception of the project in 2019 due to financial constraints, which has since been halted depriving the community of the much-needed facility;

NOW THEREFORE, the Senate resolves that the National Treasury and the Ministry of Youth Affairs, Creative Economy and Sports allocates a conditional grant to the County Government of Mombasa amounting to Kshs1.7 billion for the completion of the Mombasa Municipal Stadium.

(Motion deferred)

ESTABLISHMENT OF NATIONAL TEACHING
AND REFERRAL HOSPITALS IN KENYA

AWARE THAT, Article 43 (1) (a) of the Constitution of Kenya provides that every person has the right to the highest attainable standard of health, including reproductive health care;

NOTING THAT, in Kenya, we have five National Teaching and Referral hospitals with Kenyatta University Research and Teaching Hospital in Kiambu County and Moi Teaching and Referral Hospital in Eldoret, Uasin Gishu County being the only ones outside Nairobi County;

CONCERNED THAT, the bed capacity, medical equipment and human capital in these National Teaching and Referral hospitals are not sufficient to absorb all the patients seeking specialized treatment;

FURTHER CONCERNED THAT, many Kenyans with critical health conditions travel long distances in order to access specialized services in Moi Teaching and Referral Hospital in Eldoret or Nairobi where the other four National Teaching and Referral hospitals are located, leading to high cost of travel, augmented disease and in some cases deaths along the way;

NOW THEREFORE, the Senate urges-

1. The Ministry of Health to:

(i) Establish National Teaching and Referral hospitals in the Coast, Eastern, North Eastern, Nyanza and Western regions;

(ii) Fully equip the National Teaching and Referral Hospitals with modern medical equipment, medical supplies and personnel; and

2. The County Governments to allocate more funds to their respective health dockets to adequately facilitate their County Level 5 and Level 6 hospitals in order to enhance provision of critical health services to reduce the demand for such services from the National Teaching and Referral Hospitals.

(Motion deferred)

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): With that, hon. Members, I ask that we rise. There being no other business on the Order Paper, the Senate stands adjourned until Tuesday, 23rd April, 2024, at 2.30 p.m.

The Senate rose at 6.10 p.m.