

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 27th October, 2024

Morning Sitting

*The House met in the Senate Chamber,
Parliament Buildings, at 9.30 a.m.*

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

The Deputy Speaker (Sen. Kathuri): Clerk, do we have quorum?

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

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

(The Quorum Bell was rung)

Please extend the Quorum Bell for another 10 minutes.

(The Quorum Bell was rung)

Clerk, are we good to go?

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

We now have quorum. Hon. Members, let us now start the business of the day. Clerk, proceed to call out the first Order.

COMMUNICATION FROM THE CHAIR**DEFERRAL OF QUESTIONS AND APPEARANCE OF
CABINET SECRETARIES TO RESPOND TO QUESTIONS**

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I have this Communication to make on deferral of Questions and appearance of Cabinet Secretaries to respond to Questions in the Senate on Wednesday, 27th November, 2024, and Wednesday, 4th December, 2024.

Hon. Senators, I have a Communication to make relating to the decision by the Senate Business Committee (SBC) on the appearance of Cabinet Secretaries to respond to Questions.

As you are all aware, Standing Order Nos.51(a), 51(b), 51(c) and 51(d) give a framework for asking Questions to Cabinet Secretaries by hon. Senators. Ordinarily, the Questions are scheduled in the Order Paper for Wednesday, morning Sitting. However, as hon. Senators are also aware, the Third Session is almost ending after which the Senate will proceed on long recess from December to January. As such, the pending business before the Senate necessitates that we take drastic measures if we are to conclude on the same before recess.

Hon. Senators, at its meeting held on Tuesday, 26th November, 2024, the SBC considered the programme of the Senate and observed the need to prioritise consideration of urgent business. To facilitate this, the SBC resolved that Questions will not be scheduled for reply on Wednesday, 4th December, 2024, Morning Sitting. Further, the SBC also resolved that Questions that were scheduled for reply today, Wednesday, 27th November, 2024, morning sitting, be deferred.

*(Sen. Munyi Mundigi, Sen. Miraj, and
Sen. Joe Nyutu consulted loudly)*

Sen. Mundigi and your colleagues, kindly listen to this Communication.

Hon. Senators, this decision was informed by the need to prioritise pressing business before the Senate, including but not limited to the following-

(a) Debate on the President's Address to Parliament delivered at a Special Sitting held on Thursday, 21st November, 2024.

(b) Consideration of Mediation Committee Reports on, *inter alia*-

(i) The Division of Revenue (Amendment) Bill (National Assembly Bills No.38 of 2024).

(ii) The Equalization Fund Appropriation (No.2) Bill (Senate Bills No.30 of 2023).

(iii) The County Governments Additional Allocations Bill (Senate Bills No.19 of 2024).

(Several Senators stood at the Bar)

Hon. Senators, please find your way to your seats.

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(Several Senators entered the Chamber)

(c) Consideration of His Excellency the President's Memorandum on the County Allocation of Revenue Bill (Senate Bills No.25 of 2024); and

(d) Consideration of-

(i) The County Governments Equitable Share and the County Governments Additional Allocation Cash Disbursement schedules.

(ii) Motions by various select committees, more specifically the County Public Accounts Committee (CPAC), and the County Public Investments and Special Funds Committees (CPIC).

(iii) Various Bills at the Second Reading and Committee of the Whole stages.

Consequently, I urge hon. Senators to prioritise their presence in the Chamber in the coming days to ensure progress is made on the business highlighted above.

I also urge the respective Movers of the business scheduled in the Order Papers for the sittings to be present in the Chamber to prosecute them. The Senate Majority and Minority Whips are encouraged to mobilise the requisite number of county delegations for the Divisions to be undertaken.

I thank you.

Let us move to the next Order.

PAPER LAID

BI-ANNUAL REPORT OF CAJ

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Deputy Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, 27th November, 2024-

The Bi-Annual Report of the Commission on Administrative Justice (CAJ) for the period January-June, 2024.

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

The Deputy Speaker (Sen. Kathuri): Thank you. Next Order.

QUESTIONS AND STATEMENTS

The Deputy Speaker (Sen. Kathuri): I have made a Communication concerning the Questions, so Order No.7 is not tenable today.

Next Order.

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

THAT, pursuant to Standing Order No.27 (6), the Senate -

(a) records its thanks for the exposition of public policy contained in the Address of His Excellency the President delivered on Thursday, 21st November, 2024 and laid on the Table of the Senate on Tuesday, 26th November, 2024; and

(b) notes the following Reports submitted by His Excellency the President in fulfilment of Articles 132 (1) (c) (1) and 240 (7) of the Constitution laid on the Table of the Senate on Tuesday, 26th November, 2024 –

i) The 11th Annual Report 2023/2024 on the Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance; and

ii) The Annual Report on the State of National Security for the period 1st September, 2023 – 31st August, 2024.

(Sen. Cheruiyot on 26.11.2024)

(Resumption of debate interrupted on 26.11.2024)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, the debate on this Motion was concluded yesterday and the Mover also replied. We now want to ascertain whether we have quorum to put the question.

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

(Question put and agreed to)

Next Order.

MOTIONADOPTION OF REPORT OF THE MEDIATION
COMMITTEE ON THE DIVISION OF REVENUE
(AMENDMENT) BILL, 2024

The Deputy Speaker (Sen. Kathuri): I call the Vice-Chairperson of the Mediation Committee, who is the Chairperson of the Standing Committee on Finance and Budget, to move the Motion.

Sen. Mungatana, MGH: Thank you, Mr. Deputy Speaker, Sir. I wish to indicate to the House that on behalf of the Vice-Chairperson of the Mediation Committee, I wish to move the Bill on the Division of the Revenue---

(Several Senators stood up in their places)

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(Loud consultations)

Mr. Deputy Speaker, Sir, can I be protected?

The Deputy Speaker (Sen. Kathuri): Hon. Members, what is happening here, Senate Majority Leader? I do not know the reason your space is being invaded.

Proceed, Sen. Mungatana.

Sen. Mungatana, MGH: Mr. Deputy Speaker, Sir, first, I take this opportunity---

The Deputy Speaker (Sen. Kathuri): I beg your pardon. Can you kindly start again maybe there was some miscommunication?

Sen. Mungatana, MGH: Thank you, Mr. Deputy Speaker, Sir. I indicated to the House that I am standing in for the Vice-Chairman of the Mediation Committee on the Division of Revenue (Amendment) Bill 2024, (National Assembly Bills No.38 of 2024). Before I move the Motion, I wanted to take this opportunity to thank the Committee Members, in particular, I want to thank---

The Deputy Speaker (Sen. Kathuri): Sorry, Sen. Mungatana, can you kindly read the content on the Motion that the Senate adopts the report, then you continue to give your comment? You must move the Motion.

Sen. Mungatana, MGH: Mr. Deputy Speaker, Sir, I beg to move-

THAT, the Senate adopts the Report of the Mediation Committee on the Division of Revenue (Amendment) Bill (National Assembly Bills No. 38 of 2024), laid on the table of the Senate on Tuesday, 26th November, 2024 and further that pursuant to Article 113 (2) of the Constitution and Standing Order No.167 (3) of the Senate, approves the mediated version of the Bill.

First, I register my sincere thanks to the Members of the Committee, who took time to mediate and give us a version of the Bill that can be adopted by both Houses. I single out the leadership of Sen. Capt. Ali Ibrahim Roba as the co-chairperson on the side of the Senate and Hon. Ndindi Nyoro as the co-chairperson on the side of the National Assembly.

I also single out the Members who participated in this mediation effort. We had Sen. Sifuna, Hon. Mary Amase, Sen. Julius Murgor, Hon. Chikati, Sen. Faki, Hon. Makali, Sen. Maina, Hon. Ochieng, Sen. Onyonka, Hon. Kiplagat, Sen. Wamatinga, Hon. Otiende Amollo, Hon. Fatuma Jehow, Hon. Ojiambo Oundo, Sen. Eddy Gicheru and I.

I thank all these Members for giving time to deal with the matter that was before us.

Mr. Deputy Speaker, Sir, there is a recommendation on the mediated version of the Bill, which has been attached to this report. The big issue we dealt with during the mediation was the fact that there were revenue shortfalls that came as a result of the withdrawal of the Finance Bill, 2024. The withdrawal of the Finance Bill, 2024 had some unprecedented implications on Government finances.

This occasioned a shortfall in projected revenue collection of Kshs346 billion in the Financial Year 2024/2025. It necessitated again the reorganization and rationalization of Government's financial arrangements for the Financial Year 2024/2025. I was going to request colleagues to look at the realities that we were faced with when we sat on your

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behalf in that Committee. There was need to approve a version that would allow the National Treasury to produce and allocate approved amounts to the counties that were available. It would not make sense for us to stick to a hardline position when, in fact, the National Treasury would not have the capacity to disburse the amounts that we sought.

Mr. Deputy Speaker, Sir, equally, there was additional funding that was sought by the counties, but these were occasioned by policies of the national Government. For example, contributions by counties to the Housing Levy, NSSF contributions, counterpart funding for Community Health Promoters (CHPs), county aggregation and industrial parks, amongst many others.

These are national Government policies that required counterpart funding from the county governments and because of that, counties had requested for additional funding. We are trying to explain the rationale behind us taking a lower amount as opposed to what we had agreed here as a House. We agreed that we shall adjust the figures to reflect the realities. Having considered the possible options, the committee resolved that-

(a)The national Government equitable share for the Financial Year 2024/2025 be Kshs2,235,993,000,000 - if I am not reading it wrong.

(b)The county equitable share for the Financial Year 2024/2025 be Kshs387,425,000,000.

(c)The Equalization Fund be Kshs8 billion, of which Kshs7,825,814,725 is the constitutional 0.5 per cent and Kshs147,185,275 is the contribution of arrears to the fund.

(d)Therefore, Clause 3 of the Bill is deleted in its entirety. This implies that the section where there will be shortfall within the revenues in the Financial Year 2024/2025 was to be shared between the two levels of government and the capping of what was to be borne by the county governments at 15 per cent was dropped.

Consequently, the provisions of Section 5 of the Division of Revenue Act (DORA) 2024 remain and in case of revenue shortfall, it shall be borne by the national Government. Similarly, in case of excess revenue collection, it shall accrue to the national Government and may be used to reduce deficit or to defray public debt.

Mr. Deputy Speaker, Sir, in short, that is the agreement. The last thing we also said was that we wanted to encourage county governments to establish strategies and mechanisms to improve the collection of Own Source Revenue (OSR) in order to reduce over-reliance on equitable share as a main source of funding. I have attached the minutes of the Committee. I have also attached the agreed version of the Bill.

I just want to say one thing before I move. The team that this House sent for the mediation was a very competent team and we were led by none other than our Chairman of the Standing Committee on Finance and Budget, the Hon. Sen. Cpt. Ali Roba. We did our best and we even had open sessions that you saw on television which were carried live. However, there were also closed sessions which were done out of the sight of the public where we were given figures and taken through.

We also agreed with this team and we listened to a presentation that was saying that even if we insist on some position, there is a possibility that the National Treasury in reality may not be able to disburse the amounts despite the willingness. It could be a situation where the spirit is willing, but the body is weak.

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Mr. Deputy Speaker, Sir, I humbly beg our Members to have confidence that what we did was what is good for us. We are also faced with the reality that if we do not have an agreed version, then our county governments are going to be stuck. We are going to grind to a halt. Whatever we are using now, and what the county governments are using is going to end by December. All of us who have been going to the counties know the problems that the counties are suffering from.

If we are the protectors of these counties, having been led ably by the team that is there and we have been given the figures that the National Treasury was able to display to us, I truly urge that we support. I am asking colleagues to have faith that what we did was the best deal that we could secure for us. I am also asking Hon. Members to look at the other threat of our own counties coming to a grinding halt.

Mr. Deputy Speaker, Sir, with those many remarks, I also want to encourage county governments to increase their own source revenue. We felt, even in that Mediation Committee, that we need to do more so that we can reduce the reliance on the equitable share.

I beg to move and ask Sen. Sifuna, who was also a Member of this Committee, to second this Motion.

I thank you.

Sen. Sifuna: Thank you, Mr. Deputy Speaker, Sir. Just like Sen. Mungatana, I was extremely honoured to be nominated by this House to represent the Senate in this mediation. In defence of devolution, I could not have asked for greater allies to go to war with - if I might use that term - than the National Assembly on this particular issue.

I wish to take this opportunity to thank the Chairperson of our Standing Committee on Finance and Budget, Sen. Cpt Ali Roba, for providing very robust leadership of the Senate team. The team comprised of the Senator for Mombasa County, Sen. Faki, Sen. Veronica Maina, Sen. Onyonka, Sen. Wamatinga - who is my chairperson for the Committee on Energy; Sen. Mungatana and Sen. Oketch Gicheru.

It was my first time in a mediation such as this and I honestly would not want to be in a different team other than this one. When we met the Members of the National Assembly, they had also sent a very strong team and they kept reminding us at every turn that many of them were PhD holders, doctors and economists like the Hon. (Dr.) Makali Mulu.

Hon. (Dr.) Makali Mulu kept reminding us that we may be lawyers, we might see certain things, but when it comes to figures and numbers, we need to take a back seat and listen to him. It was a very interesting exercise, but one of the things that we could agree on, especially as a Senate and as I said yesterday during debate on the President's State of the Nation Address, it is very easy to agree on other things once you agree on principles.

Mr. Deputy Speaker, Sir, I am very proud of the position that this Senate took; that there are certain principles we laid on the table from the onset of this mediation. The first principle was that counties must never in any financial year receive money that is less than what they received in the preceding financial year. We convinced the Members of the National Assembly on this important principle.

Number two, because of inflationary trends and other things that crop up including growth in annual wages, there always has to be, year on year, an increment in

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the allocation to counties, even if it be marginal in exceptional years such as this, when we do not have a Finance Act in place.

The third principle that we agreed on and we were able to convince our colleagues in the National Assembly, is that the county governments can never bear any shortfalls in revenue, since the national Government has more headroom in budgeting. The most important principle is, it is them who draw up these estimates. It is the National Treasury that comes up with these estimates, and you will remember that during that particular process, county governments have absolutely no role. It is for them to make sure that if they project revenues and there are shortfalls, that burden cannot be borne by county governments. I believe, having agreed and set those three principles, it is going to be very easy going forward, for us to agree on this process of division of revenue.

Mr. Deputy Speaker, Sir, there was also a very interesting conversation. Sometimes Members of the National Assembly feel that we accuse them of not understanding the needs of the county governments and the need for them to serve the people. One of the things we agreed on in this mediation was that there are no Kenyans who belong to county governments and Kenyans who belong to the national Government. That all Kenyans belong to all these governments. The 47 county governments and the national Government.

As a matter of fact, your ordinary Kenyan, the people of Mathare, or a voter in Mathare, does not care who comes to repair a bridge that has been damaged after a flood. They just want the bridge done. Therefore, this back passing and blaming each other on who is supposed to get what, is something that the common *mwananchi* does not support. They just want work to be done.

That conversation was interesting because it was being heard in the context of the existing role between the Council of Governors (CoG) and the National Assembly on the Road Maintenance Levy Fund (RMLF). This is where the county governments have taken the National Assembly to court claiming a portion of the monies that are collected under RMLF to do our roads.

Mr. Deputy Speaker, Sir, it is an acknowledged fact that there are certain classes of roads that belong to county governments so they are the responsibility of county governments. This tussle between the National Assembly and the county governments does not help anyone. You live in Nairobi and all the time remind me that your children voted for me. They are complaining about the state of the roads in Nairobi. Everybody is complaining about the state of the roads in Nairobi all across---

The Deputy Speaker (Sen. Kathuri): Sen. Sifuna, I live in Meru. My children go to school in Nairobi and live in Nairobi. Do not misguide the Meru community that I live in Nairobi.

Sen. Sifuna: I am guided, Mr. Deputy Speaker, Sir. We are very proud as a county because we know we host all the Senators wherever they come from. Complaints have been raised about the state of the roads in all of our areas in Kilimani, Hurlingham, Eastleigh, Pipeline and other areas of Nairobi. Every time you bring this question up, the governors are always going to hide behind the dispute of the RMLF.

Yesterday we had the opportunity to sit with the Chairperson of the Committee on Roads and Transportation of the CoG, the Hon. Governor for Wajir, Ahmed Abdullahi.

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During the mediation, Members of the National Assembly gave us, as a Senate, an assignment to take a message to the CoG. That if it were possible for them to sit down, have a discussion and try to mediate that issue out of the courts, it would be helpful to the common *mwananchi*.

I want to report to the Members of this House and the Members of the National Assembly need to know, that we did take that message to the Chairperson of the Committee on Roads and Transportation of the CoG. Nonetheless, he was very skeptical. I have to say this, because he has said that this is not the first time this question of the RMLF was taken to courts. The last time there was a conversation to withdraw the matter or to solve it amicably, it did not go very well.

Consequently, at least to the Members of the National Assembly who sent us and who gave me that assignment to deliver the message, as a messenger, I have done my part. I have also given you the feedback that we received from the CoG.

Mr. Deputy Speaker, Sir, allow me to also say that in the course of those proceedings, we in the Senate raised very serious objections about the separation of powers between the three Arms of Government. We want to continue to urge Members of Parliament (MPs) especially, to remember that the law-making process and the budget-making process is a constitutional responsibility of Parliament. We must never appear to cede that responsibility to any other Arm of Government and especially not to the Executive.

You will know that whenever we are handling a matter in this House, even the Judiciary itself has taken a position of waiting for the process in this House to conclude before they can intervene. When a matter is before the Judiciary, we in Parliament as well do not touch it because of the *sub judice* rule in our own Standing Orders. Therefore, it was quite disheartening to hear pronouncements being made in the course of the mediation by Members of the Executive about this mediation and the figures that were viable or not viable.

I want Members of Parliament to remember that we swore an oath to defend the Constitution. It is the Constitution that gives us, as Parliament, power to make legislation and the budget of this country. We should not essentially be one with the Executive. In fact, sometimes I feel terrible for the leadership of the Executive because they are supposed to get ideas from Parliament and to be guided as well. Otherwise, if we are a House that only waits for the President to say we go left and we go left, we go right and we go right and if today he says this House is bad, we all clap and if he says we are now good boys we all stand up and clap--- It is not supposed to be like that.

We are doing a disservice to the Head of State and I want to encourage him. I think now the Head of State ---

The Deputy Speaker (Sen. Kathuri): I cannot see any intervention on a point of order.

Proceed, Sen. Sifuna.

Sen. Sifuna: Mr. Deputy Speaker, Sir, the point that I was making was that the Head of State now, in this institution of Parliament, should note the voices to listen to. I think he should spend more time with Sen. Onyonka. He might be able to guide him

better than some of the voices he is listening to in the House since, they are not telling him the truth.

Let me conclude by saying that the mediated amount might not be pleasant to the CoG. It might not be what this House wanted. I remember when we were dispatched to this mediation, we were given very clear instructions that we must not accept anything less than the Kshs400 billion that we had passed.

We had many objections ourselves, including myself, during debate of this particular Bill. Nonetheless, I want to say that the purpose of mediation is not to get your way. It is to have a conversation with people who hold a different view and to come to some form of middle ground.

I want the House to view this as the Senate saving Kshs7 billion for devolution and not losing Kshs13 billion from the Kshs400 billion that we had been told by the National Assembly. What we want to say as a Committee, is that we had an opportunity for a robust conversation with our colleagues from the National Assembly.

I have also had opportunity to meet some of them in the Committee. For instance, the Hon. DK. They call him DK. I had never interacted with him. I have come to realize that he is not a bad man. He is a good man and we have learnt a lot from each other. However, one of the things we also continue to insist on ---

The Deputy Speaker (Sen. Kathuri): Who is Hon. DK for record purposes?

Sen. Sifuna: Hon. DK is Hon, David Kiplagat, MP for Soi. Let me reiterate something that we said yesterday as well. We must stick to the constitutional principles even when it comes to matters of public finance in this country. We want transparency. Some of the things that were delaying even the process were, that we, in the Senate, were insisting on some transparency. For instance, we were asking if the Finance Bill of 2024 was supposed to raise an additional Kshs380 billion. We need to be shown the programmes for which this money had been planned so that we see if we have lost the entire Kshs380 billion, and which programmes were there for devolution that we can remove.

There was also this claim that the national Government was reducing its budget or its allocation by Kshs320 billion. We need to be shown those figures, so that we are clear and nobody is playing their cards under the table. If everything is put on the table, it is very easy for us to agree.

Therefore, with those many remarks, I want to thank the House again for giving me the opportunity to be a Member of the Mediation Committee and hope that in the future we will be able to grow the path of devolution year on year out.

I second.

(Question proposed)

(Interruption of debate on Motion)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, before I open the Floor to the Members to contribute, I would like to acknowledge the visiting delegation from the County Assembly of Kisumu.

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COMMUNICATION FROM THE CHAIRVISITING DELEGATION FROM KISUMU
COUNTY ASSEMBLY

Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this morning, of a delegation from the County Assembly of Kisumu, comprising Members of the Committee on Procedure and Rules, and its Secretariat.

The delegation is undertaking benchmarking visits in the Senate. I request each member of the delegation to stand when called out so that they may be acknowledged, in the Senate to addition-

- | | | |
|---------------------------|---|------------------------|
| (1). Hon. Gard Olima | - | Vice-Chairperson |
| (2). Hon. Kennedy Ajwang' | - | Member |
| (3). Ms. Annebelle Wabuge | - | Senior Clerk Assistant |
| (4). Mr. Rodgers Wagude | - | Clerk Assistant |
| (5). Mr. Faneul Okonde | - | Hansard Reporter |
| (6). Mr. William Oganda | - | Serjeant-at-arms |

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

Sen. Beatrice Ogola, welcome the visitors in less than one minute. They are your neighbours. You come from Homabay County.

Sen. Ogola: Thank you, Hon. Deputy Speaker, Sir. I am not only a neighbour of Kisumu County, but also at some point, I have been an acting Senator of Kisumu County over a long period.

(Loud consultations)

The Deputy Speaker (Sen. Kathuri): Order, Members!

Sen. Ogola: Hon. Deputy Speaker, Sir, I take this opportunity to welcome the delegation from the County Assembly of Kisumu. Only yesterday, we were in Kisumu welcoming His Excellency the President, who graced a conference that was outstanding.

As usual, Kisumu *dalla* never disappoints and we were there in our brightest colours, just as today. As the Orange Democratic Movement (ODM) Party, we never disappoint when we believe in something.

To the County Assembly Members, we welcome you to the Senate. You perform the primary oversight of our county governments and we believe we continue to work together with you as the Senate. Feel welcome.

On behalf of Sen. Ojienda, welcome to the Senate of the Republic of Kenya.

Thank you.

The Deputy Speaker (Sen. Kathuri): Thank you. I would like to now give this chance to the Senate Majority Leader, who is also a neighbour to Kisumu County, to welcome the visitors and also make his contribution on this Motion.

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(Sen. Cherarkey spoke off record)

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr Deputy Speaker, Sir. I do not know why Sen. Cherarkey is complaining, and the only time he goes to Kisumu County is when he is arrested and is being taken to the police station, unlike me, who is in Kisumu County every week.

I would like to welcome our good colleagues and neighbours from Kisumu County Assembly.

Mr. Deputy Speaker, Sir, I would have taken offence if you had not allowed me this opportunity. In these days of memes, one of the famous memes on *TikTok* is a young man who is in a public van and he keeps on asking the driver, “*Tumefika Kericho?*” I am told that they can easily tell the people of Kisumu when they get to Kericho because of various, many other things.

I celebrate what the County Assembly is doing. This House, the Senate of the Republic of Kenya, should never tire of training and capacity building all our 47 county assemblies to bring them to the stature and capacity of the Senate, because that is our constitutional duty, and we cannot pass on that responsibility to any other House, including the National Assembly.

My view is that their perception and understanding of devolution and our devolved institutions is a bit skewed. Therefore, I take pride as a Member of this House, each time we have a visiting delegation from our county assemblies of various committees, leadership of those Houses, coming here to learn.

I know the competence of the staff and personnel that we have in the Senate of the Republic of Kenya, and I know that during their time of interaction, they get to learn, not just as Members, but even members of staff that accompany them. They interact with us, from their Serjeant-at-Arms with our Serjeant-at-Arms, their members of secretariat with our members of secretariat, and Members. I wish we could do more.

I am not so much abreast with what happened in our committees, but when I used to serve in committees, occasionally we would have Members of county assemblies being allowed to sit with us in our counterpart committees as we transact Business. If it is a Committee on Health, they would sit with us in the Senate Standing Committee on Health, interact, learn and appreciate how we transact our Business.

There are times that we also had to learn from them on some of their better refined procedures than what we have here in the Senate. That is the architecture and the design of our Constitution that these two institutions relate that way. Therefore, with that regard, I celebrate the visiting delegation from Kisumu County Assembly.

Mr. Deputy Speaker, Sir, I will be brief on the topic of the mediated version of the Division of Revenue Bill.

First, I would like to celebrate the Members of the Senate that served in this Committee. They gave a very good account of ourselves as a House. I was proud every afternoon or evening when I tuned into the television and watched the arguments and counter arguments from both sides of the Mediation Committee, but I particularly felt proud as a Senator because of the good work that the team that we sent did. I know we

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would have wished for more resources, but we have to live with certain realities. In fact, on that particular point, I would like to say that the Constitution did us in with that particular regard.

If you read Article 217 of our Constitution on Division of Revenue, once every five years, and I think we shall be undertaking this exercise next year, which is an interesting experience and I would like Sen. Sifuna to fully participate when the time comes because it is one of the key eye openers for you as a senator when you participate in this exercise, we come up with the basis upon which resources are shared amongst counties.

Since the Constitution understood and knew that it is a Senate of the Republic of Kenya that is a primary defender of devolution, they gave us enormous power with regards to deciding this basis. Properly guided and guarded, we on this provision that once we have passed the resolution, it is the only Clause or the only report that once it leaves this House, if the National Assembly wants to overturn it, they need to raise two-thirds.

Therefore, for the three or four occasions that we have had the occasion to pass the revenue formula, the National Assembly, though they disagree with us, have never had occasion to question us because the Constitution appreciated that as a Senate, that is our *forte* and it is upon us to determine. Once we have agreed on the basis upon which counties share these resources, the National Assembly takes a nod and if they disagree with us, they have to raise two thirds of the House. They put us on the same pedestal like a constitutional requirement or like the impeachment of a president or a deputy or the overturning of a presidential memorandum. I appreciate that. However, when you move to Article 218, that is where I complain and is the basis of my complaint. I wish that on this matter of division of revenue and the determination of resources between the Senate and National Assembly, we had retained similar powers as such that once we consider division of revenue, because we are reasonable people, it is not that we are going to sit and say give Kshs800 billion to counties, yet we are aware of our financial position.

We would have been moderate in our consideration. I wish we had similar powers as what has been provided in Article 217, as such that upon the determination by the Senate of how much is due to the counties, then National Assembly will need two-thirds to overturn it. However, here we are. Article 218 expects that Parliament shall make the decision. Parliament means both Houses. Therefore, as much as many of our colleagues, because I have followed the conversation with comments being made by some of our colleagues on our social media platforms saying, "Colleagues, how could you agree to this or the other?" It is not upon them alone to agree. It is the duty of Parliament. Both Houses must come to a conclusion.

Mr. Deputy Speaker, Sir, sometimes it is not courage to bang yourself on the wall. It is not an act of courage because you are hurting yourself. Two weeks ago, I pointed out to this House that I was beginning to receive Short Message Services (SMSs) from governors that know me. Their question was, Senate Majority Leader, are you likely to conclude on the Division of Revenue before you proceed on recess?

When you ask them why they reply that they want to do a supplementary budget so that they get a rough idea. Imagine that many of our counties are about to break for

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recess. They have no basis upon which to do their supplementary budget because we have not done the County Allocation of Revenue Act (CARA) for them to know what is their share of the national cake.

It would have been completely unfair of us and we would have asked Sen. Sifuna because he knows how to stick to his guns. In fact, he loves opposing more than supporting things. We would have asked them to go there and insist on the Kshs400 billion and not listen to anything else, but are we helping our counties? It would have been our wish to raise those figures if it was possible, but remember the constitutional edict is that this is a determination of Parliament and not the Senate alone. Therefore, both Houses must agree.

Mr. Deputy Speaker, Sir, I appreciate that because of that provision of the Constitution, our colleagues have done well with Kshs387.425 billion, together with Kshs8 billion from the Equalization Fund. Before we break for recess, we will also pass conditional allocations. By so doing, we will still achieve all or about the intention that we set out when we began this year's Division of Revenue Bill.

I take great comfort in the fact that we, as a House, put our best case forward. However, we are also intelligent enough to listen to what our colleagues from the National Assembly are telling us and the realities that we have to live with. The truth of the matter is that our economy is not doing very well. We are under a debt distress situation; where 70 per cent of the resources we are collecting do not leave Harambee Avenue. They are collected by the Kenya Revenue Authority (KRA) and the Central Bank of Kenya (CBK) pays them out, either to foreign institutions or the local institutions that we owe.

Mr. Deputy Speaker, Sir, we must learn to live with the little that we have. I am impressed because when the President gave the State of the Nation Address last week on Thursday, he gave another assurance. However, I do not know why Sen. Sifuna says the President sometimes draws wrong advice from this House. He needs to read the Budget Policy Statement (BPS) report of the Committee on Finance and Budget of this financial year.

One of the things we had challenged the Executive to do is that apart from raising taxes, they need to digitize revenue collections at KRA so that they realize more revenue. I am certain that if we were to seal revenue leakages that exist in this country, perhaps we would raise far more than what we are trying to raise with this year's Finance Bill. That was the finding of this Senate.

I am impressed that the President gave a commitment to both Houses of Parliament when he addressed us last week. He said we are in the final stages of digitizing our revenue collection mechanisms to reduce on wastage so that we have more money to share with our counties and development can be realized.

Mr. Deputy Speaker, Sir, I celebrate and appreciate the good work that our Committee has done. I see they are proposing for us Kshs387.425 billion. Let us make this decision so that as we walk to our villages over the Christmas holiday, we can look at our governors straight in the face and ask them to give a good account of the resources that we have devolved to the devolved units.

Otherwise, as it is today, we are shy on taking on county government officials and governors because they may quickly speak after us and say that we have not told them how much they are likely to receive this financial year. I request that if possible colleagues speak to this mediated version of the Bill today so that we conclude on it and embark on CARA. This is so that by next week, we can be done with this business and retreat to the villages with our chests held high, knowing that we have done our national duty and citizens can expect services from us.

Mr. Deputy Speaker, Sir, I will not speak long on the many things we had raised, remember this is a mediated version. We had said what is expected of our county governments.

I wish to end my contribution at this point and celebrate the colleagues that took time in the mediation committee. I urge colleagues that we should quickly dispense of with this matter, appreciate the work our colleagues have put in and move on to other things.

I thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): *(Technical hitch)*

Sen. (Dr.) Murango: Asante, Bw. Naibu wa Spika, kwa kunipa hii nafasi. Kwanza, ninashukuru kamati iliyokaa chini na kuhakikisha wamefanikisha maelewano kati ya fedha ambazo zinaenda kaunti zetu.

Kazi inayofanywa na Maseneta ni muhimu sana. Shida ambazo wanapitia kuhakikisha kwamba pesa zinazoenda kwa gatuji zetu zimefika ni kazi ngumu, ni kazi msalagambo. Ni kazi inayohitaji Maseneta kumakinika na kutetea gatuji zetu.

Bw. Naibu Spika, jambo la ajabu ni kwamba hizi fedha zinapofika katika kaunti zetu, magavana wengi wanajifanya kama miungu na hawawezi kulizwa maswali. Ni kama Seneti tumekuwa tingatinga; kazi yetu ni kuchukuliwa kubomoa milima na tunapomaliza kutengeneza barabara na fedha kufika kaunti zetu, inasemekana tutaharibu barabara na lazima tuwekelewe kwa lori.

Bw. Naibu Spika, ile pesa tumeng'ang'na leo na kuhakikisha kwamba imepita, ningeliza wale magavana ambao wanatumia hizi pesa, wazitumie kwa njia ya haki, kuhakikisha ya kwamba kuna maendeleo mashinani. Nitasema hivi, Mswahili husema ukitaka kujua chochoro, kula nauli. Sisi kama Seneti, tumemakinika na tutahakikisha kwamba kuanzia mwaka ujao, tutafatilia fedha zetu zinaenda wapi.

Ukiangalia mahospitali katika gatuji zetu, utapata watu wetu bado wanahangaika kwa sababu ya ukosefu wa madawa na huduma muhimu. Utasikia gavana akisema anang'ang'ana na barabara na elimu. Hiyo ni sawa, lakini ni vizuri wajue afya ya wananchi wetu ni muhimu zaidi. Kwa sababu, aliyekufa, hawezi tumia barabara au basari.

Bw. Naibu Spika, Seneta Cherarkey anaongea kwa sauti ya juu na ananipotezea mtiririko wa mawazo ninapongea.

(Sen. Cherarkey aliongea kwa sauti)

The Deputy Speaker (Sen. Kathuri): Order, Sen. Cherarkey!

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Sen. (Dr.) Murango: Asante, Bw. Naibu Spika. Mimi kama Mwenyekiti wa Kamati ya Ukuhama, Uvuvi na Uchumi Samawati ni vizuri niseme ya kwamba, miradi mingi ambayo inafanyika katika gatuji zetu ni kama magavana wengi wamesahau kuna ukuhama na uvuvi.

Katika nyanja ya uchumi samawati, shida iliyoko ni kwamba, ukiangalia zile bajeti zinatengenezwa na kupelekwa bunge zetu za kaunti, huwezi pata hata moja imewekwa pesa za kutosha kwenda kwa uchumi samawati. Tumetembea sehemu mbalimbali kule uvuvi unafanyika na cha kushangaza ni kwamba, wavuvi bado wanahangaika na bado kuna fedha zinafaa ziende kusaidia wale wavuvi.

Bw. Naibu Spika, mkulima ni mtu wa maana na nitaregea kusema kwamba kama kuna mtu anahitajika katika maisha ya kila siku ni mkulima. Tunahitaji mkulima asubuhi wakati tunatafuta staffai, chakula cha mchana na hata jioni, mara nne kwa siku. Lakini wakulima wengi wamewachiliwa na tunajua ya kwamba, kilimo imegataliwa.

Kwa miaka yangu ya awali, nimekuwa mwakilishi wadi katika gatuji la Kirinyaga na nikawa Kiongozi wa Wengi katika Bunge la Kirinyaga. Gavana wangu ni yule aliopo leo na utapata kwamba zile fedha zimewekwa hususan kwenda kwa wadi kwa sababu wadi ni sehemu ndogo sana ya ugatuji.

Bw. Naibu Spika, wabunge kutoka kaunti ya Kirinyaga wanang'ang'ania miradi ambayo wamepeana kupitia kwa magavana kuweza kutekelezwa. Wabunge wanakuwa maadui wa gavana. Njia tunayoweza tumia kuhakikisha kwamba fedha mbazo zinafikia magavana zimefika kwenye kona zote za magatuji yote 47 ni kuhakikisha kwamba miradi ambayo imepeanwa na waakilishi wadi wote inatekelezwa katika wadi ambazo wanasimamia.

Uongozi si mapenzi. Sio lazima gavana awe anasikizana na mwakilishi wadi ama Seneta. Katika siasa hata kama hampendani, ni lazima huduma ifikie mwananchi. Kukosana katika kazi sio neno kwa sababu mwishowe tunafaa kufanya kazi.

Jana Kamati ya Uwekezaji wa Umma na Hazina Maalum za Kaunti ilikuwa na kikao na gavana wa kaunti ya Kirinyaga. Ajenda ya mkutano ilikuwa maswali kuhusu iliyokuwa kampuni ya Kirinyaga Water and Sanitation Company (KIRIWASCO) ambayo ilikuwa inahusika na maji. Hadi hivi sasa, fedha ambazo zinakusanywa na KIRIWASCO hazijapitishwa vilivyo katika bunge la kaunti ili iweze kugawiwa majukumu kulingana na sheria ambayo inahusika na ununuzi wa bidhaa.

Bado kuna mashimo mengi ambayo pesa zinazookotwa katika kaunti zinapotelea. Kwa hivyo, magavana hawafai kulia kila siku kwani pesa haitoshi. Tunataka kuona pesa inayokusanywa mashinani ikikusanywa kwa njia inayofaa, kwa uaminifu na kufikia malengo ambayo inafaa.

Jambo la mwisho ni kuhusu eneo la Mwea ambalo ni eneo kubwa linalokuzwa mpunga katika eneo la Kirinyaga. Wakulima wengi wanahangaika. Kwa sababu, ingawa kuna mbolea ya ruzuku, pembejeo ambayo imefikishwa na kufanya wakulima waongeze mazao bado kuna tatizo kubwa kwa miundo msingi ya kutoa mazao yao kutoka mashambani kufikishwa kwa maghala.

Tunazalisha mazao mengi, lakini wakulima wanapoteza mazao mengi shambani. Gharama ya kutoa gunia moja ya mpunga kutoka mashambani kupeleka katika maghala ya National Cereals and Produce Board (NCPB) na vyama vya ushirika katika eneo la

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Mwea. Hii inagharimu wakulima shilingi 1,200 katika kila gunia. Kama mkulima atapoteza shilingi 1,200 kwa sababu ya miundo msingi ambayo inafaa itengenezwe na gatuzi ya Kirinyaga, inamaanisha kuwa ile faida yote inapatikana kwa sababu ya kupata mbolea ya ruzuku na pembejeo za bei ya rahisi inapotea.

Ningependa kumwambia gavana wangu kuwa mghala muue na haki yake umpe. Tuhakikishe kwamba huduma za barabara na miundo msingi imeboreshwa ili wakulima waweze kufaidika.

Sio haya tu ambayo nilikuwa nataka kusema siku ya leo. Najua kwamba kamati nyingi zimekuwa na matatizo kubwa wakati tunawaita magavana hapa kuja kujibu maswali. Mswahili husema Mrina haogopi nyuki. Kama unataka asali lazima utafuata mzinga na kuzoa asali uwe unaumwa na nyuki ama huumwi na nyuki.

Unapoomba kiti cha gavana, lazima uwe tayari kukaa chini na wale ambao wanaangalia kama kazi inafanyika katika gatuzi. Lazima uwe tayari kukaa chini na kujibu maswali kwa wale waakilishi wadi ambao wamechaguliwa. Lazima kuwe na heshima kuhakikisha kwamba kila jambo ambalo unafanya, unawajibika. Nitakuwa kalili wa akili kama sitasema kuwa kumekuwa na madharau si haba kutoka kwa magavana, waakilishi wadi na Maseneta ambao walichaguliwa.

Itafika siku ambayo tutakuwa na kikao. Kazi yetu sio kubeba mzigo mkubwa na wakati tunawauliza maswali wanatambia mzigo uko kichwani. Lazima waajibike kwa kujibu maswali na kufanya kazi ambayo wamepeva kufanya na isiwe kazi yao ni kutupatia kazi ya kuwatafutia pesa lakini hawataki kujibu maswali.

Asante, Bw. Naibu Spika.

The Deputy Speaker (Sen. Kathuri): Sen. Ogola, proceed.

Sen. Ogola: Mr. Deputy Speaker, Sir, I thank you for giving me the opportunity to contribute to the report of the Mediation Committee on the Division of Revenue Amendment Bill, 2024.

Yesterday, the President visited Kisumu. When the Cabinet Secretary of National Treasury and Economic Planning was called to make a speech, he made an outstanding statement on devolution. He was reflecting on a commitment that the President and himself shared in support of county governments.

I expected that we would maintain the Kshs400 billion that we initially agreed on to be given to the counties. This would have been an outright support to devolution and county governments. Accepting a reduction to Kshs387 billion or less is not the commitment that the Head of State made with the Cabinet Secretary in the support of county governments. However, I empathise with the committee. I feel the reasons that the committee gave through the Mover and Seconder of this mediated report were sufficient.

From the onset, I would like to state that negotiations may not be the preserve of Doctor of Philosophy (PhD) holders, as was stated by Sen. Sifuna when he was seconding this Motion. Negotiations are just deliberations that lead to a give-and-take. I still feel that it would not be fair to the county governments to go by the report and the figures that have been given here.

The counties have no avenue of developing their areas other than the own-source revenue that they get and the equitable share given. We know that the PPs have not been working for the county governments. The national Government has policies that put

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it in a good state to negotiate with development partners from which most of the county governments do not benefit.

County governments have tried so much to engage development partners through their investment conferences from the onset. However, because of our policies, they have not achieved much. We all know that even functions that were being unbundled to the county governments were never costed. Arbitrary figures have been put in place for these functions. For example, if you take a devolved function like health, it is so expansive. Yet it was devolved to the counties without a scientific costing that was done to the services that are offered in health. So, the counties continue to suffer with the amounts that they have.

It is also common sense that you have a bigger brother like the national Government as we have in the dispensation that we are in, where we have two levels of government. It was well stated that it is the duty of the national Government to build capacity for the county governments to meet the expectations of the public.

I felt and I continue to feel, that the national Government should have borne the shortfall that we have. We should have maintained our original figure of Kshs400 billion.

*(Sen. Cherarkey, Sen. Thang'wa and Sen. Munyi
Mundigi stood in their places and consulted loudly)*

The Deputy Speaker (Sen. Kathuri): Order, Senators! Kindly take your seats.

Sen. Ogola: Thank you, Mr. Deputy Speaker, Sir, for saving me and for ensuring that the Senator for Nandi is seated and quietly listening to my presentation.

As I said, I feel that we should have maintained the Kshs 400 billion. I do not see why the national Government should not have borne this shortfall. If we have to go by lesser figures, what then happens to the priority projects that the counties are supposed to undertake?

Some of them were quantified, including the housing levy deductions that amount to Kshs4 billion. There is also county aggregations that require 50-50 matching with the national Government which was placed at Kshs11 billion. We have the enhanced contribution by the National Social Security Fund (NSSF) which has Kshs3 billion.

We have the Community Health Promoters (CHPs), which is so key to the achievement of universal healthcare. It also has a 50-50 matching with the national Government on our side being Kshs3.2 billion. In health too, we have the doctors' Collective Bargaining Agreement (CBA), which comes to around Kshs5.8 billion.

You know that the functions that were given to the county governments are core to the heart of our people. They are not just limited to health, but also water. In my county, we now have rain and consequently water. Even though we can see the lake just by us, our people cannot access water, especially during drought.

In my county and even in my sub-county, which is Ndhiwa, our people suffer so much for lack of access to water. That is why I believe that if the counties were given this up scaled billions to Kshs400 billion, then I would see my county making an effort towards the plans that they have to give our people access to water.

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If you come to Homa Bay County in Mbita Sub-county, especially in Karachuonyo all these other sub-counties, water is a problem. Even though certain investments have been made in the drilling of boreholes and the provision of water points, reticulation to the people remains a challenge in my county.

I believe the same applies to other counties. If you go to our municipalities, you often hear that there is no water in my headquarters and others. This is a function that the county governments are supposed to do. Other municipalities have old infrastructure that was laid years ago that often breaks down. The counties are not able then to work towards the universal expected standards of having our people access water.

Another key sector that was devolved to counties is agriculture. In agriculture, we have fisheries for some of us coming from the lake, which is very important to us the farming community. Our farmers do not even access extension officers when they needed.

Our farmers cannot get the right services that they need from these departments. I believe this is because of the inadequate funding given to these sectors. I expect a situation where if a farmer in my sub-county village needs veterinary services, they should be able to access.

Our farmers still keep dairy cattle and they often require services from the veterinary department. Without adequate funding, our people turn to private services that are given by private veterinary practitioners. In my country and in other countries, we are looking to achieve a percentage of forest coverage. In my county, there are two outstanding forests; that is Kondera and Ruma, which is next to my village. The deforestation that has taken place in this forest is so massive. I was looking forward to some adequate funding so that my county government could embark on a forestation programme to bring my county to the expected tree cover, nationally.

I am not very comfortable with the reduced figure. I feel, as a Senate, we should have maintained our figure. So, as I conclude, I want to be categorical that I do not support this version of the mediated report. The Senate must continuously stand with the county governments. The Senate must continuously stand with the figure that was given initially in the report here. It is also worth noticing that as this report is moved, we do not have now the aggression that the committee had when they initially presented their report.

Mr. Deputy Speaker, Sir, I do not support.

The Deputy Speaker (Sen. Kathuri): Thank you. Next is the Parliamentary Service Commissioner (PSC) Nominee commissioner-elect, Wahome wa Matinga.

Sen. Wamatinga: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to contribute to this important Motion. I will be very brief because at 11.30 a.m., I will be taking the oath of office as a commissioner. I am quite happy.

I sat in the Mediation Committee. Indeed, we, as the Senators, were quite firm that the amount we had suggested of Kshs400 billion plus would remain untouched. We pushed and listened to our counterparts. I agree with our colleague Sen. Beatrice that we had insisted we needed and we must get the Kshs400 billion. However, at times it takes a bit of courage to give in, especially aware of the situation that the country is in.

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We realised we were not the only people who are served by the national or the county Government. We realised the situation and the fiscal space that the country is moving around. In the spirit of give in order that the counties do not come to a halt, we must agree. In every mediation, it is the spirit of give and take that governs people. Emotional intelligence is required for us to be able to conclude. Looking at the fact that we will be shortly moving for recess and the county government will also be doing the same, we asked ourselves very hard questions.

That is why we said, yes, promoting devolution, upholding devolution, ensuring that the counties do not stop, we must get a figure that is possible. We must get a disposable figure where we, in the Senate, and the National Assembly, agree. It is in this spirit, with heavy hearts that we agreed to the relatively reduced figure of Kshs387.4 billion.

Having said that, it is also very important that we tell our colleagues, the governors that yes austerity measures are being practiced by the national Government. The national Government had reduced its budget by over Kshs380 billion. I like what Sen. Sifuna said, that we needed to see the breakdown of these figures. However, as we look down at those figures, as we interrogate them, let our counties not come to a halt.

I remember the Senate Majority Leader has just said he received several calls. I also received a call from my governor telling me that our county is in dire need and something must be done. We made that decision to bridge the gap so that we do not cripple activities in the county governments.

As we sat with Members of the National Assembly and tried to push our position that we, as the promoters and protectors of devolution, would not take any cut; it was not lost to us that even we here in the Senate, our committees that are the drivers of the Senate business, have also had to face budget cuts. That is the reality.

Mr. Deputy Speaker, Sir, as I urge my colleagues to support the mediated version, I would like to tell them that it was with a heavy heart that we, in the Mediation Committee, accepted the position. However, moving forward, we need to unbundle all the functions and make sure that we inject budgets that go with them.

It is in the spirit of give and take; knowing that we are one nation and serve one people, that we must be prepared at times to take compromising positions to accommodate our people. This is because service delivery to any part of Kenya or any Kenyan, regardless of them being served by the national or county government, is success for Kenyans. This is what informed our acceptance of this mediated version.

Mr. Deputy Speaker, Sir, before I sit down, I urge my colleagues to support the mediated version. Moving forward, in the spirit of give and take and the realisation that we are one nation and one Parliament, regardless of whether we are in the Senate or the National Assembly, we must ensure that the decisions that affect the common *mwananchi* are not only made promptly, but also with the speed and openness of mind that ensures that people get the services that they require.

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

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

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Mr. Temporary Speaker, Sir, I agree with my colleagues that county governments do not have a framework that the national Government enjoys having such as entering into Public Private Partnerships (PPPs). We must also have a paradigm shift in the way we look at things.

In some of our counties, especially in the agricultural sector, when it comes to water reticulation, the units are so little that they cannot achieve economies of scale. Therefore, this calls for a collaboration between counties and the national Government, so that they can realise some of the mega projects that have been conceptualised.

We were promised mega dams in Nyeri, but we have been waiting for the past 60 years. With the kind of budgetary allocation that they require, the county government will never realise that because of its limited resources. That opens the door for us to negotiate with the national Government and neighbouring counties. As we enter into PPPs to realise these mega dams that can serve multiple counties, we can achieve economies of scale by making sure that we have enough numbers.

My colleague also alluded to the fact that water reticulation is a major issue because of the old infrastructure. Truth be told, we have non-revenue water. That is water that is lost through pipes bursting or is siphoned. In some counties, we lose up to 70 per cent. If we can harness non-revenue water that we harvest and ensure it is supplied to households, we will have solved 70 per cent of our water challenges.

It is the same case with agriculture. We have a few agricultural extension officers in some counties. We need to bring together economic blocs, so that it makes economic sense to have agricultural extension officers in all counties to enhance research. Most importantly, we need to ensure that we deliver by bringing services closer to the people. This can only be done through collaboration by national and county governments and formation of regional blocs, so that economies of scale and the numbers attract investors in this country.

Before I sit down, Mr. Temporary Speaker, Sir, I want to commend the Mediation Committee that comprised both Senators and Members of the National Assembly for being selfless in the spirit of giving and taking to ensure that we came up with this mediated version, which I urge my colleagues to support.

Moving forward, we need to up our game even in the collection of own source revenue in the county governments and ensure that we seal leakages and loopholes. Most importantly, we need to do more to improve governance, accountability and transparency, so that services are delivered promptly to our people.

Mr. Temporary Speaker, Sir, I support.

The Temporary Speaker (Sen. Abdul Haji): Sen. Karungo Thang'wa, you have the Floor.

Sen. Thang'wa: Mr. Temporary Speaker, Sir, from the onset, I do not agree with this report because as you are aware, this House approved Kshs400 billion to go to the counties.

I do not know whether I am audible enough. Perhaps I should move closer to you.

The Temporary Speaker (Sen. Abdul Haji): Senator, it is okay, but you were audible enough.

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(Sen. Thang'wa moved to the Dispatch Desk)

Sen. Thang'wa: Thank you very much, Mr. Temporary Speaker, Sir, for the opportunity to say that I do not support this mediation report. As you are aware, this House approved Kshs400 billion to go to the counties. However, the National Assembly, which is never mandated to take care of the interests of the counties, reduced that amount by Kshs20 billion. The Mediation Committee agreed on Kshs387 billion, cutting short Kshs13 billion to the counties.

I will give my reasons, borrowing heavily from the President's State of the Nation Address in the National Assembly. At paragraph 18, the President said that-

"Tax revenues have grown by 11.5 per cent in June, 2024, reflecting the success of our tax base expansion measures. The economy continues to grow steadily, recording a 5.6 per cent growth rate in 2023, among the highest globally. We project five per cent growth this year and 5.6 per cent in 2025."

If tax revenues have grown by 11.5 per cent, why cut the amount of money that is supposed to go to the counties by Kshs13 billion? If you read the report by the committee on consideration of the Division of Revenue Bill, they state that the withdrawal of the Finance Bill, 2024, was an unprecedented event and has implications on Government finances. This occasioned a shortfall in projected revenue collection by Kshs346 billion.

The President said that there was a tax revenue growth by 11.5 per cent, yet the committee says there was a shortfall. Sometimes when you are accused of telling lies, it gives us a hard time knowing who to believe and what to accept. The shortfall that the committee is implying was negated by the President himself. My question is, why do we reduce the amount that goes to the counties?

Article 96 of the Constitution requires us to take care of the interests of our counties; both the governments and the people. I do not understand why Senators, who we sent to the Mediation Committee, agreed to the reduction. Actually, we could have asked for more.

Paragraph 29 of the President's speech says-

"Counties have struggled with shortages of medicine, equipment and staff, hindering service delivery and leaving countless Kenyans with sub-optimal access to health care."

From his speech in Parliament, His Excellency the President is aware that the counties are struggling yet the committee is not in line with what the President is trying to achieve or they are coming up with their own figures.

On paragraph 29, the President goes on to say-

"It would have been easy for me to step back and leave this responsibility to counties alone, but that would have been a disservice to Kenyans and a betrayal of our Constitution."

The President is aware that there is shortage and he cannot sit back and leave the responsibility to the counties alone. Why would a committee of this House reduce the money that goes to the counties, yet it has been made aware that there is struggles and

shortages in the counties by the President. That is why I would not at any moment support this.

Sen. Munyi Mundigi: On a point of order, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): Sen. Munyi Mundigi, what is your point of order?

Sen. Munyi Mundigi: Asante, Bw. Spika wa Muda. Nataka kumfahamisha rafiki yangu Sen. Karungo Thang'wa, Seneta wa Kaunti ya Kiambu, kwamba Raisi wa Kenya hakuwa kwa Kamati ya Usuluhishi. Kamati ya Usuluhishi ilikuwa na Maseneta tuliowachagua hapa pamoja na Wabunge ambao hawapendi kusikia kaunti zetu zikipata hela inayofaa.

Nakosoa rafiki yangu, Sen. Karungo Thang'wa, kwamba hakuna mahali Rais alihusika kwa sababu kuna demokrasia. Aliruhusu Kamati ya Usuluhishi ikae chini ili kaunti zetu zipate hela inayofaa; shilingi 400 bilioni. Angekosoa Kamati ya Bunge ambayo haitaki ugatuzi ufanye kazi.

Asante, Bw. Spika wa Muda.

Sen. Thang'wa: Mr. Deputy Speaker, Sir, maybe it is my English that the Senator is not understanding what I am trying to say. However, I can simplify for him to understand. I said the President is aware and knows that counties are struggling. He wants to help the counties, but the Committee that has been mandated---

(Sen. Madzayo spoke off record)

Mr. Temporary Speaker, Sir, I wish you would protect me.

The Temporary Speaker (Sen. Abdul Haji): Sen. Madzayo, hoja yako ya nidhamu ni gani?

The Senate Majority Leader (Sen. Madzayo): Bw. Spika wa Muda, ndugu yangu anayetoa maoni yake kuhusu ripoti yetu ya Kamati ya Usuluhishi amesema kwamba pengine mwenzetu haelewi lugha ya Kiingereza anayoitumia. Namuuliza, je, ni haki kwamba hasemi kwa uwazi?

Sen. Munyi Mundigi hujiita daktari. Kama daktari anafahamu lugha ya Kiingereza sana. Nishamsikia akiongea lugha ya Kiingereza. Je, ni haki ndugu yangu ambaye ni Mwenyekiti wa Kamati ya Barabara na Usafiri kusema kwamba Sen. Mundigi ana upungufu wa kufahamu lugha ya Kiingereza?

Asante, Bw. Spika wa Muda.

The Temporary Speaker (Sen. Abdul Haji): Sen. Than'gwa, unaweza kurekebisha matamshi yako? Je, ulimaanisha kwamba Sen. Mundigi hafahamu lugha ya Kiingereza?

Sen. Than'gwa: Mr. Temporary Speaker, Sir, I did not mean to say that he does not understand English. Maybe I was speaking too fast for him to comprehend.

That is why I decided to slow down and explain to him or the House that the President is aware that counties are struggling. Since they are struggling, we would expect a House that is mandated to come up with the Division of Revenue Act (DORA), which understands that we need to have service delivery at the counties, to increase the amount instead of reducing.

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I also said that the President has acknowledged that the tax base has increased by 11.5 per cent so there is more money at the national Government. Then why reduce the monies that goes to the counties? That is why I was trying to compare the two; what the President believes and what this House believes.

I know that there is a lot of embezzlement and corruption when these monies get to the counties. As we send monies to the counties, we should also call on the governors to use these resources effectively, fight corruption and stop thievery. The other day, I heard the governors saying that they will shut down counties if we do not agree. You do not threaten a person who is trying to assist the counties get what they are supposed to. If you tell us that if we do not agree very fast, you will shut down counties, what are you trying to tell us?

That is why Members of this committee agreed to the reduction of the Kshs13 billion because county governors are threatening they will shut down. Probably the committee decided instead of them shutting down, they would give them less money. I would want the governors to come out and say how they are using and misusing county resources with the same gusto they threatened to shut down counties.

Monies have been sent to the counties, but the health workers are not paid. For example, in Kiambu County, my great county, the health workers have not been paid their salaries for the last four months. The Kiambu employees are not attending the Kenya Inter-County Sports and Cultural Association (KICOSCA) games this year; something they have done every year. That is the only opportunity they meet other people from other counties for cohesion, agreement and mutual understanding. They will not attend because they say there is no money. However, if you ask them how they used the money they had budgeted for---

Mr. Temporary Speaker, Sir, they should not again blame the national Government that there is late disbursement, yet they have their own source of revenue. This is a call to all governors to work on their own source of revenue. That does not mean increasing the taxes or levies, it is just broadening the collection of it. This can only be done through digitisation.

I am comparing the President's speech with my contribution. I am supporting some of his pronouncements. Paragraph 66 of the President says-

“I am delighted to report on the dramatic improvements we have recorded by automating and digitising our revenue collection and service delivery through e-Citizen.”

This should be trickled down to the county government. I am calling on the governors to borrow from the President's speech and digitise their own source revenue collection methods. They should digitize tax or levies collection, service delivery and water supply. Counties own water companies in their counties.

Since I am in one of the committees that scrutinize the audit reports about water companies, we have realised that counties are losing a lot of water through the non-revenue water, leakages, stealing of water, no meters and all that. Yesterday, we had the Governor of Kirinyaga County. Her county is losing 56 per cent of all the water supplied to the county. When you ask them, they say the pipes are old. They do not have meters and people are stealing water. If we digitise and have smart meters, it will help with the service delivery.

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Mr. Temporary Speaker, Sir, I know counties need money and it is upon this House to scrutinize how governors are using these monies. Yesterday in the news, we saw that the national Government through the Ministry of Water, Sanitation and Irrigation is forming a taskforce to fight the rats, snails and birds menace in Mwea. Though it might sound funny, this is a huge problem in Mwea.

The people of Mwea are suffering because the rice is being eaten by the Quelea birds, snails and rats. I have talked to the Senator for Kirinyaga County and he has given me more information and told me that the one red billed Quelea bird can eat 80 grams of rice every day. If you multiply that by a year, that is about 215 tonnes of rice. If you convert that to money, it means that the Mwea people lose about Kshs32 million every year. However, when you ask the national Government or county governments, they tell you that they are forming a taskforce.

Mr. Temporary Speaker, Sir, our Government really likes meetings. They even have a meeting to discuss whether they should have a meeting. The best way to fight this menace in Mwea is by giving counties more resources. Again, I have been told by the Senator for Kirinyaga County that the County Government of Kirinyaga has never budgeted for this menace. It has never put in money to try and reduce this red-billed Quelea birds that are eating the rice.

If you do a little bit of research, you will find out how to keep away these birds. You can use an ultra-sonic repellent. It is a small gadget that emits some sound waves that humans cannot hear, but the birds can hear. This sound will disturb the birds and they will run away. That gadget is going for Kshs3,000 but the county government cannot see it fit to budget for such a gadget.

We have known even during our primary school times that we have scarecrows. I know that maybe these birds and rats are used to scarecrows, but in these technological times, the county governments should at least give them drones which emit predatory sounds so that the birds can feel like a predator is on the way.

We should not reduce the amount of money that goes to counties. We should also ask the governors to prudently use those resources as per the budget estimates, budgeting process and also as per the people's priorities. I know I am talking about Mwea, but probably this problem is not just unique to Mwea. Maybe this problem is also prevalent in the rice fields in Bura, Ahero, North Kano, or even Lower Kuja in Migori.

When the Government says it is going to form a task force to catch a rat, you ask yourself: Do we not have the people who are mandated to deal with these issues instantly? Must you form a task force to discuss the rats, birds, snails or even how to kill them yet they already know how? All I am trying to say is that money should be used well for the intended purpose.

We need to give counties more money, so that we can, as a Senate, use our channels and committees to check on how it is used.

I oppose this Report.

I thank you.

The Temporary Speaker (Sen. Abdul Haji): Sen. Madzayo proceed.

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika wa Muda. Kwanza, ninataka kuwapa kongole wale Maseneta wetu hususan katika Seneti. Haya

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yalikuwa ni majadiliano kulingana na vile ambavyo hatukuwa tumeelewana katika ugavi wa pesa zinazoenda kwenye serikali zetu za mashinani.

Majabali wetu waliokuwa katika hii Kamati wakiongozwa na Sen. Ali Roba, walikuwa Sen. Sifuna, Sen. Murgor, Sen. Faki, Sen. Veronica Maina, Sen. Onyonka, Sen. Wamatinga, Sen. (Prof.) Tom Ojienda Odhiambo, SC, Sen. Mungatana, na Sen. Oketch Gicheru.

Tuliwapeleka majabali hawa ambao walifanya bidii walivyoweza kujadiliana na kupitisha pesa zile. Kulingana na matokeo ya awali tulikuwa tumesema tupeleke Shilingi 400 bilioni kwenye serikali za kaunti 47 zote. Wagawanye taratibu ili kila kaunti ifaidike na zile pesa. Lakini kwa sababu ya sintofahamu tofauti katika Bunge la Kitaifa, walionelea hizi pesa zipunguzwe.

Lakini hawa majabali wetu ambao tulichagua hapa walifanya bidii na hatimaye wakafikisha kiwango cha Shilingi 387 bilioni ambacho si kiwango kibaya kulingana na tunavyoelewa kuwa asilimia 15 ndio sheria inaruhusu.

Kipengele 96 cha Katiba ya Kenya, kinasema kwamba kazi ya Seneti itakuwa kulinda na kutetea kitita cha pesa ambacho kitapelekwa katika serikali zetu za mashinani.

Hii ni kazi muhimu sana katika Bunge hili la Seneti. Hakuna mwaka tutaketi bila kupeleka pesa hizi katika serikali zetu za gatuji. Lakini ijapokuwa zimepungua, huo ndio wajibu ambao tunataka. Magavana wanafaa kuketi chini na kufikiria jinsi wataweza kutumia hizi pesa ambazo zimepunguzwa ili kuendeleza maendeleo katika serikali zetu za mashinani.

Bw. Spika wa Muda, hakuna mtu anayeweza kufaulu kutekeleza maendeleo ikiwa hatapata pesa na ndio maana nasisitiza umuhimu wa kipengele hicho. Nawapatia kongole Maseneta wote kwa kutia bidii kuona kuwa Shilingi 387 bilioni zimetengwa kuenda kwa serikali zetu za mashinani ili kuendeleza maendeleo. Kongole ndugu zangu katika Bunge hili la Seneti.

Vile vile, nakubaliana na Ripoti hii ambayo imeundwa kwa taaluma ya hali ya juu. Baada ya pesa hizi kufikia magavana, hawafai kuona kama wao ndio wakubwa ila wanafaa kuelewa kwamba wao ni watumishi wa wale waliowapigia kura. Kwa hivyo, tungetaka utumishi ubainike wazi ya kwamba hizi pesa ambazo tumepeleka katika serikali zetu za mashinani zinatumiwa kwa hali inayofaa.

Tunajua kuna ufujaji wa pesa kwa njia tofauti tofauti lakini pesa hizi zikitumiwa vyema wale wananchi wa mashinani watafaidika. Hii ndio sababu na umuhimu mkuu wa kupeleka hizi pesa kwenye serikali zetu za mashinani. Ni lazima tuone ya kwamba magavana, maspika wanaohusika kusambaza hizi pesa wamezitumia kwa njia ya nidhamu.

Matumizi katika hospitali; tunasema hospitali ni kiwango cha kwanza, maanake katika kaunti, hakuna kaunti itakuwa na mwelekeo mwema ikiwa watu wake wengi watakuwa ni wagonjwa. Tunataka afya za Wakenya wanaoishi nchini ziwe sawa sawa. Jukumu hili sasa limepelekwa katika serikali za mashinani ili kuona ya kwamba wale watu wanaowaongoza katika serikali za mashinani wako na afya njema.

Hii ndiyo sababu kubwa tunasema kwamba ni lazima kitengo kikubwa sana cha hizi pesa zinazokwenda katika serikali zetu za mashinani ziende katika hospitali zetu. Pesa hizi zitaweza kutumiwa kwa kuchukuwa madawa na vifaa ambavyo vinaweza

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kuhudumia mtu aliyepata ajali ama mtu anayetaka kulazwa katika vile vyumba ambavyo vinaitwa Intensive Care Unit (ICU) au chumba cha wagongwa mahututi; chumba ambacho mtu anaweza kupata madawa na hatimaye akatoka katika ile hali yake ya kimahututi na akaja akiwa mzima tena na akarudi kwa jamii yake akiwa na afya njema.

Tunasema hiyo ndiyo sababu tunasisitiza sana kwamba pesa nyingi zipelekwe kwa hospitali ili wakenya wawe na afya nzuri, nchi itakuwa na maendeleo zaidi.

Bw. Spika wa Muda, vile vile kuna hali za mawasiliano. Pesa hizi si za kutumia vile mtu anavyotaka, ila tuone hali za mawasiliano. Barabara zile za mawasiliano zinazokwenda katika vijiji vyetu vya vitongoji tunasema hizo pia zitengenezwe. Hizi pesa ambazo tumezipeleka hivi sasa ziko katika mikono ya magavana ili waweze kuzitumia kuona ya kwamba kutakuwa na barabara njema ya usafiri au hali ya maisha kutoka *point A to point B* kwa wananchi wa Kenya imeimarishwa.

Vile vile, inajulikana kwamba uti wa mgongo wa nchi hii ni ukulima. Tunajua kuna wakulima katika sehemu mbali mbali ya nchi hii. Wengine pengine katika sehemu za kaskazini ya Kenya ni watu ambao wanategemea mifugo. Tunasema tuweze kupeana kipaumbele kwa huduma za wale watu wanaotoka maeneo tofauti tofauti. Kama sasa watu wa North Eastern, watu wanaoketi kule wanataka ng'ombe, ngamia na mahitaji fulani fulani. Tunaona ya kwamba lazima gavana wa upande huo atilie mkazo mambo haya.

Tukija upande wa kilimo, kuna sehemu tofauti tofauti za Kenya ambako kuna wakulima. Tunataka pia hizi pesa zitakazoenda kwa serikali zetu mashinani, magavana waweze kuzingatia wakulima na kuwapa kipaumbele. Hii itawawezesha kuwa na mashamba yao ambayo wataweka rotuba, *fertilizer* na mbegu ili wapate chakula kingi. Hakuna nchi ambayo inaweza kufaulu, bila kuhakikisha chakula kinapatikana ili watu waweze kushiba, kufanya kazi kwa bidii ili kuwe na maendeleo. Tunaiita *food security*.

Mara nyingi, tumeona watu waliosimama au wanaopinga na hatuwakatai. Kupinga ni sawa, lakini Ripoti hii imetengenezwa na Kamati. Hii Ripoti ni ya Kamati si ya Rais. Tukiketi hapa kama Maseneta na tukianza sintofahamu ya kwamba tunaongea juu ya taarifa aliyotoa Rais ya mwaka wa 2024 katika hili Bunge letu, tukiileta hapa na kuifananisha na hii Ripoti, haitakuwa sawa. Tutakuwa tumekosa mwelekeo. Ripoti ya Rais iko kando na Ripoti hii ambayo imetengenezwa na Kamati yetu ya majadiliano katikati ya Mabunge yote mawili. Walikubaliana na hizi pesa na tunaongea habari za pesa zitakazoenda katika serikali za mashinani ili ziweze kusaidia wananchi wa Kenya.

Nikimalizia, ningependa kuongea na wafanyikazi wanaofanya katika serikali zetu za mashinani. Wazungu walisema ya kwamba, na unirusu nitumie lugha ya kimombo, "*your first client is your employee and a happy worker is a productive worker.*"

Kitu cha kwanza ambacho magavana wanatakikana kuona ni kwamba wale wafanyikazi ambao wameandikwa ndani ya maofisi zao wameangaliwa. Tunashangaa ya kwamba sasa kuna sababu ndogo ndogo ambazo tunaweza kuziona zikitoka kila mahali katika Kenya kwamba wafanyikazi wamekosa mishahara. Tunasema hakuna anayetaka kufanya kazi na baada ya siku thelathini asione mishahara wake ndani ya mfuko ili aende nyumbani akifurahi, kuweza kulipa karo za watoto wake, kulisha bibi yake na kuwavisha pamoja na watoto ili nyumba ile iwe na raha.

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Tunaona simanzi zinatandaa katika familia tofauti tofauti kwa sababu ukiulizwa unasema mimi sina pesa za kulipa mishahara. Lakini sasa hakutakuwa na sababu ya wafanyikazi wetu wanaofanya kazi katika serikali za mashinani kukosa mishahara yao. Nasema kwamba kipaumbele iwe ni wafanyikazi wenu wanaofanya kazi katika kaunti zote 47 katika Kenya. Hivi sasa pesa ziko. Walipeni mishahara yao.

Bw. Spika wa Muda, nataka kumalizia kwa kusema hii Ripoti yetu tuliiandika na kukubaliana nayo. Hii ni kwa sababu ni ripoti ambayo imepeana mwelekeo na imeeleza ni sababu gani tumeweza kukubaliana kuchukua hizi Shilingi 387 bilioni. Tukakubali zile zingine kama shilingi 13 bilioni zipotee lakini hali ilivyo ni kuwa hali ya uchumi nchini si nzuri.

Hata hivyo, sisi tunawaomba hao magavana waweze kuketi katika yale maofisi. Waweze kukaa chini, kutafakari na kuona ya kwamba maji yatasambazwa, barabara zitapatikana na mbegu zitapelekwa kwa wakulima, hospitali zitakuwa na madawa na hatimaye pia mishahara ya wafanyikazi katika serikali zetu za mashinani itapatikana kulingana na uwezo na nguvu zao. Wasifanye kazi wakijipiga vifua halafu mishahara isipatikane.

Kwa hivyo, tunasisitiza katika hii Ripoti naunga mkono kwa sababu ni ripoti ambayo imetengenezwa na Maseneta wenzetu. Wameileta hapa na sisi tunaona ya kwamba ripoti hii itasaidia vilivyo katika serikali za mashinani.

Asante.

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, we seem to have a problem with the system. The system has hanged. Therefore, I will require all of you to log out and then log in afresh. Please, just log out and then log in, so that we can reboot the system. I do have a list of the speakers.

Let us do it again. Can everybody log out and wait for my instructions to log in? Log out. Serjeant-at-Arms, can you assist us in removing the cards, which are in the system? *Niko na majina ya watu vile wanafuatana kuzungumza.* Very well. Senators, you can now log in.

Sen. Mundigi Alexander, please, proceed.

Sen. Munyi Mundigi: Asante, Bw. Spika wa Muda, kwa kunipa fursa niweze kuchangia Ripoti hii kuhusu hela zinazoenda katika kaunti zetu.

Naunga mkono Ripoti hii ambayo inaonyesha vile pesa zitaenda mashinani. Ingawa pesa hizi hazitoshi kwa sababu nakumbuka mwaka jana, kaunti zote 47 tulipitisha Shilingi385 bilioni, lakini mwaka huu kabla mambo ya *budget* tukapitisha Shilingi400 bilioni ambazo tulidhania itasaidia watu mashinani.

Walakini, iliporudi huku baaada ya *budget* kuanguka, *National Assembly* walisema Kaunti zote 47 watapatiwa Shilingi380 bilioni. Hii ina maana kuwa walipunguza Shilingi bilioni tano. Maseneta nao waliona hiyo haifai na ndio tukaunda Kamati ya *Mediation* na tukachagua Maseneta tuilioona wanafaa kwenda kwa kikao na wale wa Kamati ya Budget ya National Assembly.

Walipokaa, waliongeza kutoka kwa Shilingi380 bilioni mpaka Shilingi385 bilioni. Sasa tunaona ni kama waliongezea Shilingi bilioni mbili ikawa Shilingi 387 bilioni. Kwa hivyo, naunga mkono.

Ingawa hata hizi pesa hazitoshi, naomba magavana kuwa hizi pesa zitakapokuja mashinani, wajaribu sana pesa nyingi ziende katika *agriculture* kwa sababu hiyo ndio *key* ya serilaki na mwananchi na ndiyo kila kitu katika Kenya yetu.

Ili *agriculture* iweze kufanya vizuri, ningeomba kila *ward* iwe na *agricultural extension officer* ili tuone kilimo kitaendealea vipi kwa sababu mvua inanyesha na kuna *problem* kutokuwa na *agricultural officers*. Vile vile, kuna changamoto ya mmomonyoko wa udongo ambapo mchanga unabebwa na maji. Kwa hivyo, Bw. Spika wa Muda, ningeomba hizi hela zikienda mashinani, kwanza magavana wajaribu kila *County Governor* aajiri *extension officers* na pia azingatie mambo ya afya ndio watu wetu wasiwe wagonjwa kwa sababu shida iliyoko mashinani ni ya *agriculture* na afya.

Tatu, wanapswa kuangalia hali ya barabara. Ingawa magavana hawawezi kutengeza barabara kubwa lakini wangejaribu kutenga fedha kwa ajili ya ujenzi wa barabara kuwawezesha wakulima kusafirisha mazao yao kwa njia inayofaa.

Bw. Spika wa Muda, mambo ya *agriculture* ina shida sana. Kwa mfano, katika *Embu County*, kilimo chetu ni cha majani chai, kahawa, *macadamia*, maziwa, maembe, miraa na muguka. Ningependa *County* ya Embu ipate pesa na ipeleke mashinani ili wananchi wapate kilimo vile inafaa. Vile vile, wanafaa watengenezewe *water pans* ili wajisaidie na zile pesa ya *agriculture*. Pia, kwa upande wa *agriculture*, kwa sababu hizi pesa hazitoshi, serikali kuu inafaa kuangalia mahitaji ya counties. Kila kunti itengenezewe *dam* kubwa. Kwa mfano, katika *Embu County*, tunajua wametuahidi watatungenezwa Kamumu Dam ambayo itasaidia Mbeere North na Thambana Dam ambayo itasaidia Mbeere South na Manyatta.

Ningeomba pia pesa ambazo zimebaki serikali kuu juu ya kuinua kilimo, watengenezee watu wa *Embu County dam* ili kilimo ya *Embu County* na economy imairike. Tukifanya hivyo, watu watafanya kazi inayofaa na tutapata mazao mazuri na pia *economy* ya *Embu County* juu ya ushuru itaenda juu na serikali ya Kenya---

Ningeomba pia serikali kuu itusaidie wakati tunapata mazao. Wakati mwingine, tunalima sana lakini huenda ikawa hakuna mahali tutaweza kuuza mazao yetu. Serikali itusaidie kutafuta soko hata kama ni za ng'ambo ili tupate mahali tutakapouza mazao yetu kama vile miraa au muguka.

Jambo lingene ningeomba serikali ya *county* ni kuhusu mambo ya afya. Pesa nyiingi zinafaa kuenda kwa hospitali zetu za counties haswa tunajua *health promoters* wanafanya kazi nzuri. Nakumbuka katika ile *budget* iliyoanguka tulikuwa tumeongeza pesa lakini tulisikia karibu wakose kulipwa mishahara. Hili ni jambo la aibu sana kwa sababu Serikali ya Kenya Kwanza ilipoingia ilianguka watu hawa. Kwa kipindi ya miaka mingi, hawakuwa wanalipwa lakini sasa wakasema serikali kuu itatoa *50 per cent* na *County 50 per cent*, na tutafurahi sana. Kwa hivyo, ningeomba magavana wafuatilie hao watu kwa sababu wako mashinani, eti mtoto akizaliwa wameanza kuchukua ripoti zao na akina mama wazee walioko nyumbani, ili miaka ijayo kuwe na mipangilio ya magonjwa yote ya binadamu. Kwa hivyo, naunga mkono Ripoti hii.

Kwa upande wa hospitali, hizi pesa hazitoshi. Ningeomba serikali kuu isaidie serikali za kaunti ili hospitali kubwa zipate madawa na kutengenezwa ziwe *Level 4* na *Level 5* ili magonjwa kama *cancer* an mengineo yakabiliwe.

Kuna watu wanaolipwa na mishahara na *county* na pia kuna madaktari ambao wanalipwa na *national Government*. Naomba *national Government* ipeleke pesa zilizosalia mashinani.

Jambo lingine ambalo litawezakusaida kaunti zetu ni kuwa kila kaunti kuna pesa ambazo zimetoka nchi za ng'ambo ili kusaidia upandaji wa miti juu ya *climate change*. *County Government* na *national Government* wanafaa waungane pamoja ili tuweze kupanda miti ili *dams* tutakazotengeneza zisikauke, na tuendeleo kupata mvua na mazao yetu yaongezeke na tutengeneze economy yetu. Tukiendela hivyo, nchi ya Kenya, kwa upande wa kilimo, afya na barabara tutaweza kuinuka.

Ningependa kukosoa watu wanaopinga Ripoti hii na kuwafahamisha kuwa, si kumaanisha kuwa sijui mambo ya Kingereza ama Kiswahili. Nafahamu vizuri Ripoti hii inaongea kuhusu mambo ya kaunti na hakuna mahali President ameingilia kwa hela zinazotengewa *county government*. Nilimaanisha kuwa Seneta wetu alikuwa na msemo na kipindi cha Member of Parliaments (MPs) ndio waweze kupitisha. *President* hajakataa kupitisha hela tunazopitisha. Sisi tumepatiwa kazi na mwananchi tuweze kutetea *devolution*.

Ikitoka *Upper House* iende kwa *National Assembly* ambayo imekuwa na shida nyingi sana na magavana kwa sababu wanapata pesa nyingi kuliko zile zinazotengewa kaunti zetu. *Constituency* moja inapata Shilingi 150 milioni kwa MP mmoja. Isitoshe, wamejiongezea pesa za barabara. Wamejipitia Shilingi 60 milioni. Hao MPs wamejipatia Shilingi 30 milioni za kutengeneza stima. Kwa hivyo, shida ya hizi pesa za *devolution* si makosa ya *President*, ila ni makosa ya MP. Kwa hivo, ningependa kukosoa wanaopinga huu Mjadala. Tunafaa kukaa chini kwa sababu Bibilia inasema watu wawili hawawezi kutembea bila kuelewana. Tunafaa tuelewane na *National Assembly* ili tuweze k upatia watu wa mashinani fedha za kutosha juu ya *economy* ya *counties*.

Mwisho, tumeona kuwa fedha hizi hazitoshi kwa sababu ya pending bills and pending wages zilizoachwa na wale magavana waliokuwako. Ningeomba *county governors*, fedha ambazo mnakusanya mashinani muongezee ili muweze kupata pesa zitakazosaidia kuongezea pesa hizi ambazo tumewapatia. Kwa mfano, nafurahia sana na Gavana wa County ya Embu. Embu County ilikuwa imepangiwa kukusanya Shilingi 900 milioni lakini yule gavana wa zamani alikuwa anakusanya Shilingi 350 milioni.

Bw. Spika wa Muda, yule gavana yuko saa hii amefikisha Shilingi 750 milioni na ndio maana namuunga mkono. Hizo pesa ndizo magavana wanafuja. Gavana wa Kaunti ya Embu amefanya kazi nzuri lakini hajafikisha zile pesa zinafaa kutoka, angalau Shilingi bilioni moja ili kuongezea zile pesa zitatoka huku Seneti.

Ninaomba ajifunze na zile kaunti zile zingine. Tumesikia kaunti nyingi zimetafuta njia za kukusanya ushuru kule mashinani. Ninashukuru pia Kaunti ya Embu na wale wafanyikazi wanaokusanya zile pesa na pia wafunge zile laini zilituharibia ndio tuone kama tutafika pahali panafaa.

Bw. Spika wa Muda, kaunti zimekuwa na shida za hapa na pale kwanza upande wa hospitali. Ningeomba Serikali iweze kuangalia haya mambo.

Kule Treasury pia kuna shida na ningeomba Waziri wa Fedha akubaliane na kaunti. Serikali ya Kenya Kwanza ilipoingia mamlakani, Rais wetu alisema kila mwezi mpaka kaunti zipate pesa na juzi tumesikia kwa miezi mitatu, kaunti hazijapata pesa.

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Ninaomba Waziri wa Fedha na wale wanaofanya huko wapatie kaunti zetu pesa kila mwezi ili *devolution* ifike mashinani ili tuweze kuona vile Serikali ya Kenya Kwanza inasema pesa mkononi.

Mimi kama Seneta wa Kaunti ya Embu, ninaunga mkono na mimi ni daktari Alexander Munyi Mundigi.

The Temporary Speaker (Sen. Abdul Haji): Sen. Samson Cherarkey.

Sen. Cherarkey: Thank you, Mr. Temporary Speaker, Sir, for this opportunity to make a few comments on the reports of the mediated version by the Senate and the National Assembly.

I will say from the onset that I am disappointed by the outcome of the process. It looks like we succumbed to the whims and wishes of the National Assembly on this discussion. While these counties continue to struggle with the challenges of corruption, under-development and poor performance, it is not justifiable to deny them resources.

When we proposed Kshs400 billion, I thought we had sent the best. I remember the Senator for Nairobi City and his colleagues in the last session when you and I voted to pass Kshs380 billion in the last financial year went bashing us in funerals, baby and bridal showers; saying that the Senate was undermining devolution. I did not expect to preside when counties had not received adequate resources.

The reason we proposed Kshs400 billion was not from nowhere. It was enough for counties. The fact that we are reducing the amount to Kshs387 billion is unfortunate. Many people would want to see an additional of Kshs3 billion or Kshs7 billion because in the last session, it was Kshs385 billion. I feel disappointed that the only way we can remove the heat on the development of this country from the national Government is to resource counties to ably do their functions as per the Constitution.

This amount of Kshs387.4 billion is not sufficient to counties. I appeal on the issue of the Equalisation Fund because we are yet to release it as per Article 204. The money is yet to be released. There has been push and pull here. Even on the issue of concurrent functions like disasters, I expected the national Government to fully shoulder the responsibility of CHPs because it is not expensive even though health is devolved. I expected the national Government to shoulder the issue of industrial parks with Kshs250 million by counties and Kshs250 million by the national Government because these are concurrent functions.

The biggest danger to devolution is the clawback of its functions. The second one is the unbundling of functions that should follow costs. There are many functions still retained by the national Government and yet, they should be unbundled to the counties because functions follow money. For example, the function of health is fully devolved, but the only role the national Government comes in is in policy.

In the last Session, we fought very hard on the issue of the Medical Equipment Supplies (MES). It became one of the biggest rip off to counties up to date.

Mr. Temporary Speaker, Sir, on the issue of the Road Maintenance Levy Fund (RMLF), I still insist that this money belongs to county governments, which is Kshs11 billion. I would like to ask MPs of the National Assembly why they are greedy. They are getting close to Kshs40 billion through the National Government-Constituencies Development Fund (NG-CDF), which the Supreme Court ruled was unconstitutional.

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I will borrow the words the nominee of the African Union Chairman (AUC), the party leader of Sen. Richard Onyonka when he read his statement and said that the role of parliament, both the National Assembly and the Senate, should be and must be oversight. It is time we totally scrapped NG-CDF. There is no need. How can you oversight money that you are spending? Why not take all that money and give it to counties and then all of us do oversight? Let them oversight national agencies and we oversight counties.

Mr. Temporary Speaker, Sir, even on this RMLF, they want to add the Kshs11 billion to themselves over the Kenya Rural Roads Authority (KeRRA) and the Kenya Urban Roads Authority (KURA) is unconstitutional. I am happy that people in court are arguing that KeRRA and KURA are unconstitutional. Today, as we speak, MPs have held KeRRA hostage to do their bidding.

Therefore, the NG-CDF issue, where every constituency receives over Kshs100 million and the misnomer I hear on the streets is that NG-CDF does more or we have seen NG-CDF and yet, it was started in 2003. It is time we consolidated all the funds, do the Division of Revenue to the national Government and counties and oversight both.

I also agree with the principle of the AUC candidate Raila Odinga when he says that, let MPs do oversight of the funds that they appropriate in the budget making process. I will do *pro bono* legal advice on the Floor of the House to all Kenyans, that the President and the national Executive are not involved in the budget making process. The budget making process is the exclusive domain of the National Assembly and the Senate. It was decided in Petition No.3 of 2013 by the Supreme Court. So, we should correct this misnomer that the Executive or the President do not participate in any way in the budget making process.

Mr. Temporary Speaker, Sir, counties continue with the issue of pending bills. Most of our businessmen in Garissa, Nandi, and Kisii have died while following up their pending payments with counties. As at June, 2024, counties owed pending bills of Kshs158 billion, including in Garissa. Your businessmen and women are suffering because they cannot be paid by counties.

I saw the Governor for Kakamega telling us that the biggest danger to devolution is the Controller of Budget (CoB). It is not. What governors are doing is voiding payments. They take money to pay for Haji, but pay Aaron and the CoB must be on lookout to ensure proper approvals of the money. We will not allow governors to run away with corruption.

I saw the Chairperson for the Committee on Finance and Budget, and I became worried. I did not know what he was talking about. The biggest problems in the functionalities of counties are governors because they void payments and steal the money. After the resolution of this House on pending bills, we said that money should be paid across the counties, the Kshs158 billion as of June, 2024. No one has paid.

The other day, there was a misnomer by governors and I was embarrassed. They were saying that they have not received money. When the Cabinet Secretary for National Treasury and Economic Planning released his report, they had received up to October, Kshs158 billion. They are yet to release November, but they are lying to Kenyans led by the Chair of the CoG, the Governor for Wajir County, Ahmed Abdullahi and yet, Wajir is dysfunctional.

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As we talk today, the Central Bank of Kenya (CBK) accounts show that the Wajir County Government has Kshs2.6 billion lying in their account. Kisii County has Kshs6.7 billion lying in CBK. Nandi County has Kshs2 billion lying in CBK yet the Chairperson of the Council of Governors (CoG) is telling the country there is no money yet money for Wajir County worth Kshs2.6 billion is lying in the CBK accounts. The people of Wajir County do not have drugs and cannot access roads. Even in Nandi County, we have Kshs2 billion in the CBK accounts yet the governor is busy lamenting, perambulating, and talking at funerals, giving out handouts, and buying jembe sticks and machetes. It is as if we are giving them money to prepare for war.

I feel embarrassed, and I want to tell the Inspector General of Police, Douglas Kanja, that some of us in Nandi no longer believe in security agencies' functionality. Someone was arrested when we went to occupy the Nandi County Assembly because of the *Ad Hoc* Report, which stated that Governor Sang could not account for more than Kshs10 billion worth of projects.

A senior official within Nandi County Executive was arrested with machetes and jembes. The only thing that the police did in Nandi was to give him lovey-davies. As we talk today, one young man by the name of Digitaro was attacked in Nandi Hills Town. The person who attacked him is a governor's goon who is yet to be arrested. The Directorate of Criminal Investigations Officer (DCIO) and Inspector General Douglas Kanja are doing nothing about it.

Goonism in Nandi is the order of the day. Anybody I saw, even at Dr. Ondare's father's funeral, that goons have taken over funeral services in Kisii County. It is unfortunate, and I saw Sen. Onyonka and Hon. Doña. We are not appropriating monies to counties to run goons. I am embarrassed and disappointed by the Nandi County Security Team. You can even check in the media; there were goons, allegedly sponsored by the governor, carrying jembe sticks and machetes on camera.

The Nandi County Security Team, led by the county commander, has never arrested anybody. What are you telling us? Why are we appropriating this money if goons are walking around? You cannot ask questions. The moment in Nandi you try and question--- I saw a young girl called Vero being threatened. Another young man called Basil was also threatened.

I have told you of a young man called Digitaro. He was attacked in broad daylight in Nandi Hills Town, 50 metres from Nandi Hills Police Station. No one has been arrested, even though the person who did that is known.

You saw yesterday in Turkana County that despite the county receiving over Kshs100 billion--- When it rained in Turkana yesterday, Turkana County Referral Hospital was flooded because of poor workmanship yet the Governor of Turkana, from the reliable intelligence I have, whenever he goes to funerals, dishes out Kshs1,000 to the people of Turkana.

It was reported in the news that in Turkana, a Form Four graduate was dispensing medicine. What are you telling us? What are the Ethics and Anti-Corruption Commission (EACC) doing? What is the DCI doing? If a Form Four graduate somewhere in Turkana is dispensing medicine, and we are sitting here as a Senate as if

nothing is happening, then there is a big problem with this country. The system is broken.

Mr. Temporary Speaker, Sir, the way governors, including your governor, where Garissa Town is only a few metres from the river, and there is no water in Garissa town. The Governor is receiving money and smiling all the way to the bank. They should come back and account for it before the Floor of the House.

When you ask governors to appear before committees, they do not come. I issued summonses to the Governor of Kisii, Hon. Simba Arati. I have issued summonses against the Governor of Tharaka Nithi, Muthomi Njuki. We have issued summonses to the Machakos Governor and even the Governor of Isiolo County because they do not want to come to account. However, they are busy taking money from us, and they cannot come back to our account.

I remember the *Ad Hoc* report of the County Assembly of Nandi on the Kshs10 billion projects like Kapsabet mother and newborn units. There is no mortuary in Kapsabet Town. Mzungu built the one that was there. Our people are suffering.

You go to Nandi Hills Hospital, and there are no drugs. Across Kabuchai Sub-county Hospital, which is less than 50 metres from the governor's house - God forbid, if he gets sick, he cannot access medical care in Kabuchai Sub-county Hospital, which is a stalled project. Also, Kapsengere is stalled. All the projects for which money has been allocated have stalled.

When the Members of the County Assembly of Nandi tried to pass the *Ad Hoc* report, the MCAs were heavily intimidated and blackmailed. I want to thank the MCAs, almost 19 of whom were led by the Chair of the *Ad Hoc* Committee, the Kapsabet Ward MCA, for standing firm and fighting for justice.

I can see my time is far spent. However, corruption in counties must be fought. I want to challenge the nominee of EACC, Mr. Abdi, to walk the talk. We are tired of EACC frying only *omena* instead of frying *mbuta*. As we talk today, there was a payroll fraud in Nandi County. The EACC and DCI came to Nandi and took away computers, and up to today, no one has been arrested. Even our Public Service Commission report came out in Nandi and showed that a number of people hired by the governor were earning a salary without working. No one has been arrested up to today. One of them was this campaign soloist. Another was a media presenter. Some of them were close relatives. What is this telling us? The system is broken. It is as simple as that. You saw what happened in Kisii; the same thing happened with the employee fiasco. No one has been held accountable in the employment saga, even in Isiolo County. We challenge the new EACC CEO. We are tired of appropriating funds, yet one is held accountable. Up to date, on the issue of payroll fiasco in Nandi, none has been arrested.

The EACC come with abracadabra, comes with vehicles, and take computers and copies. One or two months later, no one has been arrested.

(Sen. Onyonka spoke off record)

Yes, and 'they see each other behind the tent'. Today, Sen. Onyonka is one of my biggest cheer squad here on the Floor of the House, and I am proud of it. Unfortunately,

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we give money to EACC and DCI from taxpayers to fight corruption, but there is nothing to smile about. As a reggae song says, when you look outside the window, do you see anything to smile about? Our counties are becoming bastions of inefficiency, moribundity and corruption.

Finally, on the issue of own source revenue, Nairobi City County, according to the Commission on Revenue Allocation report, has the potential to collect Kshs67 billion, but it is collecting Kshs12 billion. Where is 50 billion? Nandi County has a revenue potential of Kshs700 million, but it is collecting Kshs200 million.

I see governors celebrating, but they are not telling the country whether their own source revenue is giving value. Governors will talk about equitable shareable revenue being appropriated, but they will never tell you about their own source revenue. Why are boda boda riders in Chepterit, Aldai and Chemase paying for boda boda stickers?

In Mosoriot, Kaptumo, Kabuchai, Chepterwai, Nandi Hills, and Kapsabet Town, the mama mboga have a dysfunctional town market where there are no sanitary facilities, including toilets. Those women sit from morning to evening, but there are no toilets to use, and they are paying money to counties.

It is raining in Nandi now and the roads are impassible. Boda boda riders have been forced to construct sheds of grass to protect themselves from the sun or the rain yet governors will not tell you about their own source revenue. If you ask the CoG Chairperson, they will never tell you about their own source revenue. They will tell you about money in the National Treasury. They will never tell you what they are doing to achieve the CRA revenue potential. We must agree that own source revenue should provide value for our people going forward.

As a Senate, we must have a conversation. I oppose this Report. Thank you.

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

Sen. Veronica Nduati.

Sen. Veronica Maina: Thank you, Mr. Temporary Speaker, Sir, for the indulgence to share my views.

First, allow me to congratulate the mediation team that sat to consider the request and proposal for the revision of the Division of Revenue Act 2024, which was initially assented to on 10th June, 2024. Due to factors that led to the withdrawal of the Finance Bill, 2024, it necessitated an amendment that was then introduced.

The two Houses were not in agreement on the figures, and that called for the kicking in of the Articles that enabled mediation to take place between the two Houses.

Let me first say that the trend that was set by this Mediation Committee was to the effect that both Houses can come to a consensus. That helps us to move important matters, which have national consequences to a conclusion that then becomes a win-win situation for the citizens of Kenya.

I was one of the members of the mediation team. One of the issues that the Senate felt very strongly about was that reducing the county allocation to Kshs380 billion would then have meant that was less than what had been given to the counties in the Financial Year 2023/2024. That then fostered a very robust conversation and a dialogue almost close to a conflict between the two Houses. The Senate was of the view that we could not allow a reduction of that revenue below what was allocated last financial year.

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It was due to a very good process which was respected by both Houses that Members were able to agree that at least the funds that will support devolution should be improved to Kshs387 billion.

We are not saying this is the best figure that could have been allocated to the counties. Our vision was to ensure that counties could have up to Kshs400 billion, but it was not possible because of the withdrawal of the Finance Bill, 2024, which resulted in a shortfall in the projected revenue.

As a result, there was a shortfall of Kshs346 billion. As such, counties were pushed to take in a reduction of Kshs20 billion, which we felt was too high because of the nature of services that are rendered by the county governments.

If counties were allocated Kshs400 billion or allocated Kshs380 billion or Kshs390 billion or Kshs360 billion and yet we have so much wasted in the same counties, even the Kshs380 or the Kshs400 will still not become useful to the Kenyans and the citizens of this nation.

I believe this mediated version of the Bill should now not face any opposition in both Houses. It is time we face one another as citizens and leaders, and agree that it is time to curb wastage, to reduce on cost of how we do business and how we conduct business. It is time we change the culture of our Government offices, Government officials, county offices, county officials and public service.

If we were to reduce corruption even by 40 per cent, it would unlock so much potential in this nation. We would be finding world-class hospitals in all our counties. So, my first take is that even with the resources that have been allocated to the counties, we need to see much more service rendered to wananchi; not just service, but very quality service.

Sometimes when you visit the counties or listen to reports that come to CPIC or CPAC, you wonder whether those counties are within the Republic of Kenya. This House is known for supporting devolution and encouraging that more resources must be devolved to go to *wananchi*. However, what has been happening is wanton abuse and misuse of public resources, and that has to stop.

There is also the question of own source revenue. Why are counties not concentrating on collecting revenue and improving services that people are happy to pay for? If you listen to many Kenyans, any service provider who gives quality services is always assured of clientele. The challenge we are having right now--- Unless we curb the wastage, even if Kshs500 billion is allocated to the counties, it will still not be useful to *wananchi*.

Mr. Temporary Speaker, Sir, as I support this Report, I urge the likes of Sen. Cherarke,y because this is a mediated version and no factors were considered--- All our Members should support this Report, so that we unlock resources to go to the counties because we cannot go for Christmas or go on recess or holiday before we pass this mediated Bill, so that resources are disbursed to the counties.

The Temporary Speaker (Sen. Abdul Haji): Sen. Esther Okenyuri, you may proceed.

Sen. Okenyuri: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity. I also wish to support this Report. When I look at the composition of

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Members who sat to mediate over this issue, from our side of the Senate, I see very good brains. Even on the other side of the National Assembly, we have people like one Hon. (Dr.) John Chikati, who was my former boss at my previous workplace.

Interestingly, mediation offers a chance for us to cede ground on some of the issues that we would have not otherwise considered. I have had an opportunity to serve on at least three mediation committees. Therefore, I know the intrigues that go on. Gladly, we have this version, so that we can have our counties in full operation.

I do not want to dwell much on the issue of figures. Shareable revenue is one of the Senate's core mandates, but I want to look at other issues. Once money is sent to the counties, what do they do with it? When I was looking at some of the observations and recommendations in this Report, there is a recommendation that counties need to have a bigger look at their own sources of revenue. Currently, their own sources of revenue is way lower than what is expected.

To give you an example, if you go to a place like Kajiado County, a case in point Ongata Rongai, if you meet county officials, they will charge you for a service, but put that money in their pockets. You do not see any kind of accountability. In that case, that is money lost.

The 47 county governments need to prioritise, especially giving training to their officers in charge of revenue collection. The Commission on Revenue Allocation (CRA) has given guidelines on how they need to go about that. This is a progressive way of curbing losses, especially in revenue collection.

Training also needs to happen for the management and policymakers in that sector. We need to generally engage all sectors, so that we do not face hostility when we encourage collection of more revenue in form of taxes. When you encourage all stakeholders in a particular county, you are less likely to face resistance.

My colleague, Sen. Cherarkey, was very angry because of the kind of corruption at the chiefs' offices. I need him to be angrier and call out corruption in all quarters and not just in the county governments.

Mr. Temporary Speaker, Sir, when you look at the way spending is done at the county governments, you conclude that the spending is not meant to help normal citizens, but the political class. You will find a budget done for a leadership training that was undertaken in Dubai for people going to study about poverty alleviation in another country. Do you need to go to another country to study how they are alleviating poverty? We have our own case in Kenya. Those are situations that surround us on a daily basis.

When you look at most of the indexes we are looking at in subdividing this money, the health index is the most critical. However, most county governments are less prioritising this sector. As a Parliament, we have passed so many laws that need to support the health sector to work very well. The other time we passed a Facility Improvement Fund (FIF) legislation. There was legislation enabling the surrounding persons to have a committee in their local dispensary that provides oversight.

Citizens need to know that they are equal partakers of what is currently happening. In as much as we are calling out the political class, the citizens also need to know that the political class we have is a representation of who they are. If citizens want change, they need to start looking carefully at the kind of leaders they elect. That is why I

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was very excited when Senators in this House supported my Bill on civic education. I believe an informed citizenry is able to make right decisions for themselves and the kind of leadership they want.

The other issue I want to major on is agriculture now that we have the rains. There are several initiatives that the Government has done. We have subsidised fertiliser and these are opportunities farmers need to take advantage of. I know the Kenya Seed Company Limited has been doing piloting in certain counties. There are counties which have made a milestone and gone ahead to have collaboration with the Kenya Seed Company Limited to promote their farmers. I encourage other county chief officers to borrow these and implement in their own counties. It is one way of making citizens self-reliant. Kenyans have the energy to go to their farms and till land, make money for themselves, and also contribute to the national economy.

The other issue is on the general population. You go to certain counties where the poverty rate is around 49 per cent, but when you look at their priorities towards addressing the poverty rate, you get saddened by the way they are thinking of the wrong things. As members of the political class and citizens, we need to seriously think about this.

Why are we glorifying corruption? It is not for the county chiefs. The moment you receive a handout from someone who has taken a bigger portion from you, you are glorifying whatever they are doing. In civilised states, I see corrupt people being executed. However, in Kenya, we glorify those people seriously. Any attempt to speak negatively about such actions would make you very unpopular.

I want Kenyans, especially the young people, to know that the future is not anticipating to come any other time soon. The future is now. Young people comprise majority of the numbers in this country. Women are most affected when tragedy strikes. There are children who we struggle daily to secure their future. These are some of the special interest groups we need to look at when we want to perpetuate actions that are always pushing them to the corner. In as much as there is clamour for more money to counties, I wish they would spend the money better. It is not just about getting more money, but spending this money better.

Mr. Temporary Speaker, Sir, finally, I mentioned that we already have current laws that Parliament has passed. Why do we not make use of such laws? We should not make laws to just exist on paper. We should enforce this law, so that any other time we are legislating, people can see change happening. This will ensure that every other Parliament that comes here shall not keep lamenting about the same issues.

At least this time round the National Assembly did not want to arm-twist and show the normal rivalry that happens between the National Assembly and the Senate. That shows that we are at a time where people and leaders want to put their heads together, so that we solve the challenges we are facing as a country.

With those remarks, I wish to support my colleagues who sat and actually crafted this. I also wish that this passes so that counties can get resources to continue with their activities. However, I want to warn the county chiefs against wasting such money, because when you waste such money, you are putting the lives of so many other people at risk.

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Many people are not accessing affordable healthcare so many years after we passed the 2010 Constitution, in order to have devolved governments bringing services closer to the people. We did not want to have corruption affecting people at that local level. I support this Report.

I thank you.

Sen. Kisang: Thank you, Mr. Temporary Speaker, Sir. I also rise to support this mediated version of the Division of Revenue Bill. It is not lost to all of us, as Senators or even Members of the National Assembly, that the reason we are in this particular situation - although we had earlier passed the Division of Revenue Act (DORA) and County Allocation of Revenue Act (CARA) - is because of what happened on the 25th and 26th June, 2024, the Finance Bill had to be shelved and withdrawn. This has caused the reduction of the shareable revenue to the counties to Kshs387.425 billion from Kshs400 billion, which all of us, as Senators, had passed. We had agreed that we wanted to give more to the counties because of several reasons.

One of the reasons was the housing levy. Basically, the counties were also contributing the counterpart portion of the 1.5 per cent of the housing levy from employees. Another portion that the counties were contributing is to NSSF, because the NSSF is a pension fund. Basically, what the employees are contributing, the employers are also expected to contribute. That is what occasioned also the reduction of the amount the counties were using on the development budget.

Mr. Temporary Speaker, Sir, it is good to give credit to our colleagues, especially the Senators who were in that Committee. The team from National Assembly, especially the Co-chair of that team, was very adamant that Kshs380 billion was going to be enough to go to the counties. That would have been very sad because last Financial Year, 2023/2024, what was sent to the counties was Kshs385.425 billion, and it would have occasioned a reduction from what they got last year.

The difference is Kshs2.5 billion from last year's amount. I believe it will enable the governors to sort out the expenses on the housing levy, NSSF contributions and also their counterparts; the Kshs2.5 million that they will contribute to pay the Community Health Promoters (CHP) as their portion.

I believe the national Government will continue to contribute the other half of the stipend to our Community Health Promoters (CHP). These CHPs are the ones who are helping the counties and the national Government in rolling out the famous Taifa Care. This will enable our people to get services in the medical field under the Social Health Authority (SHA) and Social Health Insurance Fund (SHIF).

Mr. Temporary Speaker, Sir, it is not easy. We know we are facing challenges. The President was very clear when he spoke on Thursday as he was giving the State of the Nation Address. He stated that when the Kenya Kwanza Government came into power, there were many challenges. He also gave us a warning then that at the beginning, we will go through many challenges, but in due course, things will change for the better.

We have been told that as of September last year, the inflation rate was 9.6 per cent, and as of October this year, it has dropped from 9.6 to 2.7 per cent. I know Kenyans are asking why are we not feeling this drop in inflation. There are many factors.

We thank God that the rains have continued for long. Our people across the country have food and the rains are also continuing. We continue to tell them to plough and grow plants, so that at least the basic needs such as food, are put on the table. I believe this is one of the key reasons the inflation rate has dropped from 9.6 to 2.7. They said this is the highest drop in 17 years. It is good news. I believe by next year, we are going to feel the effects of this drop in inflation rate.

There are many other issues that we were said during that State of the Nation Address, which are also related to this particular mediated version of the Bill. There is a lot of wastage and corruption, both at the national and county level.

We want to warn the governors, and especially the Ethics and Anti-Corruption Commission (EACC). We expect the 'big fish' to be arrested. We want investigations to be done. Why are there files lying at EACC for the last five or 10 years or the last six months? As the President said, our Petitions at the Judiciary take only six months. Why are we not able to prosecute corruption cases at the same time?

Why is EACC not able to investigate within a short time? Take the file to the Directorate of Criminal Investigations (DCI) and the Director of Public Prosecutions (DPP), take people to court and let them set an example. As my colleagues have said, in China, if you are found to be corrupt, you are executed. Perhaps we need to review our Constitution and see if this can be brought back.

If the resources that we are sending to the counties and what remains at the national Government are used prudently, then we should not be borrowing. We should be using our Pension Funds to do private-public projects. Why are we going to India or China? We should use our Pension Funds, National Social Security Fund (NSSF), National Government Constituencies Development Fund (NG-CDF) and Local Authorities Provident Fund (LAPFUND), to do all these things.

If you go outside here, you will see the Central Bank of Kenya (CBK) Pension has put up a building and Teleposta was put up by a Postal Pension Scheme. Let us use these Pension Funds to fund projects within the country. The moment we use the Kenyan Shilling, we will not have that problem of foreign exchange issues.

Mr. Temporary Speaker, Sir, I read the Report in the course of the week that the reason our loans are not coming down, and are rather growing day by day, is because of the exchange rate. Luckily, now the exchange rate to the Dollar is Kshs129. It came down from Kshs162, a drop of 20 per cent. We thank God and the policy because, the Shilling has strengthened and stabilized due to the policy changes that they have put in place. When the Shilling is stable, at least it is predictable.

Mr. Temporary Speaker, Sir, there are some organizations, especially the national Government, that are digitized. When the Kenya Kwanzaa Government came into power, they said that they had only digitized about 5,000 services. Now, there are 20,000, which is 6,000 per cent. There is growth of revenue. Why are our governors not digitizing their services, to seal leakages of revenue?

Mr. Temporary Speaker, Sir, I am a member of the Senate Standing Committee on Information and Technology, and we have done an inquiry. We are going to travel to about four counties this weekend, to see the systems that they are using. When you

digitize, you reduce, minimize wastages, and seal leakages, just the way the national Government has done, and revenue has grown by 6,000 per cent.

Last week, we were told by His Excellency the President that the Kenya Wildlife Service's (KWS's) revenue grew from Kshs4 billion to approximately Kshs7 billion, using e-Citizen. Soon, they will not need any money from the Exchequer. We want to reach a level where our counties are not relying on the shareable revenue. That should be coming to do development projects. The county governments are relying on shareable revenue to pay salaries, buy medicine, do infrastructure projects, and what is barely left, in most of the counties, the resources that go to development are less than 10 per cent. So, basically, our counties are like an employment bureau.

Recently, as the Senate Standing Committee on Energy, we went to Wajir County. Apart from the County assembly that is being built and the Governor's office, you do not see anything else. When you move around, you do not see much. This is replicated everywhere in Kenya, apart from maybe the resources they get directly from donors, like the World Bank to do the roads in the major towns within the counties. Otherwise, there is nothing else. They have built Early Childhood Development and Education (ECDE) centres for the last 12 years. Counties are just using money to build Early Childhood Education classrooms.

In Elgeyo-Marakwet County, I have not seen anything much that has been done. We were in Turkana County last year for Senate *Mashinani*. The Governor's office has been built for the last 12 years. It is not complete, yet they have spent over a billion to do a small thing. The same applies to Tharaka-Nithi County. The other day we were told they got money from conditional grants, but the buildings are not complete.

So, we want the governors to digitize their services to seal leakages. Our business community, especially the transporters, have multiple levies. You transport a bag of sand from Makueni County, you pay levies, you come to Machakos County, you pay levies; you come to Nairobi City County, you pay levies. Our governors need to digitize and use their resources well, so that our people can benefit properly.

Mr. Temporary Speaker, Sir, I believe we need to increase our oversight role. We need to visit the counties and partner with MCAs, so that we ensure the executives at the counties do proper implementation of projects and they put in enough resources to complete projects within one or two financial years. This will be so that projects do not go on and when a new governor comes in, he shelves the projects that were started by the predecessor and eventually, no one benefits.

On the RMLF, I agree with the governors. I know they have gone to court. This is money we should not give to MPs. The business of the National Assembly is the same as Senators; to do legislation, oversight and representation. Anything that touches development should be done by the national executive or the county executives. These funds should be given directly to the governors.

With those few remarks, I support and ask colleagues to support, so that by the time we go for our long recess, the governors can access more resources and the Controller of Budget (CoB) should expedite and release resources to counties by approving.

I thank you, Mr. Temporary Speaker, Sir.

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The Temporary Speaker (Sen. Abdul Haji): Sen. Onyonka, I would like to give you to contribute on this matter, but Sen. Mariam has been here waiting the whole morning. If we can agree I give Sen. Mariam 10 minutes and you finish with the rest of the time.

Sen. Mariam, you have 10 minutes.

Sen. Mariam Omar: Thank you, Mr. Temporary Speaker, Sir, for giving this opportunity. I stand to support this mediated Division of Revenue Bill.

Firstly, I acknowledge and thank Members of the Committee led by the Co-Chair, my party leader in United Democratic Movement (UDM), Captain Ali Roba, for his leadership in coming up with this Bill.

This sharing of revenue is only 15 per cent, 85 per cent is under the national government. This 15 per cent usually goes to counties and out of that, 30 per cent is for development and 70 per cent for recurrent expenditure. However, what is going on now is totally different because 80 per cent is used for recurrent. Instead of 30 per cent, they are using 15 per cent for development. That means development is minimal.

Since the withdrawal of the Finance Bill, 2024, there has been a shortfall. Governors should also streamline their expenditure. That is why, from Kshs400 billion, it was reduced to Kshs384 billion. That means that county governments should also be straightforward in utilizing their projects.

Mr. Temporary Speaker, Sir, when we reduce from Kshs400 billion to Kshs384 billion, let us also remind ourselves that there are additional funds for counties. There is the housing levy, SHIF, National Social Security Fund (NSSF) and industrial parks. As much as there is additional expenditure, we need to prioritize our projects. When we pass these bills, it means that we are taking care of devolution.

Mr. Temporary Speaker, Sir, I am saying this because devolution is working. I can prove that in Mandera County. Currently, under the Equalisation Fund, we are referring all the sub-county hospital surgeries to the Mandera County Referral Hospital, as well as in the towns of Takaba and Banisa. This shows that devolution is working. Also, since the COVID-19 pandemic, we have properly maintained our Intensive Care Units in Mandera County. This means that devolution is working.

In the collection of revenue, counties have to put a strong mechanism in place to increase their revenue collection. Governors should not rely solely on the national Government. The governor must prioritise projects because what we need currently is a major dam.

We do not have to wait for the national Government to complete our project. For how long? The governor, as the CEO of the county government, must sit down and focus on the priorities. This is so that, at least during the rainy season, the rainwater is not wasted. We have to harvest water.

Governors sometimes do national projects instead of county development. For instance, imagine a governor constructing a secondary school classroom, whereas there is a small project of building a maternity ward. This scenario shows that they are prioritising the national Government project instead of the county project.

In some counties, medical equipment cannot be used because of a minor power connection by Kenya Power. What a shame! It is unfortunate that the national

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Government gives counties equipment, only for the governor to sit down, wrap his hands together, and wait for the national Government to connect the equipment. The county governments must sit down and think of what to do to complete and prioritise their project.

Mr. Temporary Speaker, Sir, I thank you and support.

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

Sen. Onyonka, proceed.

Sen. Onyonka: Bw. Spika wa Muda, huu ni wakati wangu wa kwanza kutoa maoni yangu kuhusu sheria hii ambayo tumetunga juzi kuhusu makadirio ya fedha kwenye Serikali Kuu na zile za kaunti.

Nilipokuwa nikichangia kwenye Kamati ya Usuluhishi, nilikuwa mmoja wa wale wabunge wa Seneti ambao walikataa. Maoni yangu ni kuwa zile pesa ambazo kaunti zilikuwa zimepewa, zilikuwa zimetosha na hakukuwa na haja ya kuziondoa kwa sababu zile pesa ambazo Serikali Kuu inazitumia kiasi chake ni kikubwa kwani ni asilimia 85. Tafadhali hakikisha ugatue yale majukumu ambayo gatuzi zote zinapaswa kufanya na hela zao mwaka ujao. Sasa tumefanya uangalizi wetu. Tumekagua vitabu vyote vya kaunti zote 47. Sasa tumefika mwaka wa 2023/2024. Kwa Kimombo tunasema tuko *current*.

Tunafanya hivi kwa sababu katika gatuzi zetu ndiko umaskini mwingi uko. Watu wengi wanaishi kwa kaunti zetu. Hivyo basi, huko mashinani ndiko tunahitaji barabara nyingi, maji, ukulima na madaktari.

Jambo la kwanza ambalo sisi kama Seneti tunapaswa kufanya ni kuhakikisha tumemuuliza Rais kwa heshima ahakikishe kuwa amegatua fedha na yale majukumu ambayo yamegawiwa kaunti.

Pili, magavana wamekuwa wakisema kila wakati kuwa hawajapata pesa kutoka kwa Serikali na pia mishahara haijawafikia. Lakini, tungependa kuwaambia ndugu zetu magavana kuwa Wakenya sio wajinga sasa. Wakenya wanajua ni wakati gani Serikali inatoa pesa na wakati ambao fedha hizi hufika kwa gatuzi zetu mashinani. Magavana wanapopata hizi pesa wanatakiwa kuzitumia vizuri ili zifanye kazi.

Ninapozungumza sasa hivi, kwa Hazina ya Fedha ya Kaunti *County Revenue Fund (CRF)* katika Kaunti yangu ya Kisii, kuna shilingi bilioni tisa na laki tatu. Lakini, Gavana wangu amekuwa akiambia watu hakuna pesa.

Waliokuwa wakandarasi hawajalipwa, wafanyikazi wa kaunti wanafutwa kazi na wengine kuajiriwa. Hakuna mambo yanaendelea. Hakuna barabara na mvua kwa sasa imenyeshwa. Ukiangalia zile shida ziko kwa kaunti zote kama vile Sen. Cherarkey alikuwa anasema, kwa heshima utamwambia Gavana wako ya kwamba pesa mimi ndimi nimeuliza, nikazichunga, zikaja na sasa ziko kwa *account*. Tafadhali, tumia hizi pesa usaidie watu wetu.

Ukifanya hivyo, anakutafutia *goons*. Wanakuja na panga na wengine na bunduki. Ooh, huyo Seneta anataka kutunyang'anya ugavana wetu, ooh, huyo Seneta ndiye mwizi.

Ningependa kuambia magavana wetu hatuna vita na wao. Wengine wetu hata hatutaki kuwa magavana. Kaunti yangu ya Kisii napata kila mwaka shilingi bilioni kumi na tano. Kwa miaka miwili Kisii imepata bilioni thelathini. Ukitoa pesa za mishahara shilingi bilioni sita na nusu, bilioni kumi na tatu ndizo zimeenda kwa mishahara. Shilingi

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zingine bilioni kumi na sita ama kumi na mbili ndizo hubaki za kuwafanyia wananchi kazi.

Hamna madawa hospitalini, miradi iliyokuwa inaendelea ya maji haifanyiki, pesa zote zinazotoka kwa *donors* zimesimamishwa katika Kaunti ya Kisii, kwa sababu vigezo vyote ambavyo vimekwa na wafadhili vimekiukwa. Gavana alipoingia huko alitoa wale waliokuwa wakitia *signature* na kuweka watu wake. Hakujua sheria inasema havezi kufanya hivyo.

Ukiuliza walimu wa shule za chekechea, hawajalipwa mishahara. Wengine mishahara yao ni *minimum wage*. Utamuajiri aje mtu afunze mtoto wako kutoka darasa la kwanza hadi la tatu au la nne, ilhali unamlipa shilingi elfu saba? Huyu ni mtu amesoma na hata wengine hadi chuo kikuu.

Wale *Community Health Promoters (CHPs)* wa vijijini Serikali iliahidi kutenga pesa watakazokuwa wanapata. Je, nini kimefanyika? Katika Kaunti ya Kisii, CPHs hawajalipwa ilhali kwa *county revenue fund* ya Kisii, kuna shilingi bilioni sita. Sasa hizi ndizo shida zetu hapa Kenya. Kuna ufisadi, wizi na *lack of management*.

Bw. Spika wa Muda, tunapaswa kujiuliza kama Wakenya swali hili. Iwapo mtu anataka kuwa gavana, anafaa kwenda shule gani kwa sababu kazi imeshinda wengi wao? Mtu akichaguliwa kuwa gavana, kazi ya kwanza ni kuwafuta kazi watu walioajiriwa na gavana aliyemtangulia kwa sababu si wa ukoo wake. Anavunja sheria kwa kuajiri watu wa ukoo wake kwa sababu walimpigia kura. Hiyo ni njia ya kuwaambia kuwa yeye ni mzuri lakini gavana aliyemtangulia alikuwa mbaya.

Watu hao wote ni Wakisii. Wote ni Wakenya na wanalipa ushuru. Hayo ni baadhi ya mambo ambayo yanatukera. Tumefika mahali ambapo lazima tujiulize kama Wakenya. Je, tutalinda vipi pesa ambazo wananchi wa Kenya wanatoa kupitia kwa ushuru?

Namheshimu sana Gavana wa Kakamega. Nilikuwa katika mkutano huo na sikutaka kujibu. Alisema kuwa *the Controller of Budget (CoB)* ndiye anamnyima pesa. Ni kweli kuwa baadhi ya magavana wamekatazwa kutoa pesa na Msimamizi wa Bajeti.

Vile Sen. Cherarkey alivyosema, wakiwa na *CIDPs*, wanaweza kutumia *Integrated Financial Management Information System (IFMIS)*. Baada ya kuingiza ujumbe katika *IFMIS, CoB* na *Ministry of Finance and Economic Planning* wanafanya *entry*, kisha wataeleza kazi aliyofanya yule anayetaka kulipwa. Vile vile, wataeleza *recurrent* na *development budgets*.

Magavana wanafunga watu hao wasilipwe, halafu wanaleta kampuni ambazo wanataka. Wanaleta watu wanaojua na jamaa wao kupewa kandarasi na kuwalipa na kuacha waliofanya kazi miaka mitatu, minne au mitano iliyopita. Shida iliyo Kenya ni hiyo.

Kuna maendeleo ambayo tunazungumzia. Katiba yetu ya 2010 ilinua kuleta usawa katika nchi yetu. Ilinua kuondoa ufisadi katika maendeleo ya Wakenya, ili tuweze kumaliza umaskini nchini mwetu. Kwa sasa, Serikali ya Kitaifa inachukua asilimia 85 na kupora na kuwapa magava asilimia 15 iliyosalia ambayo pia wanapora. Jiulize ni kina nani wana majumba makubwa kule Kilimani.

Magavana wengine wanadhani kuwa wananchi ni wajinga. Wanaiba pesa na kujenga *supermarkets*, huku wananchi wanawaona. Si vibaya wananchi kujua majengo

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wanayomiliki, lakini hatuwezi kuwa na huruma kwa watu wetu? Ni zaidi ya miaka 60 tangu tupate Uhuru, lakini watu wengine hawana maji ya kunywa.

Tulikwenda kule Turkana ambako anatoka Sen. Lomenen. Kufikia sasa, Turkana imepata shilingi bilioni 110, ilhali watu hawana maji ya kunywa mijini baada ya miaka kumi tangu kuwa na ugatuzi. Ni kinaya kuwa hali ni hiyo ilhali kuna maji mengi kutoka Mto Turkwel. Kinachotakikana ni maji kusambazwa kwa wananchi. Wamepata shilingi bilioni 110, ilhali watu hawana maji!

Kwa miaka miwili sasa, Kaunti yangu ya Kisii imepata shilingi bilioni 32. Hata hivyo, ukienda kule hamna chochote. Uwanja wa Michezo wa Kisii haujatengenezwa na hakuna dawa katika hospitali za Kisii na maji. Gavana anasema kuwa *own source revenue* imeongezeka hadi asilimia 75 na sasa wanatarajia shilingi milioni 800. Wanafuja *own source revenue* kutoka kwa hospitali ndogo ndogo na kubwa kubwa kwa sababu wananchi hawana njia nyingine.

Gavana wa Murang'a amefanya kazi nzuri. Anatumia teknolojia kukusanya ushuru kutoka kwa wale ambao wanajenga ama wana nyumba na wale ambao *wana-park* magari huko. Aliongeza mapato yake kutoka shilingi milioni 200 mwaka uliopita hadi shilingi bilioni 1.5. Sababu ni kuwa wale walio katika kamati ya maendeleo ni vigogo ambao wamekuwa wakifanya biashara kama vile mmiliki wa Benki ya Equity.

Asante, Bw. Spika wa Muda, kwa kunipa fursa hii.

The Temporary Speaker (Sen. Abdul Haji): Sen. Onyonka, this debate shall resume in the afternoon. You will have a remainder of eight minutes.

ADJOURNMENT

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, it is now 1.00 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until today, Wednesday, 27th November, 2024, at 2.30 p.m.

The Senate rose at 1.00 p.m.