

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Thursday, 13<sup>th</sup> April, 2023

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

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

### PRAYER

#### DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

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

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

Serjeant-At-Arms, kindly ring the Quorum Bell for ten minutes.

*(The Quorum Bell was rung)*

Clerk, do we have quorum now?

Hon. Senators, kindly take your seats. It has now been established that we have the requisite quorum.

Clerk, kindly proceed to call the first Order.

Next Order.

### PAPERS LAID

#### REPORT ON THE FINANCIAL STATEMENTS OF VARIOUS ENTITIES

**Sen. (Dr.) Lelengwe Ltumbesi:** Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, 13<sup>th</sup> April, 2023:

Report of the Auditor-General on the irregular payment of conference facility and Daily Subsistence Allowances (DSA) in Homa Bay County Assembly.

Report of the Auditor-General on the financial statement of the Laikipia County Executive State and Public Officers Car Loan and Mortgage Scheme for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor-General on the financial statement of the Laikipia County Revenue Board for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor-General on the financial statement of the Laikipia County Emergency Fund for the year ended 30<sup>th</sup>, June, 2022.

Report of the Auditor-General on the financial statement of the Laikipia County Enterprise Fund for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor-General on the financial statement of County Executive of the Kakamega County for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor-General on the financial statement of County Assembly of the Kakamega County for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor-General on the financial statement of the Samburu County COVID-19 Emergency Response Fund for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor-General on the financial statement of the Bungoma County Education Support Scheme for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor-General on the financial statement of the Ol Kalou Municipality for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor-General on the financial statement of the Kitui County Assembly Car Loan and Mortgage (Members) Scheme Fund for the year ended 30<sup>th</sup> June, 2022.

*(Sen. (Dr.) Lelengwe Ltumbesi laid the documents on the Table)*

**The Speaker** (Hon. Kingi): The Chairperson, Standing Committee on Information Communication and Technology (ICT), you have a Paper to lay. You can proceed to take the Floor.

ACTIVITIES OF THE COMMITTEE ON INFORMATION  
TECHNOLOGY AND COMMUNICATION

**Sen. Chesang:** Thank you, Mr. Speaker, Sir. I assure the House that I will be very brief. If it was my wish, I would have just sent a link or a Quick Response (QR) code for the Members. However, I know some people like my friend, Sen. (Dr.) Khalwale, will have problems reading.

*(Loud consultations)*

Anyway, thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.56(1)(b) to make a Statement relating to the activities for the Standing Committee on Information Communication and Technology---

**The Speaker** (Hon. Kingi): Sen. Chesang, if you are making your Statement under Standing Order No.56, we will get there.

**Sen. Chesang:** Pardon, Mr. Speaker, Sir?

**The Speaker** (Hon. Kingi): I thought you had a Paper to lay according to the business.

**Sen. Chesang:** No, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): If you are making a Statement as the Chairperson of a Standing Committee under Standing Order No.56, we are yet to get there.

**Sen. Chesang:** Okay, Mr. Speaker, Sir. Thank you.

**The Speaker** (Hon. Kingi): So, you may now proceed to lay the Paper; not to make a Statement.

REPORT ON THE COUNTY PRINTER BILL  
(SENATE BILLS NO.10 OF 2022)

**Sen. Chesang:** Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today 13<sup>th</sup> April, 2023:

Report of the Standing Committee on Information, Communication and Technology on its consideration of the County Printer Bill (Senate Bills No. 10 of 2022).

*(Sen. Chesang laid the document on the Table)*

**The Speaker** (Hon. Kingi): Next Order.

*(Several Senators stood at the Bar)*

Hon. Senators, kindly take your seats.

*(Hon. Senators entered the Chamber)*

**COMMUNICATIONS FROM THE CHAIR**

**The Speaker** (Hon. Kingi): Hon. Senators, I need to make a Communication.

*(Loud consultations)*

Sen. Nyamu, Sen. Keroche and Sen. Chararkey, you are out of Order.

VISITING SENATOR FROM THE PARLIAMENT  
OF THE KINGDOM OF ESWATINI

**The Speaker** (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of Sen. Tony Nkosikhona Sibandze from the Parliament of the Kingdom of Eswatini.

Sen. Tony Nkosikhona Sibandze is the Chairperson of the Finance Portfolio Committee and the Chairperson of Eswatini's Disciplinary Tribunal on Contraventions by Parastatals under the Public Enterprise Unit.

He is also a Member of the Pan African Parliament (PAP) and a Rapporteur of the Committee on Monetary and Financial Affairs. He is in the Senate as a guest of the Senator for Tana River County, Sen. Danson Mungatana, MP.

The Senator is making a second visit to Kenya as the head of delegation to the African Parliamentary Network on Internet Governance (APNIG), which has over 25 countries in the continent where he serves as a member and the Treasurer to the group.

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

*(Applause)*

I will allow the Senator for Tana River County, Hon. Mungatana, MGH, to make very brief welcoming remarks.

**Sen. Mungatana, MGH:** Thank you, Mr. Speaker, Sir. I wish to join you in welcoming a fellow Senator, very highly respected man in the Kingdom of Eswatini to this Chamber and to this country.

Mr. Speaker, Sir, theirs is a kingdom and their protocols are very stiff. However, he is a man of great standing in their country and he is highly respected. In fact, during the opening of their Parliament whenever the King and the Prime Minister are present, he must be present.

We happen to serve together with this great gentleman in the PAP. He is also our Rapporteur in the Monetary and Finance Committee of PAP. He is a resourceful person of great standing and a man we respect very much.

In fact, in Kenya today, he is leading a delegation of the entire representation of the North, South, East and Central Africa to a United Nations (UN) meeting, in which they are doing capacity building, so that our Members can operate at a higher level when they go to represent us at the UN Assembly.

Mr. Speaker, Sir, I am very delighted to welcome the hon. Senator Tony Nkosikhona Sibandze. Thank you that you have created time to receive him. Thank you, your Excellency.

*(Sen. Cherarkey and Sen. Tabitha Keroche consulted loudly)*

**The Speaker** (Hon. Kingi): Sen. Cherarkey and Sen. Tabitha Keroche, this is the second time you are out of order. The third time, you know exactly what will befall you. Kindly take note.

VISITING DELEGATION FROM ACACIA ACADEMY  
IN KITENGELA, KAJIADO COUNTY

**The Speaker** (Hon. Kingi): Hon. Senators, I have another communication to make. In the Public Gallery, we have 34 students, accompanied by two teachers from Acacia Academy in Kitengela, Kajiado County, who are in the Senate on an educational tour.

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

I will call upon the Senator for Kajiado County to make very brief welcoming remarks.

*(Applause)*

**Sen. Seki:** Thank you, Mr. Speaker, Sir. I wish to join you in welcoming the students from Acacia Academy in Kitengela.

As you are aware, you are in the Senate where I serve as a Senator for Kajiado County. My colleague, Sen. Tobiko, happens to be a Member of Parliament (MP) in the previous Parliament is also a nominated Senator in this 13<sup>th</sup> Parliament. I welcome you to the Senate to learn more about this House.

Acacia Academy is a very renowned institution in Kajiado County with a primary school and a secondary school. I happen to know the owner of the school as a citizen and investor in Kajiado County in very many fronts. I welcome the delegation from Acacia Academy. I know that you will learn much more about what happens here. I am very sure that you will have something to take back home.

May God bless you. Feel free. I am sure we will meet outside to interact more on your way out. Welcome.

Thank you, Mr. Speaker Sir.

**The Speaker** (Hon. Kingi): Let us move to Statements pursuant to Standing Order No. 53 (1).

Sen. Wambua, proceed.

## STATEMENTS

### STATUS OF KENYA REVENUE AUTHORITY COLLECTIONS OVER THE LAST SIX MONTHS

**Sen. Wambua:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Finance and Budget regarding the status of the Kenya Revenue Authority (KRA) collections over the last six months.

In the Statement, the Committee should-

(1) State the amount of revenue collected by KRA for the period between October 2022 to March 2023.

(2) Outline how much of this revenue the Government has paid out in terms of debts, both internal and external during the said period.

(3) Explain the immediate plans the Government has put in place, if any, to cushion Kenyans from the current economic crisis to ensure that their basic needs are met.

Thank you, Mr. Speaker Sir.

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

**Sen. Cherarkey:** Thank you, Mr. Speaker, Sir, for giving me this opportunity. I am afraid that the Statement that has been sought by Sen. Wambua is not in good faith. This is because the collection of revenue in the Republic of Kenya has quadrupled, unlike during the 'handshake' period when hon. Raila Odinga and the former President His Excellency Uhuru Kenyatta, were mismanaging the economy. They were killing and massacring businesses---

**The Speaker** (Hon. Kingi): Sen. Cherarkey---

**Sen. Cherarkey:** Therefore, the Statement is not in good faith---

**The Speaker** (Hon. Kingi): Sen. Cherarkey, if the Chair is speaking, you yield.

I will refer you to Standing Order No. 53 (3)-

“Where a statement has been requested from a Committee pursuant to paragraph (1) –

- (a) the Speaker may allow comments in relation to the Statement for not more than fifteen minutes.”

In allowing these comments, it is either to add weight or give more angles to allow the Committee to which this Statement is going to be committed to, look into. It is not a debate to oppose the Statement.

*(Applause)*

Stand guided accordingly. The Statement you are making is the work of the Committee. Let them come back with such a report. Do not pre-empt the work of the Committee.

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

**The Speaker** (Hon. Kingi): What is your point of order?

**Sen. Wambua:** Mr. Speaker, Sir, I do not want to get into this kind of conversation. However, it is not right for Sen. Cherarkey to impute improper motives on a Statement made by a colleague Senator.

*(Applause)*

Mr. Speaker, Sir, for him to categorically state that the Statement is not made in good faith, I pray that you guide us.

**The Speaker** (Hon. Kingi): Sen. Wambua, it is the Chair that approved that Statement. No Statement gets to the Floor of the Senate without my approval. Before I approve a Statement, there are certain tenets and requirements that it must meet.

Sen. Cherarkey, the Chair approved the Statement sought by Sen. Wambua. Therefore, you cannot bring that angle that it was made in bad faith. In so doing, you are basically sitting in judgement of the Chair’s decision to allow and approve this Statement to come before the Senate.

Sen. Cherarkey, you have to withdraw that particular statement that the Statement requested by Sen. Wambua is, indeed, in bad faith.

**Sen. Cherarkey:** Mr. Speaker Sir, I withdraw the use of the words “not made in good faith”. However, this Statement should have been requested to include one financial year.

To add comments as per Standing Order No 53, every financial year is done within a specified period, between 1<sup>st</sup> July and 30<sup>th</sup> June. I have tremendous respect for my brother, Sen. Wambua.

Mr. Speaker, Sir, with utmost respect, I do not doubt your judgement.

If you look at this Statement, even if it is an ordinary Kenyan, revenue collection in this country has improved. Standing Order No. 53 says ‘comments’.

The collection of taxes by the previous regime was an economic massacre against businesses. Sen. Tabitha Keroche, with all due respect, is an example of what was happening before. She is a living victim.

When you look at President Samia Suluhu Hassan---

**The Speaker** (Hon. Kingi): Sen. Cherarkey, as you make your comments, what do you want the Committee to do? That is what I want to hear. Do not make a different Statement all together.

A Statement has been requested. In addition to what Sen. Wambua has requested, what do you want the Committee to look into?

**Sen. Cherarkey:** Mr. Speaker, Sir, I do not know why Sen. Sifuna is excited about you today, but that is a story for another day.

*(Sen. Sifuna Spoke off record)*

But it is true. He looks excited. I do not know whether it is too hot in the House or something is exciting him.

I want the Committee to invite Sen. Tabitha Keroche as a victim of the rogue collection of revenue in the country.

In addition, to include the collection of revenue since the ‘handshake’ Government in 2018 to date, so that the country can know the truth.

The people who are doing economic sabotage two weeks ago and affecting the collection of revenue, cannot be holier than thou before the Floor of this House. You cannot sabotage the economy and then blame the KRA for not collecting. Therefore, we must also investigate the two weeks---

**The Speaker** (Hon. Kingi): Sen. Cherarkey, just have your seat.

You do not have to impute improper motive on your colleagues as you are making your contributions. I guided you on how to make your comments.

I know you have a certain angle you want the Committee to pursue when it retires to probe the Statement that has been requested by Sen. Wambua. You can do that in a very dignified and honourable manner without necessarily having to throw jabs at your colleagues. That is what you are doing. I am sorry. I will not allow it. Just proceed and conclude your contribution.

**Sen. Cherarkey:** Mr. Speaker, Sir, while I do not want to vary your judgment, the Senate is the House of debate. As long as I use parliamentary language---

**The Speaker** (Hon. Kingi): Not name-calling.

**Sen. Cherarkey:** Mr. Speaker, Sir, to be honest, I have said “some of the people”.

**The Speaker** (Hon. Kingi): Proceed and conclude your comments,

**Sen. Cherarkey:** Okay. However, we should not stifle debate in this House.

In conclusion, we need to assess revenue collection between the year 2018 and August, 2022. Then, we compare with the six months in terms of performance.

I am aware that KRA is doing a lot of reforms that will ensure businesses are protected. This is because you cannot starve the cow and expect to milk the same cow while you have killed it.

In this country, we must always---

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

**The Speaker** (Hon. Kingi): What is the point, Sen. Sifuna?

Sen. Cherarkey, have your seat.

**Sen Sifuna:** Mr. Speaker, Sir, if you look at the wording of Standing Order No.53, all of us, Senators, have the opportunity to request for Statements and information. There is nothing that bars Sen. Cherarkey from asking about the collections of KRA from as way back as 1963. However, you cannot wait for your colleague to raise

the matter before the Floor of the House and then bastardize his Statement. There is no value that Sen. Cherarkey is adding to that particular Statement.

Secondly, let people substantiate the things that they are saying here. If an accusation is being made by Sen. Cherarkey that this House has some economic saboteurs, he needs to substantiate who those economic saboteurs are.

As I speak, as the Senator of Nairobi City County, even now, they are protests outside here. We are not the ones who have organized those protests. Why are we not accusing those people whistling out there that they are economics saboteurs?

We have had a conversation at the Senate Business Committee (SBC), Committee levels, and at the leadership of this House, that we would want to have a sober debate in this House.

Mr. Speaker, Sir, we are restraining ourselves because we want to respect the rules of debate in this House. However, every time Sen. Cherarkey stands up, he uses the opportunity to throw jabs, as you have noted. Action needs to be taken against him so that we do not have to sit here and be insulted as we look because he is under the protection of the Standing Orders.

I am sure if we went on this street outside here, he will not dare repeat those things that he is saying to us because we will deal with him. Let him not abuse the protection of his House to misbehave.

**The Speaker** (Hon. Kingi): Hon. Senators, Sen. Cherarkey, instead of warning you or ruling you out of order, I decided to guide you.

There is an angle you want the Committee to pursue. However, the way you are putting it across, it is not coming out in a manner that will be helpful to the Committee.

When you rose to comment, you said that there are some Members seated in this House who are sabotaging the economy. That statement, unless substantiated, as you rise to conclude your comments, you have to withdraw or proceed to name them. We need to know who are these Senators who are seated in this House, who are sabotaging the economy. If there are none, proceed to withdraw and conclude your comments.

I have guided you well enough. I know the angle you want to take and it is a valid angle.

**Sen. Cherarkey:** Mr. Speaker, Sir, I thought I said that some people are sabotaging the economy. Maybe, you will give me time to look at the HANSARD.

In conclusion, you heard Sen. Sifuna, threatening me that there are some people who are protesting outside. I cannot be intimidated, my friend. I am beyond that. So, you cannot intimidate me and drag my name---

**The Speaker** (Hon. Kingi): Sen. Cherarkey!

**Sen. Cherarkey:** Mr. Speaker, Sir, let me conclude.

*(Laughter)*

**The Speaker** (Hon. Kingi): Sen. Cherarkey, as your Speaker and Chair, I will only protect you within the precincts of Parliament. Whatever you and Sen. Sifuna will do---

*(Loud consultation)*

Please, Sen. Cherarkey, conclude your comments and avoid sideshows.



**Sen. Cherarkey:** Mr. Speaker, Sir, through you, you have heard Sen. Sifuna, threatening me. Who is he threatening? Does he know Kalenjji warriors?

He should know. We cannot be threatened.

Some of us have gone through worse things than what he is undergoing. The other day, he got a teargas canister and he ran all over like a mad man. He cannot intimidate me.

*(Laughter)*

In conclusion, I support. You cannot threaten me, my brother. We know how to handle you *mundu khu mundu*.

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

Hon. Senators, if you look at your names as they appear on the record, they do not start with the names you were given by your fathers or by your church pastors.

They start with a title, "honourable." That title was not given to you just for purposes of decoration. It was given to somebody who under whatever circumstance, they must act honourably. Kindly, let us uphold that title. What I have just witnessed in the last two minutes, I am afraid, we are not living up to that title.

Sen. Maanzo, you may proceed.

**Sen. Maanzo:** Thank you, Mr. Speaker, Sir. The Statement sought is very important for information to the country and to the House as authorized by Article 35 of the Constitution; the right to information. When such information is brought to this House, it should also be dispensed to the public so that people with queries can be answered. I believe that is very much in order. It would be good for the nation to know exactly whether there are improvements or none.

The country operates as a big circle where we all pay our taxes. When that goes to the National Treasury is redistributed to the people who paid for the development of the nation. So, I believe it is very valid. We expect very fast action.

Bearing in mind that a financial year starts in June and ends in June, we are still within the financial year. We are also aware that the budget which is now running is of a previous regime and obviously, collection of taxes goes on throughout irrespective of the Government in power.

It is the right of the stakeholders, Kenyans, who pay these taxes in all forms; fuel levies or whatever, even when you buy a sweet, there is a tax, to know exactly where we are and whether we are paying our debts and how much we have done so that as a nation, we can think together and be better.

I thank you.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, I have read the Statement by Sen. Wambua. While it is within his rights to request for this Statement, I just want to inform him that 99 per cent of his Statement is a matter of public record. If you follow the Central Bank of Kenya (CBK) bi-weekly releases, there is a specific column for an update of how much revenue has been collected. Normally, it is between two weeks and eventually what has been collected in that particular month.

It is within any Senator's right to seek such a Statement. Therefore, I will await the response from the Committee on Finance and Budget because it is within his right as a Senator to seek that information. Probably, he has challenges technologically for one reason or the other and may not be able to access that information.

Just a comment, as KRA gives us that information, can they pull out daily records as well so that I see on Monday, 22<sup>nd</sup> March and the subsequent Thursday, the day which Sen. Wambua was not within Parliament, but was in games kits running around the streets of Nairobi, how much revenue was collected on that day? It will help him answer question number three of his Statement.

I thank you.

**Sen. Crystal Asige:** Thank you, Mr. Speaker, Sir. I rise to support the Statement sought by Sen. Wambua. I believe with the current mood of the country; it is a Statement that is perfectly in order. In the month of March, KRA pronounced a move to suspend tax refunds, exemptions, waivers and abandonments. I sought a Statement from the Standing Committee on Finance and Budget seeking clarification from KRA on the scope of this directive.

This, as you know, is a move that affects Persons with Disabilities (PWD) who are issued with tax exemption certificates. I also sought clarification on the criteria used in deciding the class of taxpayers affected as well as the goal of the exercise as a whole.

One month down the line, I still await a response to address the concerns raised. Currently, the total working population in Kenyan's labour force is 17,042,273, out of which PWDs account for only 361,959. This translates to only 2.1 per cent in total.

Mr. Speaker, Sir, does removing exemptions from PWD really make a significant increase in revenue collected by KRA? This is what I would also like the Committee to investigate. If in the affirmative and alongside this Statement by Sen. Wambua, I request that KRA also disclose the revenue increase made in March following the suspension. Could the KRA tell us if making PWD weaker has resulted in making Kenya stronger in any way in terms of revenue?

I thank you.

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, allow me to congratulate Sen. Wambua for coming up with this very important issue. As you all know, our Government is keen on everybody paying taxes. For this reason, I request the Committee to do us a favour. If you just give us figures for the last six months, yes, they will be figures, but they will be flat and stale. We need information that can give us an opportunity to do a bit of comparative understanding.

Mr. Speaker, Sir, for this reason, I want to request that I ride on that Statement so that they should backdate the collection of taxes by at least six months. In so doing, we will now have figures that we can compare and see whether we are agreeing with Sen. Cherarkey that we are improving or we are doing worse than we are supposed to do.

More importantly, that information should include if there are any companies that were supposed to have been paying taxes and did not pay; with special emphasis to companies belonging or connected to people who are politically correct.

Should the Committee have any difficulty, they are free to invite me so that I propose some of the names of the companies that Kenyans are worried that have not been paying taxes. We want to know. If you are naming Keroche because Sen. Tabitha Keroche is here, I will also be telling them to give us tax returns for companies like East African Spectre, Brookside, NCBA and other companies.

This is our country. I have paid tax from the time I was 18 years old and it is not an offence for me to expect that my other fellow Kenyans have also been meeting their tax obligations like I have.

Armed with this information, we will then be in a position to know, as a House of equity, what these people owe Kenya so that we make sure that they pay the taxes that they defaulted in paying.

*(Applause)*

**The Senate Minority Leader** (Sen. Madzayo): Asante, Bw. Spika. Swali hili alilouliza ndugu yetu, Sen. Wambua, ni swali muhimu kwa wakati huu. Tunaelewa ya kwamba huu ni wakati mgumu sana kiuchumi. Pia, Serikali yetu imekuwa na shida ya kuweza kulipa madeni yake ya nje na madeni mengine tofauti na hata mishahara ya wafanyikazi. Hilo ni jambo ambalo linajulikana sana.

Swali hili ni muhimu kwa sababu linataka kujua ni pesa ngapi ambazo shirika hili la KRA limeweza kukusanya katika kipidi hicho. Tumeona wamekuwa wakigeuza viongozi pale juu lakini mpaka sasa hatujui ni pesa ngapi zilitolewa kuweza kulipa madeni?

Swala lingine ni kwamba, katika muhula huu wa uchumi ambao umepita, ni hatua gani Serikali inachukua kuona ya kwamba madeni yake yamefanyiwa mipango ya kuilipa ama taratibu za kuweza kulipa?

Badala ya suala hili kuchunguzwa na Serikali, ni muhimu pia sisi wananchi kujua jinsi kodi tunazolipa zinatumika. Tunafaa kujua kama wanatumia kulipa madeni na mishahara. Kufikia sasa, madaktari na wafanyikazi wengine wa Serikali hawalipwa mishahara yao. Watalipwa lini mishahara yao?

**The Speaker** (Hon. Kingi): Next Statement is by Sen. Mbugua.

#### LEGAL STRUCTURE AND OPERATIONS OF NFDK

**Sen. Mbugua:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Labour and Social Welfare on the legal structure and operations of the National Fund for the Disabled of Kenya (NFDK).

In the Statement, the Committee should-

(i) State the respective roles of the NFDK and the National Development Fund for Persons with Disabilities (NDFPWD).

(ii) Clarify the legal basis for the establishment of the NFDK and consequent formulation of its regulations.

(iii) Indicate the number of beneficiaries of the Fund to date and provide the procedure through which Persons with Disabilities (PWD) access the Fund.

(iv) State the amount of money that has been appropriated to the Fund by the Government since 2013 and indicate how it has been utilized.

(v) Provide the Fund's most recent audited financial statements, outlining the Fund's assets and the revenue collected from such assets.

**The Speaker** (Hon. Kingi): Sen. Crystal Asige, please, proceed.

**Sen. Crystal Asige:** Mr. Speaker, Sir, I rise to support the Statement by Sen. Mbugua. I thank him for bringing, for the first time, a discussion about the NFDK.

The NFDK is an endowment Fund established under the Trustees Act. The mandate of the Fund is to enhance social and economic empowerment of the PWD in Kenya. They provide financial grants to institutions of up to Kshs300,000 towards infrastructural development or income generating activities.

To individuals, they give mobility aids and tools of trade. The Fund also engages various stakeholders in raising awareness in matters of disability and carry out advocacy initiatives in a bid to bring changes in legislation to policy making and shaping public perception of disability.

In my view, donation of tools of trade to individuals is painfully limiting from the Fund. The list includes sewing machines, knitting machines, hair salon equipment, livestock, farming tools, welding machines and carpentry tools.

Whomever you are and wherever you live, access to technology, digital skills and computational thinking are essential in today's connected and smart world. There are no signs of these technological advances slowing down.

The tools are archaic and limiting to the PWDs. They come with discriminatory connotation that PWDs can only be tailors, salonists, farmers, welders and carpenters. The programmes provided by the Fund to us do not meet the current job market requirements and all the infrastructure appropriate to the needs of the PWDs.

In my close interaction with diverse stakeholders as the Sponsor of the Startup Bill, you do not have to go far to see that the economy is heavily driven by digital technology and innovation.

It is concerning to me that this Fund is archaic in its tools of trade and perspective of the capabilities of the PWDs, thus needs to be alive to the fact that access to digital technology for many special interest groups has become an essential lifeline, proving to greatly enhance the move towards self-efficacy and everyday life. For example, how does a needy PWD graduate benefit from this Fund considering the limited vocational tools of trade provided?

In conclusion, we are in the digital era and it is important for the Fund to indicate the steps they are taking to ensure they are progressive. Technology is a saving grace for the PWD. We have far more to gain from the use of technology than the non-disabled do.

Using myself as an example, as a legislator and considering my disability, it would have been out of the question for a person like me to reach here at all, to make any contributions to this House or deliver on my mandate were it not for access to digital technology.

Mr. Speaker, Sir, I would like the Committee to continue probing through Sen. Mbugua's Statement on the relevance of the Fund and the tools of trade that they give to the PWDs. Honestly speaking, access to technology has almost been equal to giving me sight.

I thank you.

**The Speaker** (Hon. Kingi): The next Statement by Sen. Onyonka has been deferred.

#### CLAIMS OF FINANCIAL CRISIS IN THE COUNTRY

*(Statement deferred)*

Sen. (Prof.) Tom Ojienda, SC, proceed.

**Sen. (Prof.) Tom Ojienda, SC:** Mr. Speaker, Sir, this afternoon, I have three Statements on different issues. I will start with the first Statement.

## IMPENDING DOCTORS' STRIKE IN KISUMU COUNTY

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Health on the impending strike by doctors in public health facilities in Kisumu County due to salary delays and failure to remit statutory deductions.

In the Statement, the Committee should-

(i) Apprise the Senate on the reasons for the two-month delay in payment of doctors' salaries as well as non-remittance of statutory deductions.

(ii) Elucidate on the status of the negotiations between the Kisumu County Government and the Doctors' Union to resolve the outstanding issues on salary payment.

(iii) Indicate the budgetary allocation to the healthcare sector in Kisumu County for Financial Years 2021/2022 and 2022/2023, stating how funds have been utilized.

(iv) State the plans, if any, put in place by the County Government of Kisumu to support unpaid doctors and healthcare workers and to avert recurrence of such strikes in the future.

The second Statement is on the state of affairs at the Ahero Sub-County Hospital. This is related to the first Statement.

STATE OF AFFAIRS AT AHERO SUB-COUNTY  
HOSPITAL, KISUMU COUNTY

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Health regarding the state of affairs at the Ahero Sub-County Hospital in Kisumu County.

In the Statement, the Committee should-

(i) Indicate the current staffing level at the Ahero Sub-County Hospital as well as measures being taken to ensure the hospital has adequate personnel, medical supplies and medication to improve the quality of healthcare services.

(ii) Shed light on reports of documented incidents of bullying of patients and employees at the facility and state the steps being taken to address the issue.

(iii) Indicate the average wait times for emergency procedures, such as caesarean operations, and state the steps being taken to guarantee timely access to these procedures in order to improve the calibre of healthcare services for expectant mothers.

(iv) Provide an overview of the current state of the hospital's infrastructure and equipment and give a clear roadmap for the renovation and modernization of the facility.

Mr. Speaker, Sir, lastly, I have a Statement on claims of irregular and non-procedural recruitments by the Kisumu County Public Service Board (CPSB).

CLAIMS OF IRREGULAR AND UNPROCEDURAL RECRUITMENTS  
BY THE KISUMU COUNTY PUBLIC SERVICE BOARD

Mr. Speaker, Sir, I rise pursuant to Standing Order 53(1) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding claims of irregular and unprocedural recruitments by the Kisumu County Public Service Board.

In the Statement, the Committee should-

(1) Provide a list of all the applicants who applied for the positions in question, stating their qualifications and experience.

(2) State the criteria used to shortlist the candidates who were invited for interviews, disclosing the process within which the shortlisting was undertaken, stating whether any members of the Board were involved in the shortlisting process and stating their role, if any.

(3) Shed light on allegations that some Board members forced their own candidates into the system while other candidates paid money to secure their positions.

(4) State measures, if any, in place to disclose and prevent conflicts of interest among Board members during recruitment processes.

(5) Disclose measures in place that ensures that recruitment processes are conducted in a transparent, fair, and merit-based manner.

**The Speaker** (Hon. Kingi): Next Statement by Sen. Cherarkey.

ALLEGED MISMANAGEMENT AT THE SPORTS ARTS  
AND SOCIAL DEVELOPMENT FUND

**Sen. Cherarkey:** Mr. Speaker, Sir, I rise pursuant to Standing Order 53(1) to seek a Statement from the Standing Committee on Labour and Social Welfare on the mismanagement, irregular procurement and misuse of funds at the Sports, Arts and Social Development Fund (SASDEF).

In the Statement, the Committee should-

(1) State why Mr. Mark Wambugu has not been confirmed in appointment as the Chief Executive Officer (CEO) of the Sports, Arts and Social Development Fund (SASDEF) despite acting as CEO for the past five years.

(2) Outline the structures that have been put in place by SASDEF over the years to ensure prudent utilization of resources managed by the Fund.

(3) Table a comprehensive report on the grants and donations disbursed to the various sports federations such as athletics and football, among others, as well as a report on any ongoing procurement processes at the Fund.

(4) Elucidate on reasons for failure by the CEO of SASDEF to appear before the Ethics and Anti-Corruption Commission (EACC) to respond to the Auditor General's Report on massive irregularities and misuse of public funds.

I thank you, Mr. Speaker, Sir.

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

**Sen. Mungatana, MGH:** Thank you, Mr. Speaker, Sir. You will notice that in this afternoon Session, we have had two questions regarding national funds; one by the hon. Sen. Mbugua that relates to the National Fund for the Disabled of Kenya (NFDK) and now, the other one by the hon. Sen. Cherarkey relating to the SASDEF.

Mr. Speaker, Sir, the problem with these centralization of funding is that it creates opportunities for people to steal. A lot of stuff goes on there because people who are mandated know they are far away from the eagle eyes.

As the Committee looks at this Statement, it should tell us how many organisations from Tana River and other counties have benefited on the SASDEF. They should also tell us when are they recommending the firing of this CEO because we are not feeling anything on the ground.

I thank you.

**The Speaker** (Hon. Kingi): Hon. Senators, under that Order, we still have four Statements pursuant to Standing Order 56, Statements by Chairperson of Standing Committees.

However, Pursuant to Standing Order 45(2), I will rearrange the sequence of our business today to straight away prosecute Order Nos. 8, 9 and 10. These are Bills that have been stuck for a while at the Division stage. We are going to prosecute those three Bills so that we get them out of the way.

If you notice, from the last session, these three Bills have been a fixture in our Order Paper, we have an opportunity to deal with them today. We go through division so that they can move to the next stage.

I call upon the Clerk to call the Order No.8.

## BILLS

### *Second Reading*

#### THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 6 OF 2022)

#### *(Division)*

**The Speaker** (Hon. Kingi): Serjeant-at-Arms, kindly ring the Division bell for five minutes

*(Division bell was rung)*

**The Speaker** (Hon. Kingi): Serjeant-at-Arms, close the door and draw the Bar.

*(The Door was closed and the Bar drawn)*

Hon. Senators, kindly log in before I put the question.

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

I believe we are all logged in. I will now proceed to put the question.

*(Question, that the Natural Resources (Benefit Sharing) Bill  
(Senate Bills No.6 of 2022) be now read a Second Time,  
put and the Senate proceeded to vote by County Delegations)*

Hon. Senators, kindly, proceed to cast your vote electronically.

*(Voting in progress)*

Hon. Senators, we will get to know who has not voted and whether they are experiencing any technical problems. So, worry not.

*(Voting in progress)*

Hon. Senators, kindly, take your seats.

*Second Reading*

THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL  
(SENATE BILLS No.3 OF 2022)

*(Resumption of debate interrupted on 12.04. 2023)*

*(Division)*

*(Question, that the County Vocational Education and Training Bill  
(Senate Bills No.3 of 2022) be now read a Second time,  
put and the Senate proceeded to vote by County Delegations)*

**The Speaker** (Hon. Kingi): Kindly, proceed to vote electronically.

*(Voting in progress)*

Hon. Senators, we move to the third Order. I proceed to put the question that the Bill now read a Second Time.

Kindly proceed to vote.

*(The Senators proceeded to vote)*

THE NATURAL RESOURCES (BENEFIT SHARING)  
BILL (SENATE BILLS NO. 6 OF 2022)

**DIVISION**

**ELECTRONIC VOTING**

**AYES:** Sen. Abass, Wajir County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Dullo, Isiolo County; Sen. Kathuri, Meru County; Sen. Kisang, Elgeyo-Marakwet; Sen. (Dr.) Khalwale, Kakamega County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Madzayo, Kilifi County; Sen. Mungatana, MGH, Tana River County; Sen. Murgor, West Pokot County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Murango, Kirinyaga County; Sen. (Dr.) Oburu, Siaya County; Sen. Osotsi, Vihiga County; Sen. Sifuna, Nairobi County; Sen. Tabitha Keroche, Nakuru County; Sen. (Prof.) Tom Ojienda, SC, Kisumu County; Sen. Wakili Sigei, Bomet County; Sen. Wakoli, Bungoma County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County;

**NOES:** Nil

**The Speaker** (Hon. Kingi): Hon. Senators the results of the division are as follows;



**AYES:** 24  
**NOES:** Nil  
**ABSENTIONS:** Nil

*(Question carried by 24 votes to nil)*

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

THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL  
(SENATE BILLS NO.3 OF 2022)

**DIVISION**

ELECTRONIC VOTING

**AYES:** Sen. Abass, Wajir County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Dullo, Isiolo County; Sen. Kathuri, Meru County; Sen. Kisang, Elgeyo-Markwet; Sen. (Dr.) Khalwale, Kakamega County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Madzayo, Kilifi County; Sen. Miriam Omar, Mandera County; Sen. Mungatana, MGH, Tana River County; Sen. Murgor, West Pokot County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Murango, Kirinyaga County; Sen. (Dr.) Oburu, Siaya County; Sen. Osotsi, Vihiga County; Sen. Sifuna, Nairobi County; Sen. Tabitha Keroche, Nakuru County; Sen. (Prof.) Tom Ojienda, SC Kisumu County; Sen. Wakili Sigei, Bomet County; Sen. Wakoli, Bungoma County; Sen. Wamatinga, Nyeri County; and, Sen. Wambua, Kitui County.

**NOES:** Nil

**The Speaker** (Hon. Kingi): Hon. Senators, the results of the division are as follows -

**AYES:** 25  
**NOES:** Nil  
**ABSENTIONS:** Nil

*(Question carried by 25 votes to nil)*

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

THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF  
ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 7 OF 2022)

**DIVISION**

ELECTRONIC VOTING

**AYES:** Sen. Abass, Wajir County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia

County; Sen. Dullo, Isiolo County; Sen. Kathuri, Meru County; Sen. Kisang, Elgeyo Markwet; Sen. (Dr.) Khalwale, Kakamega County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Madzayo, Kilifi County; Sen. Mungatana, MGH, Tana River County; Sen. Murgor, West Pokot County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Murango, Kirinyaga County; Sen. (Dr.) Oburu, Siaya County; Sen. Osotsi, Vihiga County; Sen. Sifuna, Nairobi County; Sen. Tabitha Keroche, Nakuru County; Sen. (Prof.) Tom Ojienda, SC, Kisumu County; Sen. Wakili Sigei, Bomet County; Sen. Wakoli, Bungoma County; Sen. Wamatinga, Nyeri County; Sen. Wambua, Kitui County;

**NOES:** Nil

**The Speaker** (Hon. Kingi): Hon. Senators, the results of the third division are as follows;

**AYES:** 24

**NOES:** Nil

**ABSENTIONS:** Nil

*(Question carried by 24 votes to nil)*

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

**The Speaker** (Hon. Kingi): I now direct the Bar be undrawn and the doors opened.

*(The Bar was undrawn and the doors opened)*

**The Speaker** (Hon. Kingi): Hon. Senators, we shall now proceed to Statements pursuant to Standing Order No. 56(1). We have four Statements in that regard, and one Statement by the Senate Majority Leader.

I now call upon the Senate Majority Leader to make his Statement. Thereafter, the four Chairpersons of the Standing Committees listed in the Order Paper should be ready to make their Statements as briefly as possible.

There is very important business that we need to transact today, that is, the Division of Revenue Bill. It is extremely important. Therefore, if we keep it brief, we will have more time to debate the Division of Revenue Bill.

Senate Majority Leader, you may proceed.

## STATEMENTS

BUSINESS FOR THE WEEK COMMENCING  
TUESDAY, 18<sup>TH</sup> APRIL 2023

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. Pursuant to Standing Order No. 57(1), I hereby present to the Senate the business of the House for the week commencing Tuesday, 18<sup>th</sup> April 2023. Before I proceed with the

Statement, allow me to take this opportunity to welcome hon. Senators back from the short recess.

At a meeting of the Senate Business Committee (SBC) held on 11<sup>th</sup> April 2023, the Committee observed with concern the slow pace at which the legislative business of the House is moving.

The Committee recommended stringent measures to be taken by the Chairpersons, including strict adherence to the timelines provided for in the Standing Orders concerning Statements, Petitions, and Questions. This will ensure that there is adequate time for debate on Bills and Motions.

In addition, the Committee also recommended that Movers of business who are not in the Chamber when their business is called, such business be dropped from the Order Paper. I, therefore, urge Movers to avail themselves in the Chamber whenever their business is scheduled on the Order Paper.

In so far as legislative business is concerned, 24 Bills have been published in the Senate. Out of these, 20 are at the Second Reading Stage and one is at the Committee of the Whole Stage.

I am sure if I were to redo my Statement, I would update it because of what you have just done a few minutes ago. We have moved three of those Bills from that particular stage and now onwards to the Third Reading.

Two Bills are undergoing concurrence as contemplated under Article 110(3) of the Constitution, while one other Bill is now an Act of Parliament following assent into law.

As indicated in the Order Paper at Order Nos.8, 9, and 10, there are three Bills scheduled for Division. This is what I had spoken to earlier. I am glad and wish to thank colleagues who have sat through as we concluded those Orders that had been almost permanent fixtures on our Order Paper. Thank you, Members, for finding time to conclude that business.

A critical finance instrument is scheduled for debate this afternoon at Order No.12, which is what we are doing in the next few minutes in today's Order Paper.

It is imperative that hon. Senators avail themselves to contribute to the Division of Revenue Bill, 2023, perhaps, the single most important Bill that this House gets to transact once every year. Senators get to give their views on one of our key reason for existence as a House, which is for the division of revenue between the levels of Government.

It will be interesting to hear colleagues make their contributions once this Bill is moved, so that we hear all the thoughts and ideas that they have with regards to how our economy is and what needs to be done even at the county level. This is because, after devolving funds, they go to our counties after the passage of the County Allocation of Revenue Bill, which is the subsequent Bill.

I take this opportunity to laud the Standing Committee on Finance and Budget for the speedy and timely consideration of the Bill and tabling of the Report thereon.

I urge other Standing Committees to emulate this practice and table reports on Bills within the timelines provided under Standing Order No.148.

We continue to celebrate the good work that has been done by the Committee on Finance and Budget. I do not know whether it is by culture or practice, but in all the

Houses of Parliament, this is one of the Committees that observes timelines and are quite keen on carrying out their duties expeditiously.

I am acutely aware that many of these are because they have statutory timelines that they have to observe, either Budget Policy Statement (BPS) within 14 days, and the like. Nonetheless, we celebrate the good work and effort of this Committee.

With respect to Petitions, the Senate has received 12 Petitions that have been committed to respective Standing Committees pursuant to Standing Order No. 238(1).

I urge the Committees to which Petitions have been committed to hasten consideration thereon.

Statements are increasingly being sought pursuant to Standing Order No.53 and others issued pursuant to Standing Order No.52 (1). I urge Standing Committees to expeditiously consider the Statements and report back to the House in accordance with the Standing Order.

You will recall that in line with the resolution of the Senate during consideration of the Fifth Report of the Procedure and Rules Committee on the amendments to the Senate Standing Orders, the effective date of the procedure on Questions was on Tuesday, 11<sup>th</sup> April, 2023. Senators are encouraged to use this new procedure to file Questions addressed to Cabinet Secretaries (CSs) in accordance with Standing Order No.51.

I will explain further because it is important that Senators understand that as per our Standing Orders, the minimum time that you can give either a State Department or a CS to respond to your Statement is seven days. This means that, for those that want CSs to appear before this House next week Wednesday at 10.00 a.m., and respond to our questions, the last time for filing that question should have been one night ago, on Tuesday evening, so that it goes through the normal parliamentary checks and balances and eventually transmitted to the various State agencies. Therefore, that is something that Senators need to observe.

In this respect, I urge Senators to familiarize themselves with the new framework and the guidelines given by the Speaker on 28<sup>th</sup> March, 2023, on the application of the Standing Order on Questions.

I am happy to note that a couple of questions have been filed and are going through the approval process. This means that there are questions that are already before various State Departments. Therefore, all being as it is supposed to be, next week Wednesday, we should proceed with that exercise as anticipated when we made the changes to our Standing Orders.

On Tuesday, 18<sup>th</sup> April, 2023, the SBC will consider and approve the business for the day. This will contain business that will not be concluded from today's Order Paper and any other business, including a schedule of appearances for CSs to answer questions under Standing Order No.51(a) (5).

The Order Paper for Wednesday, 19<sup>th</sup> April 2023 and Thursday, 20<sup>th</sup> April 2023, will contain business that will not be concluded on Tuesday, 18<sup>th</sup> April 2023 and Wednesday, 19<sup>th</sup> April, 2023 respectively. The SBC will also schedule any other business as well as Petitions and Statements under the Standing Orders.

Mr. Speaker, Sir, as you walked into the Chamber this afternoon, I believe Senators have equally received the invitation to the training on security that is happening tomorrow at Windsor Golf Hotel & Country Club, Kiambu. It is important for Senators to

avail themselves for that training. I know there is very crucial information that will be passed to Senators on generally your well-being as a human being, as Members of Parliament (MP) and, of course, many things from our intelligence service and financial reporting center.

Over the years, with no exception of course except for this term of Parliament, we have had colleagues who have run into problems with how certain financial transactions have been handled. If they had listened to the wisdom of the people that carry out this training at the beginning of the term of Parliament, then they would not have fallen victim. I am not sure whether to call them victims because when you run foul of the law, you cannot be referred to as a victim. Nonetheless, as they say, to be cautioned early is to be forewarned.

Therefore, I thank you and hereby lay the Statement on the Table of the Senate today, Tuesday, 13<sup>th</sup> April 2023.

*(Sen. Cheruiyot laid the document on the Table)*

**The Speaker** (Hon. Kingi): Hon. Senators, for the convenience of the Senate and pursuant to Standing Order No. 45(2), the Statements by the Chairpersons of Standing Committees that were to be made under Standing Order No. 56(1)(b) are hereby deferred to Tuesday next week so that we can prosecute Order No.12 which has some timelines.

So, Clerk, kindly call that order.

ACTIVITIES OF THE COMMITTEE ON INFORMATION  
TECHNOLOGY AND COMMUNICATION

ACTIVITIES OF THE COMMITTEE ON ENERGY

ACTIVITIES OF THE COMMITTEE ON FINANCE AND BUDGET

ACTIVITIES OF THE COMMITTEE ON HEALTH

*(Statements deferred)*

**The Speaker** (Hon. Kingi): Next Order.

**BILL**

*Second Reading*

THE DIVISION OF REVENUE BILL  
(NATIONAL ASSEMBLY BILLS NO. 9 OF 2023)

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to move that the Division of Revenue Bill (National Assembly Bills No.9 of 2023) be now read a Second Time.

Mr. Speaker, Sir, the Division of Revenue Bill (National Assembly Bills No.9 of 2023) was published on 20<sup>th</sup> March, 2023 and passed by the National Assembly on the same day. As you have just highlighted a few minutes ago, this Bill has got statutory

timelines and, therefore, their Standing Orders that are very similar to ours allow for the Bill to commence and be concluded upon within such a short time. Therefore, they began the Bill on 20<sup>th</sup> March, 2023 and concluded it on the same day, given the urgency of this matter. Thereafter, this Bill was referred to us for consideration.

Maybe for those that are considering this Bill for the first time, the principal object of any Division of Revenue Bill is to provide for equitable division of revenue raised nationally, between the national and county levels of Government for the Financial Year 2023/2024, in accordance with Article 203(2) of the Constitution.

Mr. Speaker, Sir, as you are aware, the division of revenue is prepared in line with Article 218 of our Constitution, which provides for the basis upon which this exercise is carried out. Of course, the vertical sharing of revenue raised nationally between the national and county Government, as guided in Article 202 of the Constitution, requires that revenue raised nationally should be shared equitably between the national and the county governments for service delivery and performance of all functions of the attached level of governments.

Mr. Speaker, Sir, we do appreciate that constitutionally, there are functions for the county governments and the national Government as per the Fourth Schedule of the Constitution. One of the very difficult exercises that Parliament has to do at this particular time of the year is to bring to the Table of Parliament the cake that has been baked nationally and share it equitably - not equally, sometimes people confuse the two - between the national Government and county governments. We try and push so that both levels of Government complete the functions that have been assigned to them.

I say this with nostalgia, having served in the Committee on Finance and Budget for close to nine years. I know this is a debate that we have had on and off, between either us, as the Senate and the National Treasury on which level of Government is underfunded. Unfortunately, we have never responded fully to this particular question because as you would expect, county governments appear before us through the Chairperson of their Committee on Finance and Budget, and demand of us, as Senators, that, please, we need to fund healthcare, agriculture and pay health workers, as you have heard in the case of Kisumu and many other counties that are being mentioned before us.

If you speak to our colleagues who sit in the Committee on Finance and Budget and follow through the schedule, most of the time, we normally listen to the Council of Governors (CoG), then immediately after, listen to the National Treasury, who come wearing two hats. First is with a proposal on what they think would be an equitable distribution of resources between the two levels of Government but they immediately switch back to be representatives of the national Government. Then, they propose to the Committee, that while you are thinking about counties, please, remember that even us, as a country, have many functions, most of which continue to remain underfunded.

Mr. Speaker, Sir, I have read through the report that was tabled and seen some of the very not so encouraging revelations that have come from the National Treasury, of things that the country has not been able to do in the last 10 to 20 years.

Mr. Speaker, Sir, let me mention this, not that it is something worth causing an alarm. If you listen to many experts on national security, they will tell you that in as much as Kenya continues to pride itself as a super power, other militaries across East Africa have actually eventually caught up with us; that while they used to come and train here in the 1980's, 1990's and early 2000's, almost all our neighbours have overtaken us.

If you look at, be it the war planes that we demonstrate with so much gusto and pride during our national holidays, many were bought by the first and second President. After that, we have not been able. That is not a very good phenomena or a place to be, given the fact that we have neighbouring countries that for one reason or the other, are always envious of our country. There are so many other things that we can speak about.

Mr. Speaker, Sir, Kenya is part of the global community. Nonetheless, we have never refurbished or have our embassies housed in decent places. I have sometimes had the unfortunate incident of travelling and you get surprised when you are shown where your embassy is. Countries that are of lesser economic abilities than us have their embassies in more strategic locations in these countries as opposed to ours, many of which are hidden in far-flung parts of those cities.

This is just to explain the debate that exists and plays out in the minds of you, as a Member of the Committee on Finance and Budget, listening to the presentation, both from the National Treasury, Controller of Budget and the likes.

Mr. Speaker, Sir, this Bill proposes to allocate to county governments Kshs385.425 billion for the Financial Year 2023/2024, as equitable share of revenue raised nationally. The equitable share allocation has been proposed to increase from a base of Kshs370 billion allocated in the Financial Year 2022/2023 to an allocation of Kshs385 billion in Financial Year 2023/2024, an increase of Kshs15 billion.

The equitable share allocation in the Financial Year 2023/2024 has also been proposed to include Kshs425 million as attendant resources for the payroll relating to library services transferred from the Kenya National Library Services. Library services is a devolved function as provided for under Part II of the Fourth Schedule of our Constitution.

Therefore, these are functions that have been transferred to counties, for which an allocation is being provided for because in the previous years before this particular Bill, many of these employees were being catered for under the national Government. However, after the passage of the Bill on County Libraries, by and large, all our counties will take care of their staff in their various libraries. If you calculate that, it gives you Kshs425 million.

The rationale for the proposed county governments equitable revenue share is as proposed: The proposed equitable share of Kshs385.425 billion in the Financial Year 2023/2024 is equivalent to 24.5 per cent of the last audited accounts, which is Kshs1.6 trillion for the Financial Year 2019/2020, as approved by Parliament. The proposed allocation therefore meets the requirements of Article 203(2), which states that revenue divided between the two levels of Government should at least be more than 15 per cent of the last audited accounts.

High levels of debt financing as well as elevated debt risk continues to be a discussion that has populated media space and a conversation around our political space in the last few days.

Due to the limited access to finance in the domestic and international financial markets, financing constraints continues to bite. As a result, the National Treasury did not disburse Kshs29.6 billion to county governments in the Financial Year 2021/2022.

I hope when I was talking about that, the Senate Minority Leader and his Deputy, Sen. Wambua, were here to appreciate what I was saying earlier. I said that part of the

challenges and problems we are facing today is a constellation of decisions that this House has taken over the years, many of which we are forced to pay the burden.

Mr. Speaker, Sir, in the Financial Year 2021/2022, Kshs29.6 billion of what we passed as a House did not make it to the counties. We understand that that was a difficult year financially. The Government is also implementing a fiscal consolidation plan so as to lower the fiscal deficit.

In the Supplementary Budget that was passed by the National Assembly, which is the “Lower House”, the first budget by this administration reduced our fiscal deficit from 6.2 to 5.7 per cent of our national budget. There is still a proposal in the Budget Policy Statement (BPS) that will be laid by the Cabinet Secretary (CS) in June. Under the BPS that we passed in this House, we have proposed to further push it downwards to 4.4 per cent.

Mr. Speaker, Sir, it is because of a huge fiscal deficit, which I want colleague Senators to understand and perhaps, read and appreciate what is being said by the National Treasury on how we have been doing our budgeting, such that we find ourselves in this situation we are in. It basically means that we are living beyond our means as a country.

If you were to reduce it to a conversation of an ordinary citizen, it is like a 23-year old young man who has just been employed and fresh from university earning Kshs50,000, but insists on living in Kileleshwa, where the rent is Kshs100,000. He also goes to his friend who sells vehicles and takes one on loan. At the end of the month, his monthly bills are close to Kshs300,000.

The difference between that Kshs300,000 and what he makes annually is what we are referring to as fiscal deficit. We do budgets beyond the revenue we raise. There is no other source for resources other than going back to the markets to borrow. Doing that over the years is what has led us to the crunch we are currently facing.

Mr. Speaker, Sir, the Government has to implement what is referred to as fiscal consolidation, so as to continue to tighten the belts and implement this consolidation. To reflect this fiscal tightening, the national Government recurrent ceiling growth has been restricted, declining from a growth rate of 10.3 per cent in the Financial Year 2017/2018 to 1.2 per cent in the Financial Year 2023/2024. That is the difference between how this present administration is managing our economy as compared to the previous administration.

Mr. Speaker, Sir, I am aware that people are raising questions. I have heard colleagues complaining their salaries have delayed and this and that has been done. Where do you expect money to come from? We had to make a difficult decision of beginning to teach Kenyans to live within our means and know that there is no other source other than being fiscally responsible. That is part of what is being proposed.

The proposed equitable share of Kshs385.425 billion in the Financial Year 2023/2024 is equivalent to 23.03 per cent of the last audited accounts, which is Kshs1.6 trillion for the Financial Year 2019/2020 as approved by Parliament. The proposed allocation meets the requirement of Article 203(2). I had explained this earlier.

The county governments’ equitable share of revenue raised nationally for the Financial Year 2023/2024 is arrived by growing the county governments’ equitable share for the Financial Year 2022/2023 of Kshs370 billion by a growth of Kshs15 billion and an additional Kshs425 million as attendant resources for transferred library services. This



growth has taken into consideration the performance of revenue in the past, which has not been on target.

Thanks to the work of the Senate Committee on Finance and Budget. I celebrate the Committee. Previously, when my predecessors had the task of moving the Division of Revenue Bill, we would confuse Senators such that one hand, they kept an eye on the tab showing equitable share to counties and another additional tab to maintain a close confirmation of what would be referred to as conditional grants to counties.

Thanks to the Bill that we passed in this House. There is now a structured way on how our county governments receive conditional grants. Before we raised the alarm at the Committee on Finance and Budget, mandarins would sit at the National Treasury and, for example, give Kshs5 million to Kisumu County Government for a certain programme and certain amounts to Lamu or Kericho county government. You would see a pattern of discrepancies and continued marginalization of certain parts of the country. That was taking away the role of Parliament.

Had the Committee on Finance and Budget not stood firm and with the support of this House, today while moving this Bill, you would have seen an extra Kshs2 billion, Kshs3 billion or even Kshs5 billion being distributed unequally to well-aligned counties, which goes against the foundation of this House that believes in the principle of equality.

This House has 47 counties properly representing the people of Kenya. We are equal before the law and the Constitution and this House should treat us all equally. It is one of the things I am proud of being a Member and part and parcel of this House. When we sit down to distribute and allocate revenue, it comes down to this.

The importance of this Bill cannot be overstated. I, therefore, urge hon. Senators not to sit in the House and fail to make their stamp, either in agreement or concrete proposals on the division of revenue. We are aware of the challenges that counties face. This is the time to reflect and think about that.

Our counties are facing a serious cash crunch. If you speak to most governors, they will tell you that their last allocation was either in November or December, and we are now in April.

I saw in the media snippets of what the CS for the National Treasury and Planning said when he appeared before our Committee on Finance and Budget. He asked what people want them to do. Quoting him, he said that; "If revenue being collected is not enough, we have to make very difficult decisions."

Unfortunately, part of the difficult decisions that the National Treasury continues to make is to starve our county governments. As the Senate, we must take a firm position against this because we represent counties and the interests of our people.

I made a proposal to our colleagues in the Committee on Finance and Budget though I no longer sit there. We must push the National Treasury. We had begun this conversation in the years that I sat there as a Member, to create a Devolution Fund, by either raising revenue in the present financial year. That would be difficult given the present financial situation.

You could go to the financial markets and raise even Kshs200 billion. That would be a sufficient amount to be the seed funding that would set up what would be referred to as Devolution Fund. At the end of each month, counties would draw from that particular Fund. If it is July, the counties would know what their share is for that particular quarter

and draw from it. As counties draw from the Fund, the National Treasury is obligated and given space.

I have been following what happens in our county governments. Those who have worked in the counties will understand what I am saying. At the end of every June, you will hear County Executive Committee Members (CECMs) and Chief Officers (COs) for Finance tell you that they have been flooded with billions of shillings and told to spend the money within 10 days before the system closes. That has been the basis upon which funds have been misappropriated by many of our county governments.

Mr. Speaker, Sir, we need to create a Fund upon which counties draw from, month by month, such that we do not have delayed disbursements. However, the National Treasury should have a buffer of between three to six months to fill that particular Fund. For example, in December, counties will have to check and demand whether what they ought to have been given in that particular period was disbursed by the National Treasury. That being the case, in the subsequent financial years, you will find our counties beginning to operate as expected.

Otherwise, it does not make sense for our governors to sit in big offices, be driven in huge fuel guzzlers; accompanied by County Executive Committee Members (CECM); launching projects that they will never finally complete due to all these financial constraints.

This is a proposal that I want our colleagues from the Committee of Finance and Budget to make strong proposals and demand of the National Treasury, so that at least, in the subsequent financial years, our county governments could be paid at the end of each month.

Senators, you need to keep a keen eye on the financial operations of your county. It is unfortunate that I have said this many times and I do not see Senators paying close attention to it. The Controller of Budget (CoB) after every quota brings before this House a report on the financial operations of their county.

I table them here on most afternoons at 2.30p.m. Unfortunately, very few Senators take time to read them. These reports of the CoB will help you appreciate and see how these governors are running our counties. Who are they paying? How are they spending the funds that they are requesting? Does it meet the threshold of value for money for the citizens that you represent?

That is the cardinal duty and your responsibility, as a Senator, and that is why you sit in this Senate. You are the one that will talk this afternoon, take a position and eventually vote, so that we send funds to our counties. Your work does not end there. Our work and responsibility is to see that our county governments are physically sound and properly managed.

We should not have funds pilfered by the various administrations that are in our county governments. Also, ensure that at least the financial operations of each of our counties are as per the dictates of our Constitution.

If you check, there is an increasing trend, unfortunately, that because the National Treasury is not releasing funds in a timely manner to our county governments, they are entering into financial arrangement with various financial institutions. This is the same problem that we are now facing with the national Government.

If you are not careful, Senators, and I plead that you listen to me. If you do not keep a close eye to the financial operations of your county, this same debt problem we

are dealing with at the national Government, very soon in two to three financial years, you will find it in your counties.

Do not allow your governors to sign financial agreements with commercial banks at very exorbitant rates without the approval of the various county assemblies even if it is for salaries. Demand to know as the Senator of that particular county at what interest rate they are paying. This is because, if it is just a reimbursement of salaries, yet I have made you---

Banks should be reasonable. For example, I may give you the financial responsibility as a financial institution and I have asked of you operate for us the bank accounts of county X, Y and Z. We know counties on their own are governments. They have their own securities in the sense that you are sure that they will receive this funding.

A good financial institution should be able to top up some money at least for salaries for the financial operations of a county without demanding that they are paid any interest in it. Is that not what happens with those that run businesses in this town?

If you have a commercial relationship with a bank and they know that for one reason or the other you are falling short of your monthly dues, yet they know that you have done work and you are going to be paid, do they not top up in form of an overdraft, without necessarily demanding the exorbitant rates that we see counties being charged? Therefore, I urge you, colleague Senators, to keep a close eye on the financial operations of your counties.

Mr. Speaker, Sir, I do not intend to be longer than that because I want to give our colleague, Senators, an opportunity to speak on Bill. I know all of them have one or two things that they want to say.

I have read the report of the Committee on Finance and Budget on the things that they want to propose before us on variation and increase of the same. I have spoken on it earlier on the competing needs between county governments and the national Government. We must be firm about it and speak to it.

With those very many remarks, I beg to move and request Sen. (Dr) Khalwale, the Senator for Kakamega, to Second.

I thank you.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir. As I thank you, I want to acknowledge the fact that today is a unique day because this is the first time this House is discussing the budget of the new Government. Therefore, I want to appeal to my colleagues, Members on both sides, let us again demonstrate to the country that we are prepared for a fresh start.

Mr. Speaker, Sir, I, therefore, rise to Second this Motion as moved. As a Member of this Committee of Finance and Budget, I am happy to report to this House that if we proceed in the spirit that the Committee moved, that is the Members of Azimio Coalition and Kenya Kwanza Party in the Committee, we have concurred on everything. I, therefore, hope that this bipartisan attitude over this very important issue will be demonstrated on the Floor of this House.

Mr. Speaker, Sir, because the Senate Majority Leader has led us through just about everything on the Bill, I will spend a very short time in walking Members through what we found.

Mr. Speaker, Sir, with our concession with the Cabinet Secretary (CS) in charge of the National Treasury, he appealed to us that the state of the economy as it is, which I

do not want to expand on, he can only request us to support Government if it is going to give the county governments Kshs385.4 billion. We took note.

We then invited the Council of Governors (CoG) and they requested that we ask this Parliament, both the National Assembly and the Senate, to allow the sharable revenue to grow from Kshs370billion to Kshs425billion and they gave good reasons. We had no reason to fault them.

Then, came our team of experts, the Commission on Revenue Allocation (CRA), which then told us that in their view, of course, by using different reasons to recommend a figure of Kshs407 billion. We have gone through, agonized over it and made the following recommendations.

The first recommendation that we have made is that the allocation to the Equalization Fund for the Financial Year 2023/2024, should be Kshs8.65 billion calculated as per Article 204 (1) of the Constitution of Kenya.

Secondly, we have recommended that the Road Development Levy Fund should not be disbursed as equitable share and, thus, should be disbursed as part of the County Additional Allocation.

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

**The Speaker** (Hon. Kingi): Sen. (Dr.) Khalwale, there is a point of order. What is your point of order, Sen. Sifuna?

**Sen. Sifuna:** Mr. Speaker, Sir, is Sen. (Dr.) Khalwale still seconding the Motion by the Senate Majority Leader or he is now moving his own amendment of the Committee? I am lost.

**The Speaker** (Hon. Kingi): Sen. (Dr.) Khalwale, is seconding the Motion as moved by the Senate Majority Leader. Now, if that is the position, then you cannot amend what the Senate Majority Leader has moved. You second, meaning you conquer with him 100 per cent.

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, you know my kid brother, Sen. Sifuna, is a young bull. With your permission, there are two things a young bull cannot witness.

The first one is that when it hears the sound of another bull, even when the grass is full in the mouth, it responds. It has no patience. More critically, when it is grazing and it spots a heifer, the bull even jumps from the head instead of jumping from the back.

So, he is a young bull. He should have waited and found whether I was in concurrence or at variance with the Motion as moved. So, young bull, with due respect, let us be patient.

**The Speaker** (Hon. Kingi): Sen. (Dr.) Khalwale, if I got to Sen. Sifuna well, his concern and point of order was that you are moving an amendment. Your statement as you second is not factually the same as the Motion that has been moved.

*(Sen. Kinyua spoke off record)*

Sen. Kinyua, you are out of order.

If, indeed, what you are reading is exactly what the Senate Majority Leader has moved, then you are not out order. However, if there is a variation between your figures and statement and what the Senate Majority Leader moved, then you are not seconding the Motion.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir. I am an old bull and you have guided me correctly. At no time, from the beginning up to the end of my statement, will you hear any statement at variance from the Motion as moved.

**The Speaker** (Hon. Kingi): Proceed to second.

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

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

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

**Sen. Sifuna:** Mr. Speaker, Sir, it is clear that even the Chair shares in the confusion of this so-called young bull.

*(Laughter)*

There are two documents before us. The first one is the Division of Revenue Bill that was moved by the Senate Majority Leader. The second one is the Report of our own Senate Standing Committee on Budget and Finance.

If you heard Sen. (Dr.) Khalwale properly, he started by seconding the document that had been referred to by the Senate Majority Leader. He then delved into the Report of the Committee and he was reading the recommendations. I mean, I was left confused and only sought your guidance. I did not jump on any heifers, whether from head or back. There were no heifers available to be jumped upon.

*(Laughter)*

All I wanted is a clarification on where we are because I am trying to follow the debate and you have properly clarified.

There are two documents. In my little experience as a legislator, I was expecting that if we get into the Report of the Committee on Finance and Budget, at the very minimum, we should see the Chairperson of the Committee, bringing forth these amendments that had been proposed by the Committee.

Mr. Speaker, Sir, now that the confusion is not with the bulls on this side but, indeed, with the bull on the Chair---

*(Laughter)*

Can he withdraw the entire folklore he just told us here about bulls?

**The Speaker** (Hon. Kingi): Just as a way of guidance, Sen. (Dr.) Khalwale, the Senate Majority Leader has moved the Motion. Kindly, proceed to do what a seconder does.

**Sen. (Dr. Khalwale):** Thank you, Mr. Speaker, Sir. I will---

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

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

**Sen. Kinyua:** Mr. Speaker, Sir, if I heard the Senate Majority Whip correctly, he was reading a document, which we have been provided with. He is reading word for word.

If in seconding you are supposed to duplicate what the Mover did word for word, then I do not understand what we should be doing in this House. This is because he was reading a document and I am following word for word. Maybe the because of millions---

**The Speaker** (Hon. Kingi): Sen. Kinyua, I am sorry, I am going to overrule you. That is not a point of order.

**Sen. Kinyua:** Mr. Speaker, Sir, I want you to guide me---

**The Speaker** (Hon. Kingi): Sen. Kinyua, just have your seat. I will guide you when you are seated.

While Sen. (Dr.) Khalwale was making his comments in seconding this Motion, he referred to a document, which is quite in order. In so far as that is concerned, he is quite in order.

Sen. (Dr.) Khalwale, proceed and conclude.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, sir. You know---

**Sen. M. Kajwang':** On a point of order, Mr. Speaker, Sir!

**The Speaker** (Hon. Kingi): What is your point of order, Sen. M. Kajwang'?

**Sen. M. Kajwang:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.101(3), which talks about offensive or insulting language. Sen. (Dr.) Khalwale is a renowned bullfighter and perhaps, he finds it acceptable to use analogies of bulls and heifers mounting each other. However, contextually, that is extremely insulting to some of us.

*(Laughter)*

Is it in order for Sen. (Dr.) Khalwale to be allowed to pursue that trajectory? If we do not deal with this thing, the next day he is going to call someone a pig and we know how derogatory that is in certain cultures and religions.

In my culture, if someone calls you a dog; whether old or young, whether mounting another or not, that is the highest insult. Could you guide the House and declare Sen. (Dr.) Khalwale completely out of order? Even if he is so proud to be an old bull in this House, he knows very well that even old bulls sometimes miss the target. So, there is nothing to be proud of when he declares himself an old bull.

*(Laughter)*

Mr. Speaker, Sir, please, do not allow any Senator to use examples of animals, whether they are cows, pigs, goats, dogs or fish. In certain cultures, they amount to gross insult.

**The Speaker** (Hon. Kingi): Sen. M. Kajwang', I think Sen. (Dr.) Khalwale was making an analogy and the Senator he referred to did not take offense. In fact, in his rejoinder, he seemed pretty proud having been called a bull.

*(Laughter)*

If Sen. Sifuna had taken offense, I would definitely have ruled Sen. (Dr.) Khalwale out of order.

Sen. (Dr.) Khalwale, please, proceed.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir, for the protection. Sen. M. Kajwang', where Sen. Sifuna and I come from---

**The Speaker** (Hon. Kingi): Just proceed to second the Motion.

*(Laughter)*

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir. No more bulls. I was just setting the record clear, especially for the female Senators, that where Sen. Sifuna and I come from, a bull is a symbol of power and good luck. This is why he is very happy.

*(Laughter)*

Mr. Speaker, Sir, the Division of Revenue Bill does not just speak to a figure, but to other issues. One of them is the Road Maintenance Fuel Levy, which I have spoken to. I was about to speak to the recently moved library services, before I was interrupted. If we do not carry this in its entirety, then we shall be assuming that the Division of Revenue Bill speaks only to the shareable revenue. It speaks to it and other things.

Before I was interrupted, I was going to the point that in all our findings as a Committee, there was only a difference on the figure. That difference---

*(Sen. Cherarkey walked into the Chamber and consulted loudly)*

**The Speaker** (Hon. Kingi): Sen. Cherarkey, you cannot just walk in and engage other Senators on such a high tone. May the Senator who is on his feet be heard in silence, please.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir. It is only the figure that the Committee then settled on, that would appear to be at variance. However, it is not my responsibility to speak to that figure. That figure will be spoken to by the contributions of the Member, who will then report to the desire of the Committee, to vary through an amendment from the proposal of Kshs385.4 billion to something else. So, I will leave it to the young bull who was jumping from the head of the heifer.

Mr. Speaker, Sir, having said this, let us reflect as a House. We are doing everything possible here to make sure that our governors get these funds. The Kshs385.4 billion is not small money, neither is it pocket change. We need to step up our game and earn respect across the Republic as the 'Upper House'. By stepping up on the oversight role to ensure that not less than 30 per cent of this Kshs385.4 billion is seen to have brought development in the lives of our people in our 47 counties.

We have not been very loud. You hear all manner of disturbing statements. For example, there is information that has come from one of the counties today that children went to the Governor's office to collect bursary and they were told to come with evidence either their guardian or parents voted at the last election. They were also told that if these people did not participate in the election, then they will be denied access to bursary. Since when did this House create that kind of law?

There are many children who would want to have access to the bursary, but for whatever reasons, their parents did not vote. Up to and including the fact that they could be orphans, the parents might be out of the country or the parents might have been unwell

on the voting day. It is not right for any governor to visit the ills of the parents or guardians of any child to that particular child. These are the conversations we should be having.

Mr. Speaker, Sir, secondly, as I support this very important Bill, I want us to go look our governors straight in the eyes and tell them that the intention of devolution was not to make governors and some of their top officials to live large. The opulence that you see across the Republic does not mirror the kind of joy that the ordinary people enjoy from devolution. We should, therefore, more and more, be asking governors to go slow and ensure that services are given priority.

In this Bill, we have spoken to the issue of additional allocations. While you are in that Chair, you know we released last month and the month before over Kshs892 million to go to counties as additional allocations to help them meet their health needs. It is a shame that if you go to most of our health facilities across the Republic, simple drugs like antibiotics, antimalaria, antidiabetic and antihypertensive drugs are not available. Patients are instead given prescriptions to go and purchase those drugs.

This House must call out this poor show in devolution *vis-à-vis* the money that we are giving out. I was discussing with my brother, the distinguished Senator from Kitui County, Sen. Wambua, about what we can do so that we carry the country with us. The country just wants to see us working. By the way, the Senate Majority Leader was telling us yesterday that the only opportunity we have for us to demonstrate that we are working is the Floor of this House. We do not have County Development Fund (CDF), National Government Affirmative Action Fund (NGAAF) or Senate Oversight Fund. The only thing we have is this national platform. It is the one that will make or break our careers in being re-elected.

Mr. Speaker, Sir, having said this, I end by congratulating Members of the Committee on Finance and Budget; Sen. Faki, Sen. Shakilla Abdalla, Sen. Tabitha Mutinda, and especially the Chairman. We never suffer from lack of quorum. They are always there in different formations. In that Committee, we are never petty. There is no grandstanding in that Committee. In that Committee, it is issue upon issue. If we continue in that manner, we shall go far.

*(The red light was switched on)*

I second.

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

*(Question proposed)*

Sen. Osotsi, please, proceed.

**Sen. Osotsi:** Mr. Speaker, Sir, thank you for the opportunity to also contribute to this very important Bill on the Division of Revenue. As has been proposed in the Bill, Division of Revenue Bill (DORB) 2023 is proposing to give counties Kshs385 billion, which translates to about 23.03 per cent. The Commission of Revenue Allocation (CRA) is proposing Kshs407 billion. We know that our counties need money and we are here to protect the interest of our counties. So, we have been given two figures. One figure of Kshs385 billion and another of Kshs407 billion.



From the onset, I declare that I will not support the Kshs385 billion. I will support a figure that CRA or even the Council of Governors (CoG) is agreeable to, which is Kshs407 billion. I am aware the CoG had requested for Kshs425 billion.

Mr. Speaker, Sir, we have also seen that the devolved library services have been allocated Kshs425 million. Looking at this Bill, there are various issues that I want to raise. One is the public debt. They are proposing to allocate Kshs1.25 trillion towards public debt. This is the highest compared to---

**The Majority Leader** (Sen. Cheruiyot): On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Sen. Osotsi, a minute. What is your point of order, Sen. Cheruiyot?

**The Senate Majority Leader** (Sen. Cheruiyot): My sincere apologies to Sen. Osotsi. It is not my habit to interrupt people when they are making their presentations, but there is something either misleading, mischievous or for lack of proper understanding of the procedures of this House, that he raised, which if left on record, can mislead other Senators.

The Bill I moved here is the National Assembly Bill as received. That is my duty as the Majority Leader. The report he is referring to is the report of our Committee on Finance and Budget, upon which either Members of that Committee or somebody whom they have tasked as a Committee, will eventually move amendments to this Bill.

If they convince this House and it agrees with them, then we will debate the Motion that he wants. I did not want it to be on record that there are two Bills and two figures that are competing. It is about procedure, which Sen. Osotsi and the rest of my colleagues need to understand.

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

**Sen. Wambua:** Mr. Speaker, Sir, this is a follow-up to what the Senate Majority Leader has said. Of course, he appreciates that there are Members who are debating the Division of Revenue Bill for the first time. It will be good for them to be guided that there is an opportunity for moving amendments; either from the Committee or Members.

The Bill we are dealing with now is as received from the National Assembly. There have been discussions in the Committee. We do not anticipate debate. We hope that the Committee is proposing some amendments. Therefore, there will be need for guidance to Members, so that we debate this Bill properly.

**The Speaker** (Hon. Kingi): Thank you, Senate Majority Leader and Sen. Wambua.

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

*(Sen. Osotsi stood in his place)*

Sen. Osotsi, have your seat for a minute.

For guidance, what is before the House now is the Bill as received from the National Assembly. That is what we are supposed to debate before the Senate. There will be an opportunity for any proposed amendments, whether by the Committee or by individual Senator, when we sit as a Committee of the Whole. So, let us make comments on the Bill as received from the National Assembly.

**Sen. Osotsi:** Mr. Speaker, Sir, I am well guided. Just to retrace---

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

**Sen. (Dr.) Oburu:** Mr. Speaker, Sir, my understanding is that the Committee on Finance and Budget, which is an arm of this House, on our behalf, looked at the same Bill that we are discussing.

Their report is supposed to inform this debate, so that we debate with a view of what our Members representing us in that Committee have put before us. Therefore, we cannot continue to debate what is from the other Chamber without looking at what our own Committee has presented to us.

It could have been proper for us to have a report from our Committee, so that we debate it alongside the Bill. There will be no separate time to debate the report of the Committee. The amendments will be done at the Committee of the Whole, which is later. However, for purposes of debate, we need to effectively discuss the report of the Committee of this Senate and the Bill from the National Assembly.

Thank you.

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

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

**Sen. Faki:** Mr. Speaker, Sir, the Vice Chairperson of the Committee on Finance and Budget, Sen. Tabitha Keroche, tabled the Committee's Report yesterday. Procedurally, we should be debating the Bill together with the Committee's report, so that by the conclusion of debate, we will be in a position to vote on the amendments that will be proposed.

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

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, I do not understand why Members are confused. This is a simple matter. Any Bill – remove the Division of Revenue Bill in mind so that you are not confused – that is brought before this House is read a First Time. Then it is committed to a Committee, which looks at the Bill.

You remember the debate that we had here many times, whether we can debate a Bill before a Committee files their report or after. On many occasions, Members have said, 'please, bring the report so that it can guide us on how we debate.'

However, when the Mover of that Bill comes to make their submissions, they move the Bill. As a Senator, you are guided by the report of the Committee. However, you do not have to agree entirely with the report.

I have said that you forget the Division of Revenue Bill, so that you are not confused. On the Preservation of Human Dignity Bill, the one we have just voted in on Second Reading, I have seen the Committee recommending one thing, but I hold a different view. The same can be said of this particular Bill.

Nobody is saying, as Sen. Osotsi, is making his submissions, he cannot refer to the Report of the Committee. That is what he needs to refer to because it informs our debate as Senators.

In fact, as a Senator, you can rise and disagree with the Report of the Committee and say 'I see they are proposing Kshs407 billion, but Kshs470 billion will be sufficient' or something akin to that. I hope I have made it clearer.

**The Speaker** (Hon. Kingi): Hon. Senators, the Bill is on the Floor of this House. We are debating the Bill as received from the National Assembly. Whether you are going to use the contents of the Report by the Committee to contribute towards this debate is up to you. What we are debating is the Bill from the National Assembly. There will be a

platform for specific amendments that Members would wish to propose during the Committee of the Whole.

Sen. Osotsi, proceed.

**Sen. Osotsi:** Thank you, Mr. Speaker, Sir. I hope you will add me more time because my time has been consumed by the points of order.

My last point was on the issue of public debt, which this Bill proposes to allocate Kshs1.2 trillion. This is the highest figure compared to the previous years. I thought it will be good practice for the Bill to give a breakdown of the public debts in which this amount is earmarked to pay. One important thing that this Parliament needs to do is monitor public debt. The information on public debt is scanty. It is important to know the position of public debt; who we are supposed to pay and when.

The Bill also establishes the criteria for the Division of Revenue between two levels of Government. One criterion on 'national interest' is not clear. If you look at the Bill, it gives arbitrary programmes on the matter of national interests. It talks about the achievement of the country's economic development objective, the potential to have significant impact on social wellbeing of the citizens, Vision 2030, significant resource investment and BPS. We need clarity on what 'national interest' is. This is because that would then ensure that we do equitable division of revenue between the two levels of Government.

Mr. Speaker, Sir, on the issue of national obligations, again, how I wish there was some clarification on this. We are talking about Kshs674 million allocated to this national obligation. They have also allocated Kshs11 billion to the additional allocation for nationally raised revenue.

We have seen in our counties how the additional allocation funds have been misused. There have been statements, even in this House around how the additional allocation has been used especially in agriculture. The relevant committees should ensure that we tighten controls around the issue of additional allocation and especially donor funds. We have seen how World Bank funds in agriculture have been misused.

In the Bill, the Commission on Revenue Allocation (CRA) made a recommendation that we reinstate the physical effort parameter so that we can encourage our counties to collect more own source revenue and not depend fully on the money generated from the national Government. This will really help our counties.

At the moment, operations in our counties have been grounded largely because they have not received their disbursement from January to March 2023. This is a concern to many people that the national Government is undermining the county government. We have to say that. We should not fear to say this because, if you are not able to disburse money for three to four months, how do you expect the county governments to run?

Mr. Speaker, Sir, this House exists to protect devolution. One of the things that I would love to do as a legislator is to solve the problem of finance management in this country. Why should the national Government be in full control of the National Treasury? So that we have one level of Government determining how and when money will be disbursed, we need to have a conversation around the function of the National Treasury.

The Constitution is very clear. In fact, it says that we need to have a legislation on the management of the National Treasury. That is one issue that I look forward, as a

Senator, to get involved in so that we can give financial independence and strength to our counties.

We have made our governors to be beggars. They come to Nairobi almost every week and spend long hours at the National Treasury chasing for their disbursement of money. It is very painful. This House has to do something about it because our own people who are supposed to benefit from this money are not able to.

People have not earned salaries. In my own county, for three months, there are no salaries and they are supposed to be working. You can imagine, can this people who do not earn a salary be productive in their jobs? They cannot.

Mr. Speaker, Sir, we require a serious conversation around the issue of disbursement of funds. One of the things we will do after passing this DORA would be to pass the disbursement schedule. Why do we pass this disbursement schedule if the National Treasury is not abiding by it? Does it mean that this House is powerless? We have passed the disbursement schedule for the current year but no money has come to our counties. What are we doing about it?

The Committee of Finance and Budget needs to take this issue of disbursement of funds by the schedule seriously so that when we sit here and pass, it is the law. It cannot be varied by anyone.

In fact, the national Government is violating the Constitution because the law is very clear. If you raise one shilling, 15 per cent of that one shilling should go to the counties while 75 per cent should remain in the national Government. However, that is not what is happening. They raise money, put it under priorities and forget about counties.

This is an issue of serious national concern that, this House which has powers under Article 96, should take seriously so that we protect the interests of our counties.

On the issue of corruption, we know that there is misuse of funds in our counties. We know that some of the money that is budgeted for in the counties is not used in the right manner. As the Senate Majority Leader has pointed out, we need to take our role seriously as Senators.

*(Sen. Osotsi's microphone was switched off)*

**The Speaker** (Hon. Kingi): Sen. Osotsi, we appreciate your contribution and comments.

Sen. Kathuri, you may have the Floor.

**Sen. Kathuri:** Thank you, Mr. Speaker, Sir for this opportunity. I appreciate that during sharing of the sharable revenue, there is the Kshs2.5 billion which has been collected. The national Government is getting Kshs2.1 trillion, Equalization Fund – Kshs8.3 billion, and county equitable shareable revenue – Kshs385.4 billion.

My concern on this Bill is what is left for the Equalization Fund because for the last 10 years, these funds have never been administered the right way. Sometimes they are appropriated and then they are still spent by the National Treasury. This is a constitutional fund which should be ring-fenced so that this money can go to support the counties which are marginalised.

Mr. Speaker, Sir, I am really perplexed by this Bill even as we speak because I am aware that the Equalization Fund Management Committee is moving around the country,

especially in the counties which should benefit, meeting the county and County Commissioners and even coming up with projects which need to be supported by this money.

Yesterday, this Committee was in my county without the knowledge of any elected leader. They are moving around the country. Maybe, they will be in Tana River, Turkana and Marsabit without the input of the elected leaders.

I want to categorically say that as much as we disburse this Kshs385.4 billion to the counties, we really need to strengthen the organs that must oversight these funds once they go to the counties. One of the institutions that really needs to be strengthened is the Senate.

The Senators of this Republic have no teeth. They cannot be able to move an inch in the constituencies. The money allocated to the Senators to move in the counties is equivalent to what the Member of the National Assembly are given, approximately Kshs800,000, to cater for the interest of the constituencies. When I served South Imenti Constituency, I was given the same amount that I receive and I am supposed to oversight nine constituencies in Meru County.

It means that as much as we give money to the counties, governors have a lot of leeway to spend it the way they want.

It is imperative that this House should be strengthened. The same should happen to the Controller of Budget (CoB), the Office of the Auditor-General (OAG) and the Ethics and Anti-Corruption Commission (EACC), so that devolution can work.

I recommend that the OAG should be domiciled in every county of this Republic. It should also be strengthened, so that they can look at the reports and expenditures of the county governments.

We have a committee of this House that looks at the reports of the Auditor-General. Sometimes they are three years behind. By the time they will start looking at the audited accounts of the current leadership of the county governments, it may be towards the end of our term in this House.

It is important for the Committee chaired by Sen. M. Kajwang' to see how they can harmonize the previous years so that by the end of this financial year, we are up to date, so that we move together with the current serving governors. Every financial year, this House should examine reports of that particular financial year.

Mr. Speaker, Sir, a lot has been said on whether this money is enough or not. As the Senate Majority Leader has put it, the national Government has an obligation to ensure that monies that go to the counties are released on time. There is no need of releasing money after five or four months, yet there are bills and contractors to be paid. That is why we are accumulating a lot of pending bills.

As the President promised during the campaigns and now they are over, I hope this regime will be releasing money promptly to the counties. That should be done so that devolution can work. As Senators, we need to support devolution because that is our core mandate given by the Constitution.

Another issue that needs to be looked at is the transfer of library services. Even though library services have been transferred to the counties, I do not think we are getting value for the money by the Kenya National Library Service (KNLS).

There is one library in my county which is as old as history. I do not think there is value for money because pupils and students do not benefit from it. Those services

should be relooked. Every county and constituency should have these facilities, including ICT centres and hubs. Let us have these services closer to people so that we support our people.

The CoB is not able to review accounts of the counties and their expenditures. I remember when she met the Finance and Budget Committee of this House, she complained that it is not possible for her to know how counties are spending their money. They apply for money which is released. However, she cannot tell whether that money was spent based on the applications made.

The Committee on Finance and Budget should rectify that. They should consider bringing amendments to the Public Finance Management (PFM) Act, so that the CoB can track whether money allocated or released to the counties goes to particular votes.

I like the way the National Government-Constituencies Development Fund (NG-CDF) works. It works in a manner such that every coin released by the National Treasury is known where it goes.

A lot of money is released to the counties. Maybe they spend 70 per cent on recurrent expenditure and 30 per cent is left for projects. In my county, there is a project aimed at buying cows worth about Kshs800 million. Money has also been allocated for building houses for the poor, yet people have no water and roads. I will come up with an amendment proposing to have direct lines for the money released to the counties.

Mr. Speaker, Sir, there is a lot that we need to do. As every Senator has said, let us unite in order to strengthen devolution, so that Kenyans can reap the benefits of the Constitution of Kenya 2010.

I thank you.

**Sen. Wambua:** Mr. Speaker, Sir, from the onset, I want to go on record opposing the Bill as received from the National Assembly and moved by the Senate Majority Leader.

There is so much that Senators will have to say about this Bill. So, I will limit myself to two or three issues. First is for all of us to take note of the fact that under Article 218 of the Constitution, this is one of the key mandates of this House; to determine division of revenue between the two levels of Government.

To set the record straight, the Executive has no business, whatsoever, attempting to determine how much money should go to the 47 counties in this country. The Executive and the National Treasury should sit back and wait for Parliament to determine how much money should go to the national Government and county governments.

Secondly, as this determination is being made, I can see an attempt to claw back on the gains of devolution in the Bill that was moved today. Looking at the specifics, let us begin with the Equalization Fund.

This Bill proposes to allocate Kshs8.4 billion to the Equalization Fund. Remember at the beginning of this year or late last year, Senators here expressed a lot of interest in having an Equalization Fund Bill come to the Floor of this House, so that we deal with this matter of Equalization Fund once and for all.

It keeps appearing in our books. Monies keep being allocated to the Fund but it continues to be dormant because nothing is happening. We are told that there is a reserve but nobody knows where it is. I want to challenge Members of the Committee on Finance and Budget to hasten the process of formulating an Equalization Fund Bill, so that we deal with that matter once and for all.

Going to the total shareable revenue, we note in this Bill that the total shareable revenue has increased by Kshs429 billion. It means over and above what the National Treasury collected last financial year, we will have an additional Kshs429 billion, which is an equivalent of 20 per cent increase from the Bill that we dealt with in the Financial Year 2022/2023.

In that growth of Kshs429 billion, the proposed allocation to the national Government is a whopping Kshs413 billion representing a growth of more than 23 percent compared to the Bill we dealt with the last financial year.

For our poor county governments, there is a paltry increase of Kshs15 billion, representing a growth of 4.2 percent and way below the inflation rate of 9 percent. This House is the anchor of devolution. Devolution will stand or collapse on the Floor of this Senate.

An opportunity has been given to us today to defend and protect devolution by making sure the monies we allocate to our counties at the very least can take care of the increment of inflation being suffered across this country.

To make matters worse, the Kshs15 billion increment to county government allocation also includes a Kshs425 million which we are being told is a transfer of library services to counties but not every county but only 33.

We have a duty of care to protect our counties and to make sure that apart from just sending lump sum amounts of monies to counties, there is regular disbursements so that they are not starved of their resources.

The Division of Revenue Bill touches on finances and revenues that go to our counties. This is the time that every Senator from every county including the distinguished nominated Senators will be found on the Floor of the Senate, late in the evening and if need be early mornings trying to defend the transfer of monies to their counties. However, when it comes to oversight for Senators asking governors questions on how the money is being spent, they are de-buffed in some counties. I thank God not any more in Kitui County.

In some counties, governors go to the extent of organizing goons to humiliate Senators because they are being asked how they spend their money. Senators are burning the midnight oil to fight and sometimes even make enemies in the process in order to make sure their counties get reasonable amount for allocations. If they are good doing that job, then they should be equally good when they demand of governors for accountability on the spending of those monies.

A mechanism has to be found. This is a challenge to us all but most importantly to the Chair. Under your rule, let a mechanism be found for these Senators to be properly facilitated and to ensure that they are able to take social or financial audit of the money taken to counties.

I like the words used by the former Senator of Garissa, the late Sen. Yussuf Haji. May God rest his soul in eternal peace. He said it was as if we were giving money to governors and he compared that to dangerously armed robbers. You then give your son a *rungu* to run after the dangerously armed robber who is determined to do the worst.

I say this from experience. I know the pains that some Senators have gone through in the hands of governors for whom they fight for money to be given to their counties. We should find a way to ensure that this Senate and the Senators are properly facilitated to undertake oversight responsibilities.

Lastly, if there is one time that this House has got to demonstrate bipartisanship it is on the issue of allocation of revenue to counties. The pace has been set. When it mattered most and some counties had been earmarked to lose revenue, the Senate stood and spoke with one loud voice; that the pain of a child suffering in Mandera County due to lack of access to healthcare, education or food, should be felt by the child enjoying those services in Kiambu, Nairobi City counties and elsewhere in this country.

If devolution fails in one county in this country, then that failure is the weakest link for devolution in all the 47 counties. I conclude by making an appeal to my colleagues that we should not vote along party lines on the matter of monies and revenues which are supposed to go back to help our people. We are not telling the national Government to increase the amount of sharable revenue. It is the same amount of money.

Out of this pool of money, especially for devolved functions, let funds follow the functions in the counties. We reduce the allocation especially in the Ministry of Agriculture, Livestock, Fisheries and Irrigation, which is a fully devolved function together with the Ministry of Water and Sanitation, and the Ministry of Health.

We should look at the monies allocated to them in the national Government and reduce it. We look for Kshs50 billion from the three Ministries; load it to the money allocated to the counties and we arrive at our figure of Kshs425 billion which we should send to the counties.

Mr. Speaker, Sir, with those remarks, I oppose that Bill.

**The Speaker** (Hon. Kingi): Proceed, Sen. Mungatana, MGH.

**Sen. Mungatana, MGH:** Thank you, Mr. Speaker, Sir for giving me an opportunity to also ventilate my thoughts on this Bill.

I associate myself with the knowledgeable presentations that have been made by my fellow Senators before me.

Mr. Speaker, Sir, I support this Bill as moved. The reason is that the structure in which the Bill has been presented is talking about National Treasury figures. I honour the thinking that it is we who must give the decision on how much the national Government and county governments should get. When the National Treasury speaks, we need to listen because they are speaking from facts and figures.

This is where my first proposal lies. We are coming too late in the game. These figures of Kshs385 billion that the National Treasury proposes to be the proper figures as opposed to what our Committee thinks, are figures that were developed by people who work in the National Treasury. We must not forget that is a National Treasury.

We will have to have a solution to have two divisions within that National Treasury and the County Treasury. If we do that, then the County Treasury which will be housed there, will be manning and seeing what is happening when figures are being developed.

Previous speakers and colleagues have said that our governors have been spending time in Nairobi City County, being converted into beggars and looking for money to be disbursed.

If we have two treasuries, one dedicated to disbursement of the national Government and the other one dedicated to county government funds, governors and County Executive Committee Members (CECMs) in charge of Finance will never have to come to Nairobi City County. This is because, if the money is received and it is time to disburse, we have two consolidated funds. One of them will be dedicated to counties in



terms of the 23 per cent that we have been talking about. So, whatever comes in, is distributed to the counties.

If we can legislate around this thinking and create a law that frees us--- It is just the same way Parliament was a slave to the Executive. Hon. Oloo Aringo then brought the law that created the Parliamentary Service Commission (PSC) and a separate budget. That is when we started operating as Hon. Members. If we create a law that dedicates itself to creating a County Treasury, then we shall have freedom and our governors will never have to come to beg for finances. The finances will be released when they are due.

Mr. Speaker, Sir, I also want to look at this disbursement of Kshs425 million which has been moved from the libraries and taken to counties. Is there fairness? The Report of the Committee of the House says that we have 66 libraries in the entire nation. These 66 libraries are domiciled in 33 counties. There are 14 counties including Tana River, which do not have public libraries. With the devolvement of this Kshs425 million, it means the 14 counties are not going to get anything because we are not going to receive any monies from that Fund. Is there fairness in this country? Then it should be---

**Sen. Wambua:** On a point of information, Mr. Speaker, Sir!

**The Speaker** (Hon. Kingi): Sen. Mungatana, MGH, do you wish to be informed by Sen. Wambua?

**Sen. Mungatana, MGH:** Mr. Speaker, Sir, I have a lot of respect, but I am going to be lost somewhere like I have said. Let me not repeat it before my neighbour.

As I finish, I am saying that we have Kshs425 million, which is being counted as coming to the county governments. However, it is not saying that it is coming to 33 county governments. It is coming to some counties but not all of us. Going into the future – seeing as we are late in this game at this point – if there is any allocations to the libraries function, then it must be fair to all counties. We must have an allocation to build libraries for these 14 northern counties. As usual, they are marginalised by design by this national Government. We must have affirmative action to help us also benefit from any allocation that goes towards libraries.

I support this Bill again because there is a good allocation that has been made for public debt. Countries have declared bankruptcy, having been unable to manage their public debt. Ecuador has declared bankruptcy 10 times. Spain, Uruguay and several other countries have declared bankruptcy because they have been unable to manage their public debt.

Developed Countries---

**Sen. Wambua:** On a point of information, Mr. Speaker, Sir!

**The Speaker** (Hon. Kingi): Sen. Mungatana, has said that he does not wish to be informed.

**Sen. Mungatana, MGH:** Mr. Speaker, Sir, I wish to just finish and run. We are supporting this Bill because it has made a reasonable allocation for public debt. Countries have declared bankruptcy because they have been unable to manage their public debt. I have given the example of Ecuador, which has declared bankruptcy 10 times. Spain and Uruguay have declared bankruptcy nine times.

You will be surprised that even Germany has declared bankruptcy four times. Within the last two centuries, the United States of America (USA) has declared bankruptcy four times and Britain, four times. Japan is the only country that has done it twice.

Mr. Speaker, Sir, in modern times, we have seen what happened to Greece just the other day. Therefore, for a country like Kenya, which is a third world country moving towards a more developed state, we have done the correct thing in this allocation, by making sure that we are trying to manage our public debt. It would be such a bad thing for us, if our country joins those nations that have declared bankruptcy. I support the idea that they have made reasonable allocations for purposes of avoiding Kenya being dragged down towards declaring bankruptcy. That is another reason why I support this Bill.

I urge my fellow colleagues, that sometimes, it is good to play politics and look good to the people. However, I have always said both inside and outside this House that responsible politics requires that the truth be told to the people whom we are leading.

Mr. Speaker, Sir, if you are a father and you know that you cannot afford to buy meat everyday like the neighbours, then you sit down with your wife and children and tell them, we can only do meat once or twice a week, but we will be doing *ugali* and *sukumawiki* and you are not going to die. When the National Treasury gives us these figures, then we come and say, let us increase it, let us ask ourselves what the basis is.

The Commission of Revenue Allocation (CRA) has proposed these figures. However, when you look at the Report from the Committee itself, there are definitional issues. They are arguing about definitions. Then, that has implications on the figures themselves.

Mr. Speaker, Sir, if my colleagues can take time, read and clearly look at this Report, the Committee has had to struggle with definitions in 204 and 202. These definitions are giving different figures. For us who are coming at this point to debate this matter and those who have prepared and stayed with these figures for a whole year, I want to vote with those who have been looking at the figures and those who are saying, let us go with Kshs385 billion because they have been looking and seeing those figures.

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

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

Mr. Temporary Speaker, Sir, I ask that we be honest. If we can only afford *ugali*, *sukama wiki* and meat once in a week, then, let us do that. If it is only *ugali* and *maharagwe*, then, let us eat that. We have to stay alive, service our debt and make our country work. Then from there, we grow this economy, like the way Sen. Okiya Omtatah said yesterday, while debating the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No. 7 of 2022). He said that it is about what we divide in the cake. If that cake is not big enough, let us find ways of increasing that cake. Otherwise, if the cake is small, then we must learn to live within our means.

*(The amber light was switched on)*

Mr. Temporary Speaker, Sir, I know that there will be many others who will speak after me. However, I urge our people to hear this. We must live within our means. It is the responsible thing to do. We must not play politics with the economy. If this is what the National Treasury is saying, then let us deal with it with the facts and figures.

Mr. Temporary Speaker, Sir, we have been told and we agree. I am not afraid to say it. It does not matter whether it is good or bad politics. It is responsible leadership to tell people the truth and not to play politics with what we have. The revenue is what has

been proposed by the National Treasury. Therefore, we need to take it a lot more seriously.

Mr. Temporary Speaker, Sir, I beg to support this Bill as presented.

Thank you.

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

Proceed, Sen. Faki.

**Sen. Faki:** Bw. Spika wa Muda, asante kwa kunipa fursa hii, kuchangia Muswada wa ugawaji wa fedha baina ya Serikali kuu na Serikali za ugatuzi.

Bw. Spika wa Muda, kwanza kabisa, napinga Mswada huu kama ulivyoletwa katika Bunge hii. Mswada huu unasema kwamba, pesa ambazo zitatoka katika Serikali kuu na kuja kwa serikali za kaunti ni shilingi 385.425 bilioni. Ukiangilia hii shilingi 370 bilioni ni zile zilizotolewa mwaka wa 2022/2023. Kwa hivyo, hakuna chochote ambacho kimeongezeka, isipokuwa shilingi 15 bilioni, ambazo wamesema ni mapato waliyoyafanyia marekebisho.

Bw. Spika wa Muda, ukiangalia swala la mlipuko wa bei za bidhaa, kwa mfano, mafuta; mwaka jana mwezi wa saba, bei ya mafuta ilikuwa ni shilingi 125 kwa litera. Hivi leo, mafuta ni shilingi 174 kwa litera ambalo, ongezeko la karibu asilimia 40. Hiyo pekee inaonyesha kwamba gharama za utoaji huduma katika kaunti zetu imeongezeka mara dufu, kiasi ambacho haiwezekani kutoa huduma kwa fedha zile zilizotolewa mwaka uliopita.

Bw. Spika wa Muda, kwa hivyo, ongezeko la shilingi 15 bilioni katika pesa ambazo zitakwenda katika kaunti zetu ni kidogo sana ukilinganisha na ongezeko ya mapato ya Serikali, kama ilivyo katika *table* ya pili ya Mswada huu. Mapato ya mwaka wa 2023/2024 yanatarajiwa kuongezeka kwa zaidi ya shilingi 430 bilioni. Lakini, kaunti zimepewa shilingi 15 bilioni peke yake ya fedha hizo.

Bw. Spika wa Muda, jambo la pili ambalo ningependa kuguzia ni kwamba Hazina Kuu au *National Treasury* haiwezi kuwa huru, wakati kiongozi wa Hazina hii ni Waziri wa Serikali kuu. Ninavyosema ni kwamba, haiwezekani awe yuko na uhuru ya kugawa fedha bila ya kupendelea upande wowote ikiwa tayari yeye yuko upande wa Serikali kuu.

Bw. Spika wa Muda, viongozi wa Halimashauri ya kukusanya Ushuru, ama *Kenya Revenue Authority* (KRA), wanateuliwa na Waziri wa Serikali kuu. Kwa hivyo, Hazina Kuu haijakuwa huru kama vile ilivyotarajiwa na Katiba yetu ya 2010. Iwapo Hazina Kuu itakuwa huru, basi itakuwa ndio nafasi mwafaka ya kugawa fedha kisawasawa, baina ya Serikali hizi mbili za ugatuzi na Serikali kuu.

Bw. Spika wa Muda, vile vile, ipo haja ya kuifanya ile ofisi kuu ya madeni iwe huru kutoka kwa Wizara ya Fedha ya Kenya. Hii inamaanisha, watakuwa na nafasi ya kutoa ushauri ambao ni huru kwa Serikali kuu, kutokana vile wanavyokopa pesa kiholela holel, ili kudhibiti fedha za Serikali.

Bw. Spika wa Muda, jambo la tatu ni kwamba, kuna huduma ambazo serikali zetu za ugatuzi hutoa. Kwa mfano, huduma ya kilimo imetolewa kutoka kwa Serikali Kuu ambayo inatajikana itoe mwongozo wa vile ambavyo wanafaa wafanye.

Lakini, tumeona hivi majuzi, Serikali Kuu inaingilia maswala ya kununua mbolea na kupeleka katika kaunti. Serikali Kuu inaenda mpaka nchi za nje kutafuta mashamba ya kulima mahindi wakati wakulima wetu wanashindwa kulima kwa sababu ya mkurupuko wa bei za bidhaa, ikiwemo mbolea na maswala kama hayo.

Pesa zile bado zinalala katika Serikali Kuu zitoke ziende kwa serikali za ugatuzi ili bajeti zetu za maswala ya kilimo, uvuvi na maswala ya kuendelea Serikali na kuwapa chakula wananchi katika nchi yetu, ziweze kupata huduma hizo kwa urahisi na watoe bidhaa bora za kutuendeleza.

Bw. Spika wa Muda, haiwezekani sisi tutakuze kilimo Zambia wakati hapa tuna Galana-Kulalu, Bura na Mwea ambazo bado hazijakamilika. Pia sehemu zingine ukulima unaendelea katika nchi yetu.

Vile vile, kwa maswala ya afya, tumeona madaktari wakilalamika kwamba maslahi yao bado hayajafuatiwa. Sen (Dr.) Khalwale yuko hapa na nasikitika hakuligusia swala hili wakati alipokuwa akiunga mkono Mswada huu.

Maswala ya madaktari na huduma za afya ni muhimu sana. Tusipoangalia madaktari vizuri, huduma duni zitaendelea kutolewa katika zahanati na hospitali zetu. Watu wengi watagonjeka na mwishowe kupoteza maisha yao.

Maswala ya *Managed Equipment Scheme (MES)* hayakutajwa hapa. Lakini hii MES ilisaidia pakubwa kupeleka vifaa vya kisasa katika hospitali nyingi, ambapo vifaa vile havingefika. Hili swala lazima liangaliwe tena upya kwa sababu tunaona vifaa bado vinahitajika na hospitali zinapanuka.

*(Sen. Okenyuri consulted other Senators)*

Bw. Spika wa Muda, naona kuna mkutano mwingine unaendelea kule.

Vifaa vinahitajika kwa sababu sehemu nyingi, bado huduma za afya zinadorora.

Bw. Spika wa Muda, vile vile, hatujaona chochote kilichotolewa kuhusiana na *conditional grants* kwa hospitali zile za *Level 5*, kule maeneo yetu.

Kwa mfano, Hospitali Kuu ya Mombasa inahudumia kaunti sita – Mombasa, Kwale, Kilifi, Taita, Tana River na Lamu.

Hospitali kama ile haiwezi kufadhiliwa na serikali ya Kaunti ya Mombasa peke yake. Huduma zitadorora na mambo mengi yatakosekana katika hospitali ile iwapo zile *conditional grants* kwa zile hospitali za *Level 5* hazitarejeshwa.

Bw. Spika wa Muda, hospitali kama *Kenyatta National Hospital (KNH)*, *Moi Teaching and Referral Hospital (MTRH)* au *Kenyatta University Teaching, Referral and Research Hospital (KUTRRH)* maeneo ya Kiambu, zinapata ufadhili mkubwa kutoka kwa Serikali Kuu. Kiasi ambacho kinaenda hospitali kama *Coast General* na Jaramogi Oginga Odinga *Teaching and Referral Hospital* kule Kisumu ni kidogo sana ikilinganishwa na zile pesa zinakwenda katika hospitali tatu kuu za kitaifa.

Ipo haja ya hizi pesa zilizokuwa zinatolewa kwa maswala ya kuimarisha huduma katika *Level 5 Hospitals* ziendeele kutolewa ili huduma katika hospitali ziwache kudorora.

Bw. Spika wa Muda, nikimalizia, katika maswala ya huduma za maktaba yaani *library*, kumetolewa Kshs425 milioni. Pesa hizi ni kidogo sana. Haziwezi kutosha zile kaunti kumi na tatu zilizopangiwa kupata pesa hizo kutokana na huduma za maktaba.

Mswada huu pia umeeleza kwamba mara nyingi, ni Serikali Kuu ambayo inapata pigo iwapo pesa zilizonuiliwa kukusanywa hazitakusanywa zote kwa mwaka unaohusika. Lakini, kwa muda wa karibu miaka miwili, *Kenya Revenue Authority (KRA)* inayokusanya ushuru kwa niaba ya Serikali Kuu imepitisha kiwango ambacho walitarajiwa kukusanya.

Hiyo inamaanisha kwamba zile pesa za ziada ambazo zimepatikana huwa zinatumika katika Serikali Kuu peke yake. Hazipelekwi kwa serikali za kaunti kama inavyotarajiwa. Si kweli kwamba Serikali inapata hasara wakati makadirio ya pesa hayataweza kufikiwa. Chochote kinachopatikana lazima kigawanywe sawasawa kulingana na dharia kwamba serikali zote mbili zinatoa huduma kwa wananchi katika Jamhuri ya Kenya.

Bw. Spika wa Muda, kwa hayo mengi, ninapinga Mswada huu.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Sen. Faki from Mombasa.

Proceed, Sen. Tabitha Mutinda.

**Sen. Tabitha Mutinda:** Thank you, Mr. Temporary Speaker, Sir, for this opportunity. As the Vice Chairperson of the Committee on Finance and Budget, I want to make a few contributions. I thank all my colleagues who have risen to support this Bill.

As per Standing Order No. 145, when this Bill was tabled and it came to the Committee, we were able to do public participation and call stakeholders as well as members of the public.

I want to start by thanking stakeholders, starting with the Ministry of National Treasury and Planning, the Council of Governors (COGs), the Commission of Revenue Allocation (CRA), the Institute of Certified Public Accountants (ICPAK) and the Institute of Economic Affairs (IEA Kenya).

Mr. Temporary Speaker, Sir, in our deliberations in the Committee, the Division of Revenue Bill, 2023, which is prepared under Article 218 of the Constitution provides vertical sharing of revenue that is raised nationally, both to the national Government and to county governments. It is also key to note that according to Article 203(3) of the Constitution, clearly indicates that we should use the last audited accounts that have also been approved by Parliament.

As per the last audited reports of 2019/2022 that were approved by the National Assembly, it stands at Kshs1.673 trillion.

As my colleague Sen. Mungatana has said, there was so much discussion on the definition and mathematical calculations that were used by the stakeholders of the National Treasury and the CRA and the CoG. The CoG came to the Committee requesting for Kshs425 billion. The CRA tabled and advised on Kshs407 billion. The National Treasury also advised on Kshs385.25 billion.

Mr. Temporary Speaker, Sir, it is worthy to note that the projected revenue allocation in the Financial Year 2023/2024 is projected at Kshs2.571 trillion.

I would have been glad if my colleague, Sen. Wambua, was here in regard to his Statement on what has been collected because some of this information as said earlier is also available.

The Bill proposed that the national Government gets Kshs2.15 trillion, which is about 84.7 per cent. There is also an expected Kshs385.25 billion to the county governments which is also an increase of about Kshs15 billion.

The Committee also talked about the monies that are supposed to the 33 counties on the library functions. You will note that after devolution, these 33 libraries have been existing.

This money amounts to Kshs2,425,000. It is noteworthy that this amount may not be termed as an increment to the counties because this is a recurrent expenditure to the counties.

Mr. Temporary Speaker, Sir, as a Committee, we propose the allocation on transfer of the Kshs425 million, which should not be part of the county equitable share may only be disbursed to counties under additional allocation mechanism.

In our deliberations in the Committee, we also talked about the Road Maintenance Levy Fund (RMLF). We said that it should not be disbursed as Equitable Share as well. Instead, it should be disbursed as part of the County Additional Allocation Fund.

We also touched on the Equalization Fund which we settled at Kshs8.6billion. Just to echo the sentiments of my colleagues, we, as the Senate highly support devolution. We have heard the concerns that have been raised also by the Council of Governors in terms of the delay of these funds but we have also noted the input by the Commission on Revenue Allocation (CRA) very keenly.

I am happy to announce that the CRA has stated categorically that they have a report that indicates that the own source revenue data indicates counties that like, for example, Nairobi, Nakuru and Mombasa can be able to collect over 70 per cent own source revenue. If you look at the figures that they have actually shared, you realise that the difference is very little as far as what the national Government is supposed to allocate versus even what they are supposed to collect.

The mechanisms shall be put by the governors to ensure that they increase and maximise their county allocations. These challenge of funds that the governors have been able to put across will also be minimized if this emphasis of maximum collection concern is focused on.

All said on this, I really continue to thank my Members of the Committee that have been supportive to the point that we are in as far this Bill is concerned.

I urge my colleagues to support the Bill noting that where we are with some of the economic challenges we are facing, they need to be able to understand the figures that have been put across. Figures that will be able to be sustained by the National Treasury now.

As I conclude, it is also worthy to note that the figure that we came up with, as a Committee, was calculated from the Kshs370 billion allocation at 8.4 per cent which gave us about Kshs401billion. We also included money for medical equipment at Kshs5.86 billion which now totals to Kshs407 billion.

All said, I do support my colleagues on the amount that the National Treasury has also advised on.

I thank you.

**Sen. Chute:** Thank you, Mr. Temporary Speaker, Sir, for this opportunity. This Division of Revenue Bill was brought from the National Assembly Bill (National Assembly Bills No. 9 of 2023).

Mr. Temporary Speaker, Sir, the projected revenue as indicated for the financial years 2023/2024, is Kshs2.571trillion. The National Government allocation is Kshs2.155 trillion which amounts to about 84.7 per cent. County governments allocation is about Kshs385.4 billion which is equivalent of 15 per cent.

The Equalization Fund is expected to receive Kshs8.4 billion and also not forgetting the Library Fund which is Kshs425 million for only 33 counties, if I am not wrong.

The President intends to reduce the budget by Kshs300 billion which is about 12 per cent of our total revenue. If the President is going to reduce the budget by Kshs300 billion, that means, he is going to reduce the expenditure by Kshs300 billion.

So, if the 2022/2023 budget for the counties was at Kshs370 billion and the President wants to reduce the expenditure by 12 per cent which is Kshs300 billion, what the county is supposed to get as indicated by the President is supposed to be Kshs358.4 billion not the Kshs385 billion the Committee is talking about.

This country is experiencing a lot of corruption issues. The corruption today stands at 30 per cent. If we reduce this corruption which is in the counties and also in the national Government by only 20 per cent, we are going to reduce monies to the counties; first of all, monies to the national Government by Kshs500 billion. The amount that is going to be reduced if we are to reduce by 20 per cent is going to be Kshs81 billion. That means that counties will be left with Kshs324 billion to share.

Mr. Temporary Speaker, Sir, our President, when we were at The State House, indicated that we are not going to borrow any money. If the Government is not going to borrow money and we are increasing monies to the counties and the national Government, how does it work? How are you going to say we are not going to borrow money and yet you are increasing funds to the national Government and to the county governments?

We are going to be in big trouble, and we are going to face problems. We need to live within our means like Sen. Mungatana has said. We would rather eat *ugali* and *Sukumawiki* and live instead of eating rice and cake, then we face problems later on.

Yes, we have a growth of 4 per cent against inflation of 9.2 per cent. Even if we have inflation, that does not mean we are going to increase the cost. We are going to increase monies to our counties and National Government.

Mr. Temporary Speaker, Sir, looking at the mathematics here, if you talk about the Equalization Fund, they are getting Kshs8.368 billion which is 0.5 per cent of our total income which is about Kshs1.730 trillion.

I now want to talk about money for the Equalization Fund. There are contractors who have not been paid for the past five years. I think we have a problem with management of this money. It should be managed well, so that it helps some parts of Northern Kenya. Equalization means everybody should have equal opportunities but that is not the case.

The Committee also had issues with the so-called Managed Equipment Services (MES). They have allocated Kshs5.86 billion on top of what they have located to the counties, which is about Kshs4 or 5 billion.

The CoB was complaining about monies going to the counties. When we were in Mombasa, she said that she cannot access county governments' accounts. Some county governments have about 40 accounts and the money cannot be tracked.

She said that she has no authority to access those funds. She has to go to court to get court orders to access those funds. We need to give them support by way of legislation that can help the CoB to access those accounts. That is a problem being created by county governments.

For monies that go to the counties, 30 per cent is supposed to be for development. However, in fact, some counties purport to use 30 per cent for development but they use it for other things. They are saying that they use 30 per cent for development, while in the actual sense, they use about 20 of the 30 per cent. I think only 10 per cent is used for development or even zero in some instances.

The CS for the National Treasury and Planning appeared before the Committee and talked about having drafted the Division of Revenue Bill, 2023, as per Article 218 of the Constitution and Section 191 of the PFM Act of 2013.

In the Financial Year 2022/2023, the sharable revenue for the counties was Kshs370 billion. The Senate Majority Leader talked about Kshs385 billion. In support of the Senate Majority Leader, I would like to propose some amendments if possible. It should be amended from Kshs405 billion to Kshs385 billion. I wanted to say Kshs370 billion but I do not want to contradict the Senate Majority Leader. I support Kshs385 billion if that is okay.

Sen. Wambua talked about the late Hon. Yusuf Haji and I agree with him entirely. Like he said, we have governors who are like robbers with sophisticated arms. This Senate should be allocated money to help us monitor those funds. You can even give them Kshs400 or 500 billion but if monitoring is not there, then we will be having a lot of issues. We should also look into that.

Finally, all devolved functions should be transferred because we want our counties to develop.

One Senator talked about governors coming here to look for money but that it is not true. They do not have houses in the counties. Their houses are in Karen, Lavington and other high-end places. They do not come here to look for funds because they live here. So, I do not agree with the Senator who said that county governors are here looking for money.

Lastly, library services have been allocated Kshs425 million. This should be across the 47 and not only 33 counties.

Mr. Temporary Speaker, Sir, I beg to support this Motion with amendments.

I thank you.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. (Dr.) Murango, please proceed.

**Sen. (Dr.) Murango:** Asante Bw. Spika wa Muda kwa kunipa nafasi hii. Kwanza, ninaunga mkono Mswada huu wa ugavi wa mapato. Kwanza, nitajadili suala la maabara. Ningetaka kumkosoa Seneta wa Tana River, Sen. Mungatana, na kumwambia kuwa si kaunti za kaskazini peke yake ambazo hazina maabara.

Katika zile kaunti hazina maabara, ya kwanza ni Kirinyaga, Busia, Homa Bay, Kajiado, Lamu, Machakos, Nyamira, Samburu, Tana River, Tharaka Nithi, Trans Nzoia, Turkana, Vihiga na West Pokot.

Kaunti ambazo zimenyanyaswa na kuachwa nyuma kwa muda mrefu pia zinapewa nafasi katika hii Hazina ya Usawazishaji yaani, Equalisation *Fund*. Wale ambao hawana maabara ndio wangekuwa wanapewa zile fedha kwanza kuhakikisha wamejenga maabara katika kaunti zao.

Ni kwa nini kaunti ambazo hazina maabara zimeachwa bila kuwa na maabara na hili jambo halitiliwi maanani? Ni kusema katika sehemu zile hawana akili na hawataki kusoma?



Wakati tunasema hizi pesa, Ksh425 milioni, zinaenda kwa kaunti zile ziko na maabara peke yake, zile hazina, kwa nini zisiangaliwe kwanza ziwe na maabara? Ni zipi ziko sawa, zile ziko na maabara ama zile hazina? Mtoto mwenye mwenye njaa ndiye unampa chakula kwanza na aliyekula jana angojee kidogo ili huyu ale ndio waende wakiwa sawasawa.

Ningeomba wakati hizi pesa zinagawanywa kwa muhula ambao unakuja, iangaliwe na kuhakikisha kwamba kila kaunti imepewa pesa zake, ijipange pia kujenga maabara.

Pili, ni kweli tunakaa hapa mpaka usiku kujaribu kupata pesa ambazo tunatuma katika zile kaunti tulizotoka. Hata hivyo, unapouliza maswali kuhusu vile zile pesa zinavyotumika, wakati mwingine, Wawakilishi Wadi wanatumwa wakutusi wakisema hufanyi kazi yako. Hapa, wakati tunaenda mawindoni, sijasikia gavana anatutusi kwa sababu tunasema apewe pesa.

Nimejiuliza maswali mengi. Kwa mfano, gavana anaenda katika Kamati ambayo inahusika na kufuatilia hesabu ya pesa zilizotumika katika kaunti, akiitishwa stakabadhi na Seneti akose kuzileta, kwa nini pia aje agawiwe pesa? Kwa nini tusiweke sheria ya kwamba awasilishe stakabadhi na kama pesa zimepotea, kwanza arudishe ndipo agawiwe pesa zingine?

Tunavyoendelea kuwagawia hao watu pesa na maswali hatuulizi, ndivyo wanaendelea kuwa vichwa ngumu. Wengine wako na vichwa ngumu kuliko karai ya kupika chapati. Ukiwauliza maswali, ndipo unajipata katika shida usizoweza kuelezea.

Katika idara zilizotajwa, naona kuna *National Treasury*, CoG, CRA, ICPAK, IPP na *Institute of Economic Affairs*. Kwa nini Mkaguzi mkuu wa Hesabu za Serikali, *Auditor-General*, hakuitwa hapa ili atujulishe kama pesa zinatumiwa vile zinavyofaa au la?

Je, zile kaunti zinazotumia fedha vibaya, katika ugavi wa pesa unaofuata, bado wanafaa kupewa pesa bila kuulizwa maswali na kujibu vile inavyofaa? Kuna pepo wengine hawahitaji maombi. Wengine wanataka vita, wengine washughulikiwe vilivyo.

Bw. Spika wa Muda, kwa hayo, sitaongea mengi. Ninaunga mkono kwa sababu ninajua hatuwezi kugawa hewa. Ni mpaka tugawe zile tulizo nazo. Ninaunga mkono huu Mswada ambao umeletwa na Kiongozi wa Walio Wengi. Ninashukuru kwa kunipa nafasi hii.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Wafula, please, proceed.

**Sen. Wafula:** Asante, Bw. Spika wa Muda. Nashukuru sana kwa nafasi hii ya kuchangia Mswada ambao umeletwa hapa. Cha msingi ni kutarajia kwamba hizi fedha tunazoachilia kuenda mashinani, tusiwe kama wale ambao wanafanya katika maeneo ya kuhifadhi waliofariki, kwamba tunafanya upasuaji wa fedha za serikali.

Tunataka chini ya uongozi wako, Seneti hii, iwapo kazi ni nyingi na ni mzigo kwa walio katika Kamati hiyo, tuweze kupewa nafasi wengine wetu tuweze kutia msasa vitabu vya hesabu vya kaunti mbalimbali. Isiwe kwamba wako nyuma kwa miaka miwili au mitatu. Tuweke magavana hao kwenye mizani na tuwapige msasa ili tufuatilie kama fedha walizopata zinafanya kazi au la.

Bw. Spika wa Muda, ninaomba tu, kwa uongozi wako, tupewe hiyo kazi na tuifanye kabisa.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Wafula, you have got 19 minutes to proceed to support or to contribute to the Bill when the House resumes.

**ADJOURNMENT**

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Senators, it is now 6.30 p.m., time to adjourn the House. The Senate, therefore, stands adjourned until Tuesday, 18<sup>th</sup> April, 2023 at 2.30 p.m.

The Senate rose at 6.30 p.m.