

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 24th May, 2023

Afternoon Sitting

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

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

PRAYER

DETERMINATION OF QUORUM AT
COMMENCEMENT OF SITTING

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

The Deputy Speaker (Sen. Kathuri): I was inquiring whether we have the requisite quorum. Ring the Quorum Bell for three minutes.

(The Quorum Bell was rung)

(Several Senators walked into the Chamber)

Now we have quorum. Call out the first Order.

PETITIONS

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I have two Petitions which I will read simultaneously.

ENACTMENT OF LEGISLATION TO REGULATE
THE CREDIT PROFESSION

This is a Petition to the Senate concerning the enactment of legislation to regulate the credit profession.

Hon. Senators, I hereby report to the Senate that a Petition has been submitted to the Senate by CCP Mokaya Magembe Benard on behalf of the Council of the Institute of

Credit Management Kenya (ICM-K), concerning the enactment of legislation to regulate the credit profession.

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

(Sen. (Dr.) Lelegwe consulted loudly)

Hon. Senators, there is some interruption from a Member. Sen. Lelegwe you are interrupting the Chair while reading this important Petition.

As you are aware, under Article 119(1) of the Constitution;

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

Hon. Senators, the salient issues raised in the same Petition are -

(1) THAT, the petitioners are members of the Council of the Institute of Credit Management, Kenya.

(2) THAT, various professionals in Kenya, including accountants, lawyers, financial analysts, engineers, doctors, nurses, auctioneers, human resource practitioners, among others, are regulated through statute for effective administration of their roles.

(3) THAT, credit professionals do not have a guiding statute that regulates the credit profession to ensure high professional standards among practitioners in the credit sector.

(4) THAT, this has exposed consumers to a number of risks, including breach of transparency, unconscionable conduct and loss of assets which can be mitigated by having certified credit professionals---

The Deputy Speaker (Sen. Kathuri): Sen. Mwaruma, find your way to your seat.

(Sen. Mwaruma walked into the Chamber)

The Deputy Speaker (Sen. Kathuri): I did not ask you to find your way without bowing at the bar.

(Sen. Mwaruma bowed to the Chair)

(5) THAT, the enactment of legislation regulating the great profession will establish a recognized legislated position of credit professionals in matters credit and debt management, provide a qualified and well-regulated credit profession, as well as provide accountable, reliable and certified credit professionals, among other benefits.

(6) THAT, the petitioners have made efforts to have the matter addressed by the relevant authorities, all of which have failed to give a satisfactory response.

The petitioners therefore pray that, the Senate enacts a legislation to regulate the credit profession and specifically provide for the following, among other relevant provisions-

(1) the establishment and membership of the Institute of Certified Credit Professionals.

(2) the functions and management of the Institute.

(3) the registration of credit professionals and the issuance of annual practising certificates.

(4) disciplinary provisions that include the establishment of a disciplinary committee inquiry and appeal mechanisms.

Hon. Senators, pursuant to Standing Order No. 237, I shall now allow---

Before I get there, I will read the other Petition so that you can make comments on both Petitions.

LACK OF ABSORPTION OF THE CONTRACTED
INSTRUCTORS UNDER THE ESP BY NYERI COUNTY

The Deputy Speaker (Sen. Kathuri): This is another Petition to the Senate concerning lack of implementation of a resolution to absorb the contracted instructors under the Economic Stimulus Programme (ESP) by the County Government of Nyeri.

Hon. Senators, I hereby report that a Petition has been submitted to the Senate by Mr. Julius Wairiuko Wanjohi concerning lack of implementation of a resolution to absorb the contracted instructors under the ESP by the County Government of Nyeri

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

“Every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending, or repealing any legislation”

(Sen. Joe Nyutu walked into the Chamber)

The Deputy Speaker (Sen. Kathuri): Hon. Senator, this is a long Petition. So, I allow you to sit on the nearest seat.

Hon. Senators, the salient issues raised in this Petition are the following-

THAT, in July 1989, the petitioner was employed by the then Ministry of Education as a Carpentry Instructor II and posted to Kiaguthu Youth Polytechnic in Nyeri.

THAT, following the promulgation of the Constitution of Kenya 2010 and the advent of devolution, the youth polytechnic training function was subsequently transformed to the county government through Legal Notice No.16 of February 2013 and Gazette Notice No.116 of 9th August 2013, pursuant to the Fourth Schedule to the Constitution of Kenya, 2010.

As a result, all the staff who were in the counties and performing devolved functions were deemed seconded to continue providing services.

THAT, on 2nd December, 2014, a consultative meeting was held between the Ministry of Devolution and Planning, the Ministry of Education, Science and Technology, and the Transition Authority (TA) to address numerous issues that were facing the transition of youth polytechnics.

The meeting resolved, among others, that, the contracts of the instructors under the economic stimulus program be extended up to 30th June 2015, and thereafter, the instructors be absorbed by the county governments on permanent and pensionable terms. The county governments were required to make budgetary provisions to pay the staff following the passage of the County Allocation of Revenue Act.

Hon. Senators, find your way to the nearest seats.

(Several Senators walked into the Chamber)

THAT, on 15th December, 2014, the Transition Authority communicated the resolution to the county governments for implementation. Several counties implemented this resolution, but the County Government of Nyeri has not implemented the same to date. Hence, the petitioner has made efforts to have this matter addressed by the relevant authorities, all of which have failed to give a satisfactory response.

The petitioner therefore prays that the Senate intervenes in this matter with a view of recommending to the County Government of Nyeri to implement the resolution as required and compensate the petitioner for the period between 30th June 2015 to date.

Hon. Senators, pursuant to Standing Order No. 237, I shall now allow comments, observations or clarifications in relation to the two Petitions, for not more than 30 minutes.

Sen. Kisang, you have a case to answer.

Sen. Maanzo, please, proceed.

Sen. Maanzo: Thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity. I would like to comment on the second Petition in relation to the training institutes, which by the Constitution, have been devolved to counties.

It is not just in Nyeri County, but it has happened to many other parts of the country. It is a matter that touch all the counties. However, the decision made on the Petition from Nyeri will give a direction to other counties.

Mr. Deputy Speaker, Sir, getting these training institutes to an international level where their training can be useful to the young people is very important.

The technology where young people learn in what previously used to be polytechnics in the counties and acquire skills is important.

Mr. Deputy Speaker, Sir, in the constructions which are going on nationwide, from private individuals and Government institutions, you find that at times, you cannot get a plumber or an electrician. We are now doing solar. However, there are no people to deal with the solar technology in the villages.

So, this is very important and should be handled as an economic stimulus. It should be handled fast so that these skills are passed on to the young people.

We have 100 per cent transition to secondary schools. After secondary school, many people transit to the universities, but we also have many people who want to acquire skills. However, due to the high cost of living, people would like to acquire these skills in the nearest possible institution to them, where they can attend college and you go back home in the evening. It would be ideal for many parents.

I support this particular Petition. It is urgent and the whole country is waiting for it.

The Deputy Speaker (Sen. Kathuri): Next, Sen. Osotsi.

Sen. Osotsi: Thank you, Mr. Deputy Speaker, Sir. I wish to comment on the first Petition, which is a petition to request for the formation of a credit management institute, which will regulate credit management profession in the country.

Whereas, I support the idea of having a professional organization, having a legislation around regulating a particular profession has to be done with a lot of care, so that we do not end up having so many legislations on regulation of professions when they can best be done under one big professional organization.

Mr. Deputy Speaker, Sir, credit management has a lot of financial aspects to it. There are issues of accounting and auditing and that can still be catered for under the

Institute of Certified Public Accountants of Kenya (ICPAK), which already exists. I am also aware that credit management is one of the certified courses offered by the examination body called KASNEB that deals with accounting certification courses.

So, the Committee that will be looking at this Petition needs to interrogate ICPAK to see the need of having a separate professional body under legislation to deal with one matter of credit management. I know ICPAK deals with the taxation, accounting and auditing issues. We have to be convinced that credit management can be dealt with separately.

So, there is need of having a legislation to regulate the various professions because that will be one of the ways of instilling ethics in our profession and possibly dealing with the matters of corruption in this country.

Mr. Deputy Speaker, Sir, I sponsored a Bill in the last Parliament to regulate the Information and Communication Technology (ICT) profession in this country. The Bill was hugely fought by some business community in this country. We continue to have challenges in this sector like increasing cyber-crime which in most cases is facilitated by ICT professionals. The matter is aggravated by the lack of a proper legal framework to regulate this particular industry.

So, I vouch for having professional bodies which are under the law. However, that has to be done with a lot of care and without discriminating particular professions, mainly the ICT profession, which up to date is not under any piece of legislation yet there are a lot of challenges.

I know a country like Nigeria which had the highest levels of cyber crime in the world; they have gone down because there is a legislation to regulate the ICT sector, in terms of how training is done, how they are registered and how they are punished. However, there is no such legislation in this country.

When I tried to bring this up, there was a lot of resistance from multinationals because they have been benefiting from lack of a proper regulatory framework for ICT professionals in this country. I know these comments are not related, but I think it is important to look at these issues as we move on.

I request the Committee to also interrogate ICPAK so that they can find out what is this special need of having a credit management institute which is separate from its ICPAK.

Mr. Deputy Speaker, Sir, I support the Petition.

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

Sen. Mandago: Thank you, Mr. Deputy Speaker, Sir, I rise to support the Petition from Nyeri County on the lack of absorption of the instructors to the county vocational training colleges.

I stand here to confirm that the instructors to vocational training colleges are supposed to be employees of county governments because vocational training colleges, the then village polytechnics, were devolved and are a function of county governments.

I know there was a big issue on the question of staff who were on contract. Since resources follow function, when you accept a function or accept to run a county government, you must accept the assets and the liabilities of that county to be able to manage.

Therefore, I support the petitioner in that the County Government of Nyeri ought to have employed all those instructors in vocational training colleges on permanent and pensionable terms.

I am a witness that this is a matter that was agreed between the Council of Governors (CoG) and the then Transition Authority (TA). That matter was rested. The County Government of Nyeri should be taken to task as to why those staff are being subjected to discriminative terms of employment.

I therefore want to urge my colleagues, Senators, to support this Petition and make sure that those employees of vocational training colleges get what is rightfully theirs in terms of placement.

It should be noted that if county governments do not staff those vocational training colleges, then counties are at risk of this function being reverted back to the national Government. I know there have been discussions by Members of Parliament on the role of vocational training colleges. There is need for those vocational training colleges to remain at that devolved level. In fact, the law was very clear that we must have a vocational training college in every ward, despite the constraints of resources available to counties to actualize that. However, progressively over time, that is where we need to go. That is why we cannot afford to have instructors who are on contract terms, casual terms or people who are dissatisfied to perform their duties, and expect our vocational training colleges to come up and impart the necessary skills to the citizens of our very counties.

The County Government of Nyeri should ensure that those vocational training instructors are absorbed. Probably, they could be the only ones amongst the counties, who have not absorbed those economic stimulus instructors to our vocational training colleges.

Mr. Deputy Speaker, Sir, I support the Petition

The Deputy Speaker (Sen. Kathuri): Thank you. Sen. Omogeni, proceed.

Sen. Omogeni: Thank you, Mr. Deputy Speaker, Sir. I rise to support the Petition by CCP Mokaya Magembe on credit professional regulation. This is timely. The only thing I would like to propose is to amend the heading of this Petition to include the practice and giving of credit in the market.

There are so many shylocks in town calling themselves credit bureaus that prey on innocent Kenyans. I do not know whether to call them credit bureaus or credit giving organizations. The interest they charge the poor Kenyans out here is exorbitant and unreasonable.

I once dealt with a Kenyan ambassador, I am sorry to mention this, who got finance from Metropolitan National Sacco. She said she went to that company and was told that she will be given a lawyer for free to help her fill the papers. You give them your logbook. They do not allow you to take even the copies of the contract you signed with them. The interest is three times what you will be charged by our local banks. So, this is an area that has subjected Kenyans to a lot of suffering.

Mr. Deputy Speaker, Sir, I hope the Committee that will take up this matter will not just look at regulating the---

I do not know what the Petitioner intended but I hope we are not going to do it like the Law Society of Kenya that we want to regulate the people's practice, such as bodies engaged in giving credit to Kenyans out there.

People go to borrowing their problems. You come to Nairobi, you bring a patient to the Kenyatta National Hospital (KNH), your patient dies and you are told by the hospital they need Kshs200,000. Since, you are in town, you say, "Let me go to a credit reference bureau and get some money to remove my patient, go home, and I will repay." If you borrowed Kshs100,000, they will want you to pay Kshs500,000.

It is not something we should allow really as parliamentarians. There is a lacuna here and we have been given a golden opportunity to address this issue. This is also an area we are willing to offer a bipartisan approach.

I do not know the magic that the Late Former President Mwai Kibaki brought. In the year 2002, I was a very young professional. I had just worked for six years. When President Kibaki took over, banks were calling us to go and get money.

I went to the Barclays Bank of Kenya for what was my first loan. They just asked for my payslip and I disappeared with Kshs500,000. The interest was very reasonable.

I am pleading with President William Ruto's Administration to also consider this. I do not know whether the Chair of the Presidential Council of Economic Advisors, Mr. Ndi, can put some thoughts together so that we make credit available to Kenya.

If you borrow from a reputable bank like Kenya Barclays Bank, the National Bank, and Equity Bank, they will not subject you to the kind of suffering you will receive from these credit bodies. So, we are challenging the Government of the day to see whether there are ways you can jumpstart the economy so that Kenyans can get easy access to credit.

In 2002, you could get unsecured loan of up to Kshs1 million. You just walk to the bank with your payslip, you get money and walk away. Before then, Sen. (Dr.) Khalwale, you remember during late President Moi's regime, people were paying interest of up to 48 percent but President Mwai Kibaki brought it down.

So, let us respond to the demand in the market and make credit accessible to Kenyans. We should get a way of helping Kenyans not to be subjected to this kind of mistreatment from these credit bureaus.

So, I fully support and I hope the Committee that will be tasked with looking into this Petition can propose a good law that will protect Kenyans and also allow those who want to do business by lending money to get the environment to do business, but not to exploit poor Kenyans.

I support.

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

Sen. Kisang': Thank you, Mr. Deputy Speaker, Sir. I rise to support the Petition on Credit --- not really credit institutions. I think there is an issue here. I believe most credit institutions that operate are shylocks. The Central Bank of Kenya (CBK) is not doing its job.

The CBK is the one that should ensure that the credit institutions that lend money, as Sen. Omogeni has said, should be put under the radar so that, the interest rates they charge are not ridiculous. This is because people take their logbooks there, title deeds and they charge you an interest of up to 30 percent per month. Some people have lost land and vehicles because of these institutions. They do not charge within the rates that have been set by Central Bank of Kenya, which is about 14 to 15 percent.

So, ICPAK is there as the institute that regulates professionals in this sector. We have accountants, financial risk managers and the insurance on the other side of the insurance risk to ensure that people are not taken advantage of.

The CBK is not doing its inspection role properly. This is what we need to interrogate, not the registration of the professionals because these are financial institutions.

There is an issue that we need to check here so that our people are not fleeced or taken advantage of and their properties are not sold. Many people have died because of being taken advantage of by these bureaus. This is a serious matter that the Committee needs to look into. I believe it is the Senate Standing Committee on Finance and Budget so that our people can be saved.

Hon. Sen. Osotsi brought up something about the Information and Communication Technology (ICT) professionals on cybersecurity and outside. We pushed until we agreed. There are some professionals also who do not have relevant papers in ICT but they were fighting the Bill.

I do not know what happened because we pushed it until we passed it in the National Assembly then. I believe that we can revive it so that our sector can also be regulated.

On the Nyeri issue of the instructors, I believe we need to push that too. This House should come up with a resolution to compel the County Government of Nyeri to employ those instructors on a permanent and pensionable basis like the rest of the counties. Otherwise, it is unfair that it is only one or two counties that did not take in the employees on permanent and pensionable terms while the others have taken, yet the money has already been sent to County Government of Nyeri.

So, I support the two Petitions but this one on credit institutions, we need to relook at it very critically so that we do not have to do other laws. If there is any need to amend the law that created ICPAK and KASNEB, we can relook into it and maybe do amendments to ensure that these guys who are running amok are taken care of well by the law.

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

Sen. Ogola, you may proceed.

Sen. Ogola: Thank you, Mr. Deputy Speaker, Sir, for giving me the chance. I rise to support the Petition by Mr. Julius Wanjohi, concerning the instructors that were employed by the Ministry of Education under the Economic Stimulus Programme by the Nyeri County Government.

The Transition Authority was a legal entity that was put in place to ensure everything was harmonized at the onset of devolution. The governments must speak to themselves that these instructors under this programme were employed to enhance the staffing at the vocational training institutions.

I support that the instructors should be considered for retention by the County Government of Nyeri and they should also be compensated since they were engaged by the Ministry.

The Transition Authority was to harmonize all these operations. As Sen. Mandago has stated just before me, all these staff were taken over by county governments all over the Republic. It is so then unfair that the County Government of Nyeri chose not to retain these staff.

It may be unfortunate that the County Government of Nyeri may have put aside these instructors only to advertise and employ others rather than retaining the ones they have. That is why this must be considered because we have to be fair to these instructors.

Somebody was employed in 1989. Having given services to the government and having given skills to the instructees, it is not fair that years after, they are not retained by a government that takes over. What is so peculiar in the County Government of Nyeri than other counties that absorbed the staff?

That was the main purpose of the Transition Authority (TA) and that is what was done in most of the counties.

Mr. Deputy Speaker, Sir, I, therefore, support that this is looked into, so that the rights of these instructors are respected and they be retained and compensated.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I will give a few more Senators a chance to utilize the 30 minutes after I recognize these visitors.

(Interruption of debate on the Petitions)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM WEITHAGA BOYS
HIGH SCHOOL, MURANG'A COUNTY

The Deputy Speaker (Sen. Kathuri): Hon. Senators, in the Public Gallery, we have 65 students accompanied by two teachers from Weithaga Boys High School in Murang'a 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, and on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you.

(Applause)

Proceed, Senator for Murang'a County.

Sen. Joe. Nyutu: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to welcome the students and teachers from Weithaga Boys High School. This is a school located in Wangu Ward of Kiharu Constituency, County of Murangá.

This is a school that prides itself of having produced the first Doctor of Philosophy (PhD) holder in the country. That is Dr. Julius Gikonyo Kiano. As I welcome this group of students and their teachers, I want to encourage them that what Dr. Gikonyo Kiano did those many years is still possible.

There are others that went through Weithaga Boys High School. They include Prof. Kamweya of the University of Eldoret (UoE), Prof. Abel Macharia and the former Governor of Murang'a County, among others. I may not agree with the former Governor's political theatrics and style but he was honoured by the people of Murang'a for two terms. The Governor also went to the same school.

I want to tell these young men that the future is bright for them and that they are in the right school. This is a school that has been taking quite a number of students to the

university too. We had 90 students in 2022 and 75 in 2021. So, it is a school that performs well.

I ask you, my dear sons, to be obedient to your teachers. You should respect them.

I was a teacher. I taught in high school for quite a number of years and I know that any student who works hard, respects their teachers and parents and, of course, has faith in God, is bound to make it. So, we know that we have engineers, future Members of the Senate and the National Assembly among other professions sitting up there.

As you go back, know that you can come back to this House as a Member, if not Members of Parliament (MPs).

Mr. Deputy Speaker, Sir, I do not want to take much time. I also congratulate the teachers for taking care of these young men. Through the principal, we thank them for making the decision to come and visit the Senate.

Here is where we make our laws especially those affecting counties and the nation at large. So, *karibuni sana wavulana wa Weithaga Boys*.

The Deputy Speaker (Sen. Kathuri): That is wise counsel. Were you a principal or a mere teacher?

Sen. Joe Nyutu: Mr. Deputy Speaker, Sir, I never did any interview to be promoted to be principal. I knew I wanted to be in business and I thank God because I got into it. I liked teaching Kiswahili. *Mimi ni mwalimu wa Kiswahili na nilipenda sana fasihi ya Kiswahili*.

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

The Deputy Speaker (Sen. Kathuri): What is out of order, Sen. M. Kajwang'?

Sen. M. Kajwang': Mr. Deputy Speaker, Sir, it is very rare for the Speaker to be disorderly. In fact, it should never happen.

I am a son of a teacher and I heard you ask the distinguished Senator for Murang'a whether he was a principal or "a mere teacher". A teacher is a teacher. He or she is a great person who made us come to this House because they gave us the education and the knowledge we have.

Perhaps, the most important teacher in our lives is the one who taught us how to read and write. Try teaching your child to read and write and---

The Deputy Speaker (Sen. Kathuri): Sen. M. Kajwang', you are out of order. Resume your seat.

(Sen. M. Kajwang' sat at his place)

The Deputy Speaker (Sen. Kathuri): Let us proceed. Sen. (Dr.) Khalwale, we are now going back to the Petitions and the Floor is yours.

(Resumption of debate on the Petitions)

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, as I rise to comment on this Petition, allow me to help the distinguished Senator for Murang'a that you cannot mention the greatness of the leadership that has come from Murang'a without starting with the name of the real father of multi-party democracy in this country. That is Kenneth Njindo Matiba.

Mr. Deputy Speaker, Sir, I support this Petition by Mr. Magembe on the matter of credit management. It is important and I think it was captured well by the Senator for Nyamira.

There are many conmen who capitalize on only one thing; amazing financial illiteracy that exists in this country. Any time you are conned by anyone of these people who purport to offer cheap credit, including shylocks, it is a confirmation that you are financially illiterate.

Money is fundamental in life that we should find an instrument of infusing it into our syllabus, so that our children start becoming financially literate as early as possible.

What is financial literacy? To avoid these conmen, every Kenyan needs to know that any time you have some money – it does not need to be much – you have to know how to manage it. That management includes an idea of how you will spend it. You people with fat English call it “budgeting”.

Beyond that, you should have knowledge of how to use the money. You people call it in fat English as “investing”. We need these basic skills so that these people run out of business. This issue is so serious.

I remember 10 to 15 years ago, there was the disaster of pyramid schemes. Some of the Ponzi schemes that existed in this country were actually being perpetrated by elected MPs capitalizing on what I have called here financial illiteracy.

I, therefore, appeal to the Committee to take up this matter seriously because this gentleman is actually indicting the Parliament that we are sleeping on our job. We should have a watertight piece of legislation to throw these people completely out of business.

Mr. Deputy Speaker, Sir, with those few remarks, I strongly support this Petition.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Faki.

Sen. Faki: Asante, Bw. Naibu Spika, kwa kunipa fursa kuunga mkono Ardhiali ambayo imeletwa Bungeni na Julius Wairiuku Wanjohi kuhusiana na kutotekelezwa kwa maazimio ya kuwaajiri wafanyikazi katika Kaunti ya Nyeri.

Bw. Naibu Spika, ni masikitiko kwamba ni miaka 10 sasa na hao wafanyikazi hawajaandikwa kazi na Kaunti ya Nyeri. Kama tunavyojua, *stimulus package* ilikwisha, Serikali za kaunti zikaanza kazi na hawa wakasahaulika kabisa kutokana na utepetevu wa Serikali ya Kaunti ya Nyeri.

Ningependa kuongezea kuwa hawa wakufunzi wanafanya kazi muhimu. Wale wote ambao hawafaulu kwenda kwa taasisi ama chuo kikuu, hujifunza kazi za mikono katika taasisi hizi ambazo wakufunzi hawa wanafanya kazi. Wanafanya kazi muhimu sana ya kufunza useremala, uashi na nyinginezo.

Bw. Naibu Spika, imependekwa kwamba nyumba ambazo zitajengwa na asilimia tatu ya ushuru, zitahitaji watu kama hawa. Hao ndio wataweka madirisha, milango na kazi za nyaya ambazo haziwezi kufanyika bila wataalamu.

Ni muhimu ardhiali hii ifanyiwe kazi kwa haraka kwa sababu tayari wameshangoja miaka 10. Watakaoamua swala hili, wahakikishe kwamba mishahara ya wakufunzi hawa imekuwa *back dated*. Walipwe kutoka tarehe ambayo mkataba uliwekwa kati ya serikali za kaunti na Transition Authority, iliyokuwepo mamlakani wakati wa mkataba huo. Haitakuwa vizuri wakufunzi hawa kupoteza haki zao ambazo zilikuwa tayari zimekubalika na ni utepetevu tu wa Kaunti ya Nyeri ndiyo umesababisha kikwazo hiki.

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

Proceed, Sen. Wafula.

Sen. Wafula: Bw. Naibu Spika, ninashukuru kwa nafasi hii. Ningependa kutoa hoja chache, hususan kwa wachapakazi ambao walikuwa wanafanya kazi katika Serikali ya Mhe. Marehemu Mwai Kibaki. Hiyo ilikuwa katika mfumo wa kuamsha uchumi uliokuwa umezorota.

Bw. Naibu Spika, watu hawa walichangia pakubwa. Wakati huo, nilikuwa kiongozi wa vijana kule mashinani. Tulipanda miti, tukaibua mitindo tofauti ya kukuza uchumi, ufugaji wa samaki na kadhalika. Ni jambo la kusononesha sana, kupata Gavana ambaye ametoa uongozi na kuapa kwamba atafuata sheria na kanuni za Katiba, kuhakikisha kwamba kila Mkenya ambaye yuko na nafasi ya kazi anawajibika na vilevile anapata kipato kwa jasho lake.

vilevile, haya yanadhihirika wakati huu wa Serikali. Kuna wauguzi ambao wanahudumu chini ya mfumo wa Universal Health Care (UHC) na mkataba wao ulikamilika juma lililopita. Mhe. Rais na Serikali yake walikuwa kwa mkutano kule Naivasha. Katika mkutano huo, magavana waliahidi kwamba hawa wachapa kazi, wahudumu wa afya, wataendelea kufanya kazi pasipo bugdha yoyote. Kufikia sasa, wauguzi hawana mbele wala nyuma na hawajui hatima yao iko wapi.

Kazi yetu sisi kama Seneti ni kutetea ugatuzi. Wachapa kazi kama hawa wahudumu wa afya na wale ambao wameleta ardhilhali zao kwenye Bunge hili la Seneti, lazima wapewe haki yao, walipwe jinsi inavyotakikana. Tukifanya hivyo, mfumo wa afya na mfumo wa taasisi za vijana humu nchini zitapata nafasi zinazostahili na mgao wao wa bajeti.

Bw. Naibu Spika, kwa hayo machache, ninaunga mkono utetezi wa Mkenya huyu. Naomba Kamati husika imwalike Gavana ama vitengo vya kaunti, vijieleze ni kwa nini wanaendelea kunyanyasa Wakenya ambao wamejitolea kufanya kazi, japo kwa kipato kidogo.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Mwaruma.

Sen. Mwaruma: Bw. Naibu Spika, asante kwa kunipa hii fursa, nichangie ardhilhali ya Bw. Magembe. Ardhilhali yenyewe inahusu umuhimu wa kutunga sera, sheria na kanuni za kudhibiti wanaofanya kazi katika soko la ukopeshaji.

Ni bayana kwamba pesa zinahitajika na kuna umasikini katika jamii. Lakini, watu wengi ambao wameenda kukopa pesa kwa yale mashirika ya benki ambayo yako nje, wamepata dhiki badala ya faida. Kwa hivyo, kuna umuhimu wa kutunga sera na sheria za kutoa mwongozo kwa wale ambao wanakopesha pesa. Kwa mfano, tuwe na sheria za kuangazia sifa za wale wanaokopesha.

Pia, tuwe na sera za kuangazia riba ambazo wakopeshaji watatoa kwa wananchi. Vile wenzangu walivyosema, kuna watu wanaokopesha pesa kwa riba ya juu sana. Wanaitwa *shylocks* kwa Kimombo. Unapewa pesa kwa riba ya asilimia 30 kwa mwezi. Hiyo riba iko juu sana. Lakini kwa vile uko na shida, labda karo ya mtoto, wengi wamejipata taabani, wakakopa hizo pesa na wakashindwa kulipa.

Bw. Naibu Spika, kule kwetu, kuna mtu alikopa pesa lakini kwa vile hakuwa amepata mafunzo mufti, alifanya nyumba yake kuwa hoteli. Alitumia zile pesa vibaya. Asubuhi, anapikia watoto chai, mayai, chapati na mahamri. Ikifika wakati wa chakula cha mchana, anapikia watoto wake pilau, biriani na chapati, wachague. Ilipofika wakati wa kulipia hizo pesa na akashindwa, wakopeshaji walikuja na kung'oa mabati. Ile familia ikawa wako na nyumba lakini haina mabati. Hata mifugo wao walichukuliwa.

Bw. Naibu Spika, kwa hivyo, kuna umuhimu. Ninaunga mkono hili ombi la Bw. Magembe, kwamba tuweke sera na sheria za kudhibiti hili soko la kukopesha. Kwa sasa halina udhibiti na tunahitaji kuwatoa watu wetu katika dhiki ili wapate faida.

Tunataka Kamati ambayo itaangazia maswala haya, ije na sheria ambayo itadhibiti soko la ukopeshaji la hawa *shylocks* na wafanyi biashara ndogo ndogo.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, our 30 minutes' window for the Petitions are actually over. However, I give two minutes to Sen. Okenyuri.

Sen. Okenyuri: Mr. Deputy Speaker, Sir, thank you for that consideration. I felt that I should speak to this matter because most of those instructors were young people.

In my earlier life, before I came to the Senate, I passionately worked in the Technical and Vocational Education Training (TVET) sector under the Office of the then Deputy President's Strategy and Delivery Unit. Most of the work that we did was to encourage young people to join some of these institutions. There are many institutions such as youth polytechnics which have actually done very well. Look at the case of Mapimo Vocational Training Center in Kilifi County, I went there and saw the work that instructors were doing.

When I listened to this Petition, I was very saddened and ceased to have the patience.

When you look at the facts of this matter, the petitioners have even gone to court to seek redress. The court resolutions that were actually done in May, 2020 were not in any way giving them reprieve.

Mr. Deputy Speaker, Sir, if indeed education is the key, why do they make it expensive for young people who are already frustrated in this country?

The County Government of Nyeri should pay these instructors who were only paid an amount of Kshs2,720 which is little money, if you ask me.

These were 590 youth instructors who are serving this country passionately. For this matter to come to this House as a Petition to beg that they need to be paid, it is a really sad scenario.

Youth polytechnics play a very big role in this country. We have seen some of the products that come from the polytechnics. We encourage young people to pursue education.

Mr. Deputy Speaker, Sir, those who do not get a chance to go to university should continue to the polytechnics and the Technical Training Institutions (TTIs) that are at the bottom most part of our society.

So, if we treat such instructors in this manner, what hope do we have for people who are studying to impart these skills? As the Kenya Kwanza Government, our priority has been on equipping young people with skills so that they are self-reliant.

As the good Senator for Mombasa mentioned, in the housing programme that we have been talking about, priority will be given to young people who are partaking training in the youth polytechnics, TTIs and the vocational training centres.

So, as a House, we need to pronounce ourselves on this matter. It should not take many years to pay instructors Kshs2,790. It has taken more than 10 years for them to be compensated. They have gone to court using money and there is no redress. It is a sad scenario.

So, I support this Petition with my two feet. I am a very frustrated young person speaking this afternoon.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, the Petition on enactment of legislation to regulate the credit management is committed to the Standing Committee on Finance and Budget.

The other Petition by the petitioner from Nyeri, Mr. Julius Wanjohi, stands committed to the Standing Committee on Devolution and Intergovernmental Relations.

Hon. Senator, in terms of Standing Order No. 238 (2), the two Committees are required in not more than 60 calendar day from the time of reading the prayer, to respond to the petitioner by way of a report addressed to the petitioner and laid on the Table of the Senate.

Let move to the next order.

PAPERS LAID

Proceed, the Senate Majority Whip.

(Sen. (Dr.) Khalwale's microphone went off)

Sen. (Dr.) Khalwale: Clerk.

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale, what is happening to your eyes?

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I was not seeing the light. I beg your pardon.

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

REPORTS AND FINANCIAL STATEMENTS OF VARIOUS ENTITIES

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I beg to lay the following Papers on the Table of this Senate, today 24th May, 2023 -

Report of the Auditor-General, for the year ended 30th June, 2022 on the financial statements of the following -

Annual Report and financial statements of the Salaries and Remuneration Commission (SRC) for the financial year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Kisii County Emergency Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Kisii County Loans and Mortgages Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Demonstration Farm Fund Kisii for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Kisii County Veterinary Services Development Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Kisii County Government Revenue Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements on Receiver of Revenue- Revenue Statements of the County Government of West Pokot for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Tharaka Nithi County Assembly Car Loan and Mortgage for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Tharaka Nithi County Youth Empowerment Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Turkana County Biashara Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Trans-Nzoia County Nawiri Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Elgeyo Marakwet County Revenue Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Elgeyo Marakwet County Executive Car and Mortgage Revolving Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the County Assembly of Nyamira for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the County Executive of Nyamira for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Kajiado County Government Revenue Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Kajiado County Government Receiver of Revenue – Revenue Statements for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Kajiado County Disability Mainstreaming Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Taita Taveta County Revenue Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Nandi County Government County Revenue Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Nol-Turesh Loitokitok Water and Sanitation Company Limited for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Kilifi County Ward Scholarship Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Uasin Gishu County Emergency Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements of the Municipality of Kitale for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Kitui County Textile Centre for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Ruiru- Juja Water and Sewerage Company Limited for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Nyamira County Executive Mortgage and Car Loan Scheme Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Nyamira County Assembly Car and Mortgage Loan Scheme Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Nyamira County Education Bursary Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Nyamira County Emergency Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Malindi Water and Sewerage Company Limited for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Kilifi County Emergency Fund for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Receiver of Revenue Statements for Kilifi County Government for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Kilifi Mariakani Water and Sewerage Company Limited for the year ended 30th June, 2022.

Report of the Auditor-General on the financial statements of the Iten Municipality for the year ended 30th June, 2021.

Report of the Auditor-General on the financial statements of the Iten Municipality for the year ended 30th June, 2022.

Thank you, Mr. Deputy Speaker, Sir. I lay the Papers.

(Sen. (Dr.) Khalwale laid the documents on the Table)

The Deputy Speaker (Sen. Kathuri): Thank you, Senate Majority Whip. Let us go to the next Order.

We have two notices of Motion. The first one is from the Senate Majority Leader. Who has that notice of Motion?

NOTICES OF MOTIONS

ALTERATION OF DATES SPECIFIED FOR SITTINGS OF
THE SENATE PURSUANT TO STANDING ORDER NO. 32

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker, Sir, for allowing me to consult. This is a rare notice of Motion where we want to change the calendar of the House.

Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion-

THAT, notwithstanding the Resolutions of the Senate made on 16th February, 2023, and 29th March, 2023, pursuant to Standing Order No. 32 on approval of the Senate calendar for Regular Sessions for the Second Session 2023; the Senate resolves to adjourn pursuant to Standing Order No. 31 (2) at the rise of the Senate on Tuesday, 30th May, 2023 and to resume thereafter its sittings on Wednesday, 31st May, 2023 at 2.30 p.m.

I thank you.

The Deputy Speaker (Sen. Kathuri): The next notice of Motion is by Sen. Faki. *Seneta wa Mombasa, unapeana notisi?*

URBAN PLANNING FOR SUSTAINABLE LIVING

Sen. Faki: Mr. Deputy Speaker, Sir, I beg to give Notice of the following Motion

THAT, AWARE THAT rapid urbanization, as experienced in most Kenyan towns contributes to a significant portion of greenhouse gas emissions leading to environmental degradation;

FURTHER AWARE THAT factors associated with urbanization, including changes to a more sedentary lifestyle, diet and environment have resulted in an increase in the prevalence of non-communicable diseases such as cardiovascular disease, diabetes, and cancer;

APPRECIATING THAT prioritizing sustainability and environmental responsibility creates liveable, healthy and resilient communities for present and future generations;

NOW THEREFORE, the Senate urges the:

(i) Ministry of Roads and Transport to review the standards for construction of public roads to require the incorporation of dedicated lanes and tracks for exclusive use by non-motorised forms of transport to encourage their use for reduced air and noise pollution and improved overall public health;

(ii) Ministry of Environment and Forestry and the Ministry of Roads and Transport, in collaboration with the Council of Governors (CoG) to develop a policy framework to mitigate the impact of climate change by guiding the -

(a) dedication of sections of the respective Central Business Districts (CBDs) on specified days as car-free zones to encourage more walking and a healthier lifestyle;

(b) designation and maintenance of green spaces such as parks and community gardens within urban centres; and,

(c) sensitization of the public on sustainable living and environmental responsibility.

Thank you, Mr. Deputy Speaker, Sir.

QUESTIONS AND STATEMENTS

The Deputy Speaker (Sen. Kathuri): Next Order. We have several Statements under Standing Order No. 53(1). We will start with the Senator for Kiambu County, Sen. Thangw'a.

STATEMENTS

ETHNIC COMPOSITION OF THE PUBLIC SECTOR WORKFORCE AT DIFFERENT LEVELS OF GOVERNMENT

Sen. Thangw'a: Thank you, Mr. Deputy Speaker, Sir. I seek your indulgence because after careful deliberation and due consideration, I wish to withdraw that Statement and in place of it, approach your office so that I can change from Standing Order No. 53 to Standing Order No. 52.

Thank you.

The Deputy Speaker (Sen. Kathuri): Very well.

(Statement withdrawn)

Next is the Statement by Senator for Lamu County, Sen. Githuku.

COMPULSORY ACQUISITION OF LAND BY THE LAMU COUNTY GOVERNMENT

Sen. Githuku: Thank you very much, Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order 53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the compulsory acquisition of land by the Government in Lamu County.

In the Statement, the Committee should -

(1) clarify whether the Government is planning to compulsorily acquire more than 400 acres of land in Maisha Masha, Jipendeni, Bopwe, Rumshi and Sinambio areas in Lamu County. If so, indicate the time frame for the said acquisition and whether the said acquisition will be in line with Article 40 (3) of the Constitution of Kenya and all other statutes related to the compulsory acquisition of land;

(2) outline the measures the National Land Commission (NLC) has taken to ensure transparency in assessing the value of the land to be acquired;

(3) state whether the NLC has conducted open and transparent public inquiries into the ownership of the land; and,

(4) indicate the form of compensation contemplated in the said acquisition and the measures put in place to ensure fair and prompt compensation.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, do you want to make a comment on this Statement?

Sen. Cherarkey: Thank you, Mr. Deputy Speaker, Sir. I want to congratulate Sen. Githuku, our newest Member of the Kenya Kwanza Coalition under Jubilee Party.

There is no day that goes without issue of compulsory acquisition of land coming up. Yesterday, we heard about Kabunde Airstrip by Sen. Ogola---

The Deputy Speaker (Sen. Kathuri): Just a minute Sen. Cherarkey. There is a point of order from Sen. Osotsi.

Sen. Cherarkey: Okay, my neighbor.

Sen. Osotsi: Mr. Deputy Speaker, Sir, I did not want to interrupt my friend and neighbor, Sen. Cherarkey. However, he has raised a very fundamental issue of saying that the Senator for Lamu County belongs to Jubilee Party which is under the Kenya Kwanza Coalition when we know very well that Jubilee has a signed coalition pact with the Azimio la Umoja- Kenya. There is no indication or any evidence to show that they have exited the Coalition. Is he in order?

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, are you in order to say that?

Sen. Cherarkey: Mr. Deputy Speaker, Sir, under the law, it is either expressed or implied. Impliedly, at the moment Jubilee works closely with Kenya Kwanza. It is unfortunate that Sen. Osotsi, who is my neighbor from Musasa going to Vihiga, when it suits them, they say Jubilee is part of them. When it does not suit them, they say Jubilee is not part of Azimio la Umoja-Kenya Coalition. They should be fair to Kenyans. They cannot have their cake and eat it.

Under Article 40 on the protection of right to property, the issue of compulsory acquisition of land has been decided by the courts. I remember Cherunya's case in Eldoret where the Government took over---

The Deputy Speaker (Sen. Kathuri): Sen. Osotsi, you have already executed your point of order. Are you on another one?

Sen. Osotsi: Mr. Deputy Speaker, Sir, I have listened to his response to my point of order. He has even created room for a further point of order from me. This is a House of record and we go with the evidence that is there. Jubilee as it is now, regardless of what is happening outside there is a member of the Azimio la Umoja-Kenya Coalition. That is why the Members of Azimio la Umoja-Kenya Coalition are seated on this other side. They have not gone on the other side. So, it should go on record in this House that Jubilee is still a member of the Azimio la Umoja-Kenya Coalition.

When a senior Member like Sen. Cherarkey who is also very close to the House on the Hill can come here and say that Jubilee belongs to Kenya Kwanza, that is a very material statement that requires further interrogation by this House. Is he in order to mislead this House that Jubilee is in Kenya Kwanza when legally, even at the office of the Registrar of Political Parties, we know that the legal Jubilee Party, led by former President Uhuru Kenyatta still belongs to Azimio la Umoja-Kenya Coalition? It is a fact.

The Deputy Speaker (Sen. Kathuri): There is another point of order from Sen. Githuku.

Sen. Githuku: Thank you very much, Mr. Deputy Speaker, Sir. Sometimes, I wonder about these Azimio Members. I do not deny that I am a part of them; Azimio la Umoja-Kenya Coalition, but right now on your table, there is a letter that has been written by the Minority Whip. They want to de-whip us from the committees. They are saying that we do not belong to the coalition, but when it comes to what suits them, they start claiming that they own us; that we are on their coalition side.

If they really believe that we are part of Azimio-One Kenya Alliance, they should withdraw the letter they had written trying to de-whip us from the Committees. Meanwhile, we have shown the interest of working with the Government because we believe that working with the Government is the only time this Government will be able to deliver the manifesto and work for the people that elected us.

These people should stop being hypocrites. They are big hypocrites. I want to say and state here categorically that the members of Azimio-One Kenya must stop being hypocrites because---

(Several Senators spoke off record)

The Deputy Speaker (Sen. Kathuri): Sen. Kamau Githuku, Sen. Faki wants to inform you. I do not know what he wants to inform you about.

Do you want to be informed by Sen. Faki?

Sen. Githuku: Mr. Deputy Speaker, Sir, the Senator of Mombasa is part of the team trying to undermine us---

The Deputy Speaker (Sen. Kathuri): Do you want to be informed?

Sen. Githuku: I do not want him to inform me on anything because I believe they are part of the cartel trying to de-whip us from the Committees. These people need to be sincere. If at all they need us, they must be genuine. They should stop playing the way they are. They are hypocrites of the highest order.

That is the reason "Baba" will never be the President of this country.

(Several Senators stood in their places)

The Deputy Speaker (Sen. Kathuri): Let me get two more points of order, then we finish.

Sen. M. Kajwang', proceed.

Sen. M. Kajwang': Mr. Deputy Speaker, Sir, the Senator for Lamu County brought a very useful Statement, which I thought he would dignify so that we can get a solution to the problems facing the people of Lamu. It is on the issue of compulsory acquisition, broken promises and the marginalization of the people of Lamu over the years.

Mr. Deputy Speaker, Sir, I would ordinarily have responded to Sen. Cherarkey's preamble before he went into the substantive issues. In fact, I would have encouraged Sen. Osotsi to ignore Sen. Cherarkey and treat his comments with the contempt that they deserve because he does not speak for the Majority side.

He is not the Leader of the Majority. He is not the Deputy Leader of Majority. He is not the Whip. He is not the Deputy Whip and he is not the Chairperson of a Committee. I want to encourage Sen. Osotsi and the members on the Minority side that

those are personal comments that should be ignored and treated with the contempt they deserve.

Finally, Mr. Deputy Speaker, Sir, I want to advise my good friend, the Senator for Lamu, that when you are being de-whipped from a Committee, it does not have to be because of infidelity. It could be because of incapacity. You are not performing.

(Loud Consultations)

It is the right of the Minority side. If you are put to perform, for example, in the Committee on Agriculture, Livestock, Fisheries and Irrigation and you are not performing, then you can be removed. The Senator for Lamu must know that any decision on de-whipping is not because of their infidelity, which is a matter of public knowledge. It is an issue of their individual incapacity to do the work they are supposed to do.

An hon. Senator: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Today, I am a bit generous on these points of order.

Sen. Methu, proceed.

Sen. Methu: Mr. Deputy Speaker, Sir, you told us to be quoting the Standing Order we think is out of order, and I want to quote Standing Order 101(3); Contents of Speech. It says-

“It shall be out of order to use offensive or insulting language whether in respect of Senators or other persons.”

Mr. Deputy Speaker, Sir, I find it very offensive that my good Chairman, Sen. M. Kajwang’, finds colleagues not of the capacity to serve in any Committee. I believe all of us are gifted differently. You cannot say about those of us elected or specially elected that there is none that came here by mistake or accident and that there is none of us that does not have any capacity to serve anywhere in any capacity and role in a Committee.

In any case, for him to insinuate that Sen. Cherarkey cannot speak for anybody, is again an insult to our side. Sen. Cherarkey is a very senior Member of our coalition. This is a big lesson. A person as senior as Sen. Cherarkey has given us an opportunity to serve as Chairpersons of Committees. He has all the capacity and ability to serve as a Chairman, Leader of Majority, Deputy Leader of Majority and Chief whip.

However, he has taken the teachings of Jesus. For you to become a big person, you must be humble. He has taken the path of humility and it should not be taken as a weakness.

Thank you, Mr. Deputy Speaker.

The Deputy Speaker (Sen. Kathuri): The Chairman for the Committee on National Security, Defence and Foreign Relations, the Floor is yours.

Sen. Cheptumo: Thank you Mr. Deputy Speaker, Sir. The Senator of Lamu is a Member of my Committee. Sen. Kamau Githuku, as a member of my Committee, has demonstrated a high degree of representation in that Committee.

Standing Order No. 101(4) says that no Senator shall impute improper motive on any other Senator. Is Sen. M. Kajwang’ in order to impute improper motive that the attempt to remove Sen. Kamau Githuku from this Committee is on the account of incapacity? That is a very serious allegation.

These proceedings are live. The great people of Lamu are watching and listening to what we are saying. What is the impression and perception created about Sen. Kamau in Lamu? He did not come here through nomination; he was elected. It is important, as Members of this House, that we do not impute improper motive on a Member.

I think the Senator of Homa Bay County should withdraw and apologize because it is not in order. He is a ranking member of this House. What would he have felt if I was to describe him the way he is describing Sen. Kamau? He is indeed a ranking Member and I think it is not proper or fair. It is out of order and should be made to withdraw and apologize through you.

The Deputy Speaker (Sen. Kathuri): The point of order by the Chairman for Committee on National Security, Defence and Foreign Relations, Sen. Cheptumo, is directed to Sen. M. Kajwang’.

There is no other Senator who I can give a chance to make any comment before Sen. M. Kajwang’. I have my Standing Orders and as he has put it, you must defend yourself on Standing Order 101, because it has caught you on imputing improper motive to your colleagues.

Standing Order No.101(3) says-

“It shall be out of order to use offensive or insulting language whether in respect of Senators or other persons.”

Sen. M. Kajwang’: Mr. Deputy Speaker, Sir, I have a lot of respect for every Member in this House, including the Senator for Lamu. I have a lot of personal respect and even the Senator for Nandi; he is my Vice-Chairman. I spend more time with him than with any other Senator because we sit for long hours in Committees.

Just like I said of Sen. Cherarkey, if you look at Standing Order No.22 that defines the Senate political leadership.

Just like Sen. Cherarkey, I am not the Senate Minority Leader, Deputy Senate Minority Leader, the Whip or the Deputy Whip. I, therefore, cannot say with authority why certain Members have been de-whipped.

The HANSARD can bear me witness. What I said on the Floor of this House is that you can be removed because of infidelity or incapacity. I do not know under what circumstances Sen. Githuku is being removed from a committee. If, indeed, I was the political leadership of the Minority side, then take it that my speech is authoritative that Sen. Githuku is being removed because of incapacity. I was only speculating.

Mr. Deputy Speaker, Sir, there are some things you do not substantiate because they are obvious. If I am forced to substantiate, I will do so, just for the record, but it is obvious that the infidelity---

The Deputy Speaker (Sen. Kathuri): As the Chair, you did not give two definitions of the Member. You only defined that a Member can be removed from serving in a committee due to lack of capacity.

Sen. M. Kajwang’: Or infidelity.

The Deputy Speaker (Sen. Kathuri): Sen. M. Kajwang’, do you want to apologize to your colleague or what is your position?

Sen. M. Kajwang’: Mr. Deputy Speaker, Sir, with a lot of personal respect I have for the Senator for Lamu, I do not see any cause to apologize because I gave the parameters within which one could be removed from a committee. It could be because of infidelity or incapacity.

The issue of infidelity is a matter of public record. I am not saying he is being removed because of infidelity or incapacity. The leadership of the Minority will perhaps have to tender those reasons.

The Deputy Speaker (Sen. Kathuri): My advice is that if you feel you did not offend him, then I request the Clerk to produce the HANSARD in our next Sitting, so that we confirm whether you imputed improper motive on the Senator for Lamu County.

Sen. M. Kajwang': Mr. Deputy Speaker, Sir, if that is deemed necessary, then I will go with the ruling of the Speaker.

The Deputy Speaker (Sen. Kathuri): Yes, because the people of Lamu should also get the satisfaction that their Senator has the capacity or not. Let us stop there until I get the HANSARD.

Sen. M. Kajwang': I hope the HANSARD will capture the emotion of the Member because to offend a Member is an emotional impact.

The Deputy Speaker (Sen. Kathuri): Sen. M. Kajwang', it is so ordered. I want us to make progress. As the Chair, I also want clarification when I preside.

Sen. Cherarkey is your Vice Chair. When you were describing him, you said he does not chair a committee. I am, therefore, wondering if at any time you have thought, even remotely, that Sen. Cherarkey can chair your committee when you are not around.

(Laughter)

That is another area I also want some clarification, so that Vice Chairpersons can know whether they can chair committees in the absence of the Chairpersons.

Sen. Cherarkey, proceed.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, just give me two minutes. When you look at Standing Order No.255 on seating in the Chamber – I wanted Sen. Osotsi to know this, though I know he is listening somewhere – any Senator can sit anywhere.

Standing Order No.255 (2) states as follows-

“All other seats in the Chamber shall be available for the use of any Senator.”

Therefore, to say that Sen. Githuku is sitting on the other side is not a problem because the Standing Order is very clear.

Secondly, Mr. Deputy Speaker, Sir, I did not want to say this, but allow me to go on record. When the Minority side presented the name of Sifuna to chair the County Public Accounts Committee (CPAC), it is we, Members who had been nominated---

The Deputy Speaker (Sen. Kathuri): It is Sen. Sifuna.

Sen. Cherarkey: Sorry, Sen. Sifuna, the Senator for Nairobi and the current Deputy Minority Whip. We refused and elected Sen. M. Kajwang' because we believed he would chair the CPAC better than Sen. Sifuna.

My brother has quoted the Bible that if you want to be great, you must be small. The fact that I am a ranking Member, but I do not chair any committee, does not mean I am not a good leader. I am a good leader because I have allowed other leaders to grow. If you want to lead, you must allow others to lead. The problem with Sen. M. Kajwang' is his political mentor, who does not believe in growing young leaders.

In conclusion, under Article 40, on the issue of Sen. Githuku---

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, we are through with that. Make your comment and you have one minute.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, in conclusion, the House should be aware that the Registrar of Political Parties has confirmed that *bona fide* leaders of Jubilee Party are Hon. Sabina Chege and Hon. Kanini Kega and not the former President.

Mr. Deputy Speaker, Sir, I support prompt payment, which is provided and requires prompt payment in full or just compensation to the people. It is disappointing that in every sitting, we must always have a discussion about compensation.

Sen. Oketch Gicheru: On a point of order!

The Deputy Speaker (Sen. Kathuri): What is your point of order, Sen. Oketch Gicheru? Quote the Standing Order you will refer to.

Sen. Cherarkey: You remember the President---

The Deputy Speaker (Sen. Kathuri): Just a minute, Sen. Cherarkey.

Sen. Oketch Gicheru: Mr. Deputy Speaker, Sir, I rise under Standing Order No.103. When Members of this House make pronouncements on issues that are *sub judice* or even considered sacred, that becomes out of order, especially when such kind of pronouncements touch on critical beliefs and fundamental orientations of the people at the grassroots.

Today, Sen. Cherarkey can stand here and talk about the membership and leadership of the Jubilee Party, but yesterday, the Tribunal made a pronouncement that clearly reinstated the position of Hon. Kioni and Hon. Murathe. In that submission, the matter is actively being prosecuted upon by the Tribunal.

Mr. Deputy Speaker, Sir, is it in order for the Senator for Nandi to keep on referring verbatim to things that do not exist and keep on directing this House that we have Hon. Sabina Chege and Hon. Kanini Kega as the leaders of the Jubilee Party?

I invite Sen. Cherarkey and any other person sitting on the Majority side that we need to separate personal aspirations and legal issues in the management of political parties. We know that in this country, political parties are guided by the law.

One of the laws that the Houses of Parliament passed is the Political Parties Act, which was created in the spirit of Article 1(3) of the Constitution.

(Sen. Cherarkey spoke off record)

Mr. Deputy Speaker, Sir, protect me from Sen. Cherarkey. If people were honest, the Constitution and subsequent laws under Article 102 of the Constitution require that if you have stopped believing in one of the parties that sponsored you to office, the honourable thing to do is to resign and go and seek fresh mandate from the people.

There is no problem if you leave Jubilee Party to join the United Democratic Alliance (UDA). That is fine to Members who think that the UDA is a more appealing concept and ideology, and that is allowed.

Mr. Deputy Speaker, Sir, the point of order here is that Sen. Cherarkey must withdraw. I keep on referring---

The Deputy Speaker (Sen. Kathuri): Which Standing Order are you referring to?

Sen. Oketch Gicheru: Mr. Deputy Speaker, Sir, it is Standing Order No.103.

The Deputy Speaker (Sen. Kathuri): Where?

Sen. Oketch Gicheru: Mr. Deputy Speaker, Sir, the one on matters *sub judice* or secret. What he is talking about the Jubilee Party leadership is---

The Deputy Speaker (Sen. Kathuri): You are also talking about the Jubilee Party.

Sen. Oketch Gicheru: Yes, Mr. Deputy Speaker, Sir. That is why I am guiding him. Matters of leadership of the Jubilee Party are still in judicial determination by the Tribunal. He cannot keep referring to some leaders, who have not been recognised by the Party or established by the Tribunal as leaders of the Jubilee Party.

Sen. Cherarkey keeps on misguiding the House. If he is so passionate about Jubilee Party and he wants it, he should do it in a rightful way. He should have all the Members that he wants from Jubilee Party from the Minority side resign, under Article 103 of the Constitution, and join him in United Democratic Alliance (UDA), so that they can help him advance his---

The Deputy Speaker (Sen. Kathuri): Thank you, Sen. Oketch Gicheru. We have heard you.

Sen. Cherarkey, now conclude your support for the Statement.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, can you protect me from Sen. Oketch Gicheru. He thinks---

The Deputy Speaker (Sen. Kathuri): I did not find anything that he should withdraw on that matter.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, he is pointing fingers at me.

The Deputy Speaker (Sen. Kathuri): Kindly, conclude on the Statement. Do not go out of the way because we need to make progress.

Sen. Cherarkey: Yes, Mr. Deputy Speaker, Sir. In quick succession, I can table the letter from the Registrar of Political Parties (RPP) that confirms the *bona fide* officials of the Jubilee Party as Hon. Sabina Chege and Hon. Kanini Kega. It is not in judicial dispute. I can assist my brother. I am a person of serious legal standing in this country. I can undertake to pay for *chai* and *mandazi* in the Lounge to provide him with it.

My lecturer, Sen. (Prof.) Tom Odhiambo Ojienda, who is also proud of me, is excited because he believes in the knowledge he impacted on me.

Under Article 40 of the Constitution, it is very sad that we must have a Statement on the issue of compensation every time. Yesterday, we heard from Sen. Ogolla and Sen. Chimera about Kabunde and Ukunda airstrips respectively. There are many Kenyans who are infrastructural evictees.

You even heard the President talk about removing powers of evaluation from the National Land Commission (NLC). It is because NLC has used the power of evaluation to perpetuate corruption. There are many Kenyans who have problems with land. If you read the book by Sen. (Prof.) Tom Odhiambo Ojienda on Principles of Conveyancing, he starts his foreword by saying that land is an emotive issue. The author is seated before us. It is a serious issue that cannot be wished away.

In Meru County, there are many people who do not have title deeds. In Nandi County, we have a number of people who do not have access to land because they lack title deeds.

The law is very clear. I challenge and call upon Sen. Githuku and others, that this is an open and shut case. The law says that if you take land forcefully, you shall pay full and prompt in the value of pricing. Therefore, the process of conveyancing and what it takes must be looked at.

Finally, we have a small matter of historical land injustices. If you fly over Nandi Hills Constituency and part of Tinderet, you might think we are living in Canaan, but we

are not. Those lands belong to people who take tea somewhere in London or Europe. You saw what happened in Kericho County, where tea picking machines were burnt down. All these issues come down to land. Yesterday, I said that as a true African man – a dry man in Kalenjin accent – you can have other things, but what is most important is land, in order to have identity. I am not saying other things superintend, but we must look at it.

I support this Statement. The Chairperson of the Standing Committee on Land, Environment and Natural Resources, Sen. Methu, is here. He can handle this issue and ensure those people from that region are compensated.

I am a founder of UDA and was a member of the Jubilee Party before. I can confirm that we believe in the capacity of all our Members. Even if you do not see us occupying any seats in this House, we are still more powerful than you can imagine.

With those many remarks, I support this Statement and Sen. Githuku.

The Deputy Speaker (Sen. Kathuri): Next Statement by Sen. Ogola.

PROPOSED EXPANSION OF KABUNDE AIRSTRIP
AND COMPENSATION OF LAND OWNERS

Sen. Ogola: Mr. Deputy Speaker, Sir, I rise, pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Land, Environment and Natural Resources, regarding---

Sen. Cherarkey: On a point of order, Mr. Deputy Speaker, Sir!

The Deputy Speaker (Sen. Kathuri): What is your point of order?

Sen. Cherarkey: Mr. Deputy Speaker, Sir, did you see Sen. Chimera disappear and came back having changed his coat? I do not know what he is hiding in the House. He has just crossed the Floor to the other isle without bowing. Interestingly, he has changed from his lighter colored coat to a darker one.

The Deputy Speaker (Sen. Kathuri): Sen. Chimera, can you go back to the Bar and move appropriately.

(Sen. Chimera walked to the Bar and bowed to the Chair)

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

Sen. Ogola: Thank you, Mr. Deputy Speaker, Sir. Just as Sen. Chimera did so, I heard a comment from behind me that the coat is also oversized.

(Laughter)

This is a request for a Statement on the proposed expansion of Kabunde Airstrip in Homa Bay County and the proposed compensation of land owners.

Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding compensation of persons whose land was acquired by the Government for the proposed expansion of Kabunde Airstrip in Homa Bay County.

In the Statement, the Committee should -

(1) Provide a list of all residents whose land was acquired by the Kenya Airports

Authority (KAA) to pave way for the expansion of Kabunde Airstrip; including the respective Land Registration (LR) numbers and the approved amounts to be paid for land and properties. This is not limited to houses because on land, there are various properties.

(2) Explain the inordinate delay in compensation and state when they will be compensated.

(3) State when the proposed expansion works of the Kabunde airstrip commences and indicate how long it will take.

I thank you.

The Deputy Speaker (Sen. Kathuri): Next Statement by Sen. Okenyuri.

(A hon. Member spoke off record)

The Deputy Speaker (Sen. Kathuri): It will be after this. Let us combine both of them.

BOUNDARY DISPUTE BETWEEN KISII AND
NYAMIRA COUNTIES

Sen. Okenyuri: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Devolution and Intergovernmental Relations, concerning the county boundary dispute between Kisii County and Nyamira County

In the Statement, the Committee should—

(1) Provide the cadastral maps and the exact boundary points between Kisii County and Nyamira County.

(2) State reasons for the ongoing boundary dispute between the two counties and the resulting chaos in Keroka town, addressing double claims of double taxation of traders in the town.

(3) Undertake a visit to engage the affected communities in dialogue and conflict resolution.

(4) Outline effective interventions being undertaken by both levels of government towards ensuring a permanent solution of the disputed boundary area.

Thank you.

The Deputy Speaker (Sen. Kathuri): I will take very brief comments from two or three Senators.

Proceed, Sen. M. Kajwang’.

Sen. M. Kajwang’: Mr. Deputy Speaker, Sir, I have an interest in the two Statements requested starting with the one by Sen. Okenyuri. I am the sponsor of the County Boundaries Bill that is before the House.

I have asked the Clerk to circulate the Bill and the report of the Committee that considered it. If possible, this House can debate the Bill tomorrow and pass it. This is the solution to the boundary disputes we have in this Republic.

The Constitution requires that a boundaries commission be established to review county boundaries whenever a dispute arises. Disputes have arisen, not just between Kisii and the other county that she has mentioned. Vihiga and Kisumu Counties has been in

perpetual dispute. Nandi and Homa Bay and Nandi and Kisumu Counties have been in perpetual dispute.

I encourage Members of this House that if the matter is on the Order Paper tomorrow, let us pronounce ourselves and have a Counties Boundaries Bill that can provide affected persons and communities with a lasting solution.

On the other Statement request by Sen. Ogolla, I have seen it will be handled by the Committee on Lands, Environment and Natural Resources. I thought this was more of infrastructure. However, there is an element that I would also want to be included. It will be important to know who has been compensated. The Statement is asking for a list of those who are to be compensated.

Let the House be informed on those who have been compensated and the amounts received. Let the House also be informed on the budgetary allocation that the national Government has set aside. This is because airstrips and airports are responsibility of national Government.

In many cases because the national Government has failed in its function, a number of counties have ended up putting money to upgrade airstrips. We saw that in Mandera County, which decided to put money to upgrade Takaba airstrip. It has now opened up Mandera County in a way that the national Government could not do.

The County Government of Homa Bay has done the same thing. It has put money in Kabunde Airstrip because the national Government has failed to live up to its functions and responsibilities that are in the Constitution.

Let the Committee ask the relevant Cabinet Secretary to tell the House the budgetary allocation. How much has the national Government committed to expand Kabunde Airstrip and open up the potential of tourism in Homa Bay County and the Lake Victoria side, which has been ignored and seen as a den of mosquitos and tsetse flies rather than a frontier. We can encourage foreign visitors to visit and see the beautiful Ruma National Park and the beautiful beaches we have in Homa Bay and the neighbouring counties of Kisumu and Migori.

The Deputy Speaker (Sen. Kathuri): Sen. Cheptumo, proceed. Kindly use only two minutes.

Sen. Cheptumo: Thank you, Mr. Deputy Speaker, Sir. I rise to support the important Statement by Sen. Ogolla on the expansion of Kabunde Airstrip.

My County of Baringo County has no functional airstrip. We have the Kabarnet Airstrip. If some resources are put to that airstrip to expand it, we can have flights to Baringo directly from Nairobi or through Kabarnet, Eldoret to Lodwar and so on. Air transport is fast and important for us to succeed in business. Baringo County is a potential area on tourism.

I thank the Cabinet Secretary for Roads, Transport and Public Works. Recently, as leaders of Baringo County, we had a meeting with him and he promised to look into the Kabarnet Airstrip and any airstrip within Baringo, such as Lake Baringo Airstrip, Kimelil Airstrip and others.

As sought by Sen. Ogola, the Nominated Senator from Homa Bay County, I request the Ministry to develop airstrips in counties with potential such as Baringo.

If you look at Eldoret International Airport, it is an important strategic airport in this country. For Baringo County, you have to go to Eldoret Airport then drive back to Baringo through Iten.

It is an important Statement. The Committee responsible should look at the other areas so that we improve and expand airstrips in the country.

I support.

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

Sen. Wafula: Mr. Deputy Speaker, Sir, I apologize. I have nothing to say. I was to contribute to something else.

The Deputy Speaker (Sen. Kathuri): Sen. (Prof.) Tom Odhiambo Ojienda, proceed.

Sen. (Prof.) Tom Odhiambo Ojienda, SC: Thank you, Mr. Deputy Speaker, Sir. Let me contribute to the twin issues. One of land compensation for Kabunde Airport and other airports under expansion. Specifically, I know that Kisumu International Airport is one of the classes of airports that require expansion for purpose of trade. I join the issue with the question of land compensation.

I know that His Excellency the President gave a directive on the question of land compensation and the role of the National Land Commission (NLC) as set out under the Lands Act, 2012 and the Land Registration Act, 2012.

I speak as a previous chair of the Land Accusation Compensation Tribunal. I know that the issue of valuation and compensation are key and have raised concerns. The question as to whether the authority that is assessing the value of land and the one compensating should be the same.

I believe that land compensation is at the core of every Government project. Only when the land owners in Kabunde are compensated in time would the expansion exercise of the airport, which serves the four counties of Migori, Homa Bay, Kisumu, Nyamira and Kisii, take place. The expansion should be done so that residents of these four counties are served better. The airport will serve the wider interest of the public within that region.

It will also spur trade since Kisii, Nyamira, Homa Bay and Migori Counties are rich agricultural counties. The Government should ensure that Kabunde Airport in Homa Bay is expanded.

It will also ease transport so that those who are flying in from Nairobi, Kisumu and other places to Kabunde Airport access easy transport through airlines. We only have Fly 540 that goes to Kabunde.

I, therefore, support the Statement by Senator for Homa Bay, Sen. M. Kajwang, that the Government needs to deal with the question of compensation all over the country.

My learned friend, Sen. Cheptumo, has spoken to the question of Baringo County. As a resident of this region including Nakuru, I know that the expansion of airports in this country is a question of priority.

It eases the time taken by Kenyans to travel. It eases the time taken to do business and is generally good for the economy.

I laud the Cabinet Secretary for Transport for giving priority to the expansion of airports and airstrips, including the Kakamega Airport, which is one of the airports that is under extension.

I thank you.

Sen. Mumma: Thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity to contribute to the Statement by Sen. Ogola, on the issue of the compensation of those who give their land for the building of the airstrip,

Infrastructure development is a vital enabler for the growth of an economy. It is important that even as we have recognized this in our blueprint Vision 2030, we operate in such a way that when we come up with infrastructure development, we do not have a lot of delays because of failure to consult with communities or failure to effectively compensate communities for giving up spaces, in order for this infrastructure to be put in place.

Even as we speak about compensation of land, I wish to bring to the attention of this House that, that will just be a bandage approach to addressing the issues of development infrastructure.

In an earlier moment in this House, I indicated that there is need for this country to come up with a social risk management mechanism to ensure that beyond the environmental assessments that we do, before we do development infrastructure, we need to expand to also do the social risk to development and the need to assess the social impacts of the infrastructure that we come up with.

When we come up with a need to put up an airstrip or an airport in any place, we will do the due diligence in terms of social consultation with the communities, so that when that infrastructure happens, everybody is happy.

The communities who have given land are compensated and the communities that are going to be impacted have asked questions about what this will portend for them and the infrastructure development can proceed without a problem.

As we do so, we need to also take it seriously, so that this does not come by way of just a Petition. It is a serious political and policy concern that the Government needs to embark on, so that we avoid having to bring another Statement on Kakamega Airstrip or another Statement on Busia airstrip because we will have had a national policy that holistically addresses these issues.

The airport infrastructure is so key yet, in our country, it is underutilized and underappreciated. For instance, we have Kisumu Airport and Eldoret Airport, which if they had routes to Europe directly for horticulture, would enable the Western Kenya region, which is a strong agricultural region to have trade. That trade will strengthen the economy and that economy will take on jobs, and we will achieve what all of us want to achieve.

Therefore, I wish to support and say that beyond what the Statement says, we need to consider issues of social risk management in the development of infrastructure and provide a holistic law that can protect both communities and investors in this infrastructure development.

I thank you.

Sen. Okiya Omtatah: Mr. Deputy Speaker, Sir, thank you for the opportunity to address the House. I stand to support the two Statements by the two eminent Senators.

On air travel, it cannot be overstated that the country is long overdue. Given the nature of land in this country, it would require that each county at this stage should be able to set aside at least 200 to 300 acres for the development, not just of an airstrip, but an airport. Going forward, time is of the essence and air transport is one way that you claw back on the limitations that time imposes on the physical body.

In supporting the Statement on the airport or airstrip, I would urge that we should aim higher and ensure that every county has an airport, not just an airstrip so that we can carry slightly bigger planes that can be integrated into the CIDPs of those counties in terms of transporting goods and produce and as Sen. Mumma has said, even for export to the international Market.

As regards boundary disputes between counties, they are many and they need to be addressed urgently. Right now, we also have a county dispute between Siaya County and Busia County over the Yala Swamp that needs to be addressed and we have disputes all over.

I am involved in litigation involving three counties, that is, Taita-Taveta, Kwale, and Makueni Counties over where their boundaries lie. So, this is a serious matter. We should expand the Statement to provide for solutions to all these other county boundaries, so that the people can know where to pay taxes.

The question of double taxation is a very painful one and one that should not be allowed; that two counties can force a trader to pay taxes to both of them, just because the national Government has failed in its mandate to put down beacons, where one county government should end its jurisdiction and where the other one should begin.

With those few remarks, I support the two Statements. I also support the request by Sen. M. Kajwang, that his Bill on county boundaries should be fast-tracked.

I thank you.

Sen. Chesang': Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to also make my contribution. I rise to support Sen. Ogola's Statement on the expansion of airstrips.

It will be a bit unfair for my learned friend, Sen. (Prof.) Tom Ojienda to stand before the House and talk about the expansion of Kisumu International Airport, whereas we have other counties without airstrips.

As we speak, the only flight to Kitale in Trans Nzoia, the Safari Link, has opted to stop their flights from 9th June. This is because the airstrip is small.

So, I want to support this Statement. This should be an issue that the national Government should take as a priority because of issues that Sen. Mumma has said.

Trans Nzoia is also the breadbasket of this country and we have floriculture; we have people planting different types of crops. The national Government should take priority to expand airstrips such as the Trans-Nzoia airstrip.

The Senator has talked about the Baringo Airstrip and the small airstrips that are there in this country, not concentrating on international airports like Kisumu Airport.

I thank you, Mr. Deputy Speaker, Sir, and I support this Statement.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I want to reorganize the business. The business appearing as Order No.8 is deferred. Now, we go to Order Nos.9 and 10. We shall handle them simultaneously in the Committee of the Whole.

BILL

Second Reading

THE PROMPT PAYMENT BILL (SENATE BILLS NO. 8 OF 2022)

(Bill deferred)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, when the Committee of the Whole is called, Senators should stand up. Senior Sen. (Dr.) Khalwale.

(The hon. Senators stood up in their places)

COMMITTEE OF THE WHOLE

(Order for the Committee read)

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

IN THE COMMITTEE

[Temporary Chairperson (Sen. Mumma) in the Chair]

THE EQUALIZATION FUND APPROPRIATION BILL (SENATE BILLS NO. 3 OF 2023)

The Temporary Chairperson (Sen. Mumma): Hon. Senators, we are considering The Equalization Fund Appropriation Bill (Senate Bills No.3 of 2023).

Clause 2

The Mover, Sen. Tabitha Mutinda, you may proceed.

Sen. Tabitha Mutinda: Thank you, Madam Temporary Chairperson. I beg to move-

THAT, Clause 2 of the Bill be amended by deleting the words “thirteen billion, eight hundred ninety-three million, seven ninety-one thousand, six hundred forty-four (Ksh 13,893,791,644)” appearing immediately after the words “Kenya Shillings” and substituting therefor the words “ten billion, three hundred thirty million, three hundred seventeen thousand, four hundred thirty-three (Ksh 10,330,317,433)”.

The reason is that when we first tabled this Bill, as a Committee, the outstanding balance for Equalization Fund was amounting to Kshs.13 billion.

The total sum is Kshs52 billion. When I moved this Bill, I clearly explained and indicated what was approved was Kshs26 billion. Out of the Kshs26 billion, only Kshs12 billion had been remitted. So, the outstanding bill is supposed to be Kshs13 billion.

In our deliberations as a Committee, what was approved by The National Treasury in the Supplementary Budget was Kshs10 billion. We felt in the wisdom of the Committee that we first receive the Kshs10 billion and hence the outstanding balance of the Kenya shillings three billion will be included in the Kshs23 billion balance. Therefore, the outstanding balance is Kshs26 billion. We, therefore, decided to first receive what has been approved.

Hence, that is what we are seeking in this Clause 2 amendment, which has further affected the Schedule of each and every county as far as the distributions are concerned,

just as the less Kshs3 billion is concerned. Not that this money is not going to be remitted, but the timeliness is what we considered as a Committee.

Madam Temporary Chairperson, I beg to move.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

Clauses 3-6

*(Question, that Clauses 3, 4, 5 and 6
be part of the Bill, proposed)*

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

The Schedule

Sen. Tabitha Mutinda: Madam Temporary Chairperson, I beg to Move-

THAT, the Bill be amended by deleting the schedule and substituting therefor the following new schedule-

SCHEDULE

(s.3)

(1)	(2)	(3)	(4)
	<i>Recurrent Expenditure</i>		KSh
Equalisation Fund Secretariat	The amount required in the year ending 30 th June, 2023 for Equalisation Fund Secretariat expenses		309,909,523
	<i>Sub-class total</i>		309,909,523
	<i>Development Expenditure</i>		KSh
COUNTY	CONSTITUENCY	WARD	FY 2022/23
BARINGO	The amount required in the year ending 30 th June, 2023 in Baringo County for development expenses (provision of basic services including water, roads, health facilities and electricity)		595,027,100
	BARINGO NORTH	BARTABWA	22,921,731
		BARWESSA	23,936,801
		SAIMO/SOI	6,363,974
		Constituency Total	53,222,506
	BARINGO SOUTH	ILCHAMUS	24,112,158
		MOCHONGOI	22,324,514
		MUKUTAN	36,186,775
		Constituency Total	82,623,447
	MOGOTIO	EMINING	10,755,928

		KISANANA	90,230,957
		Constituency Total	100,986,885
(1)	(2)	(3)	(4)
	TIATY	CHURO/AMAYA	44,574,876
		KOLLOWA	50,341,633
		LOIYAMOROK	34,908,168
		RIBKWO	43,910,522
		SILALE	42,103,838
		TANGULBEI/KOROSI	71,997,784
		TIRIOKO	70,357,440
		Constituency Total	358,194,262
BOMET	The amount required in the year ending 30 th June, 2023 in Bomet County for development expenses (provision of basic services including water, roads, health facilities and electricity)		19,215,175
	CHEPALUNGU	CHEBUNYO	6,383,013
		NYANGORES	6,450,150
		SIGOR	6,382,011
		Constituency Total	19,215,175
BUNGOMA	The amount required in the year ending 30 th June, 2023 in Bungoma County for development expenses (provision of basic services including water, roads, health facilities and electricity)		58,779,836
	MT ELGON	CHEPYUK	20,683,167
		ELGON	12,599,687
		KAPKATENY	18,899,531
		KAPTAMA	6,597,450
		Constituency Total	58,779,836
BUSIA	The amount required in the year ending 30 th June, 2023 in Busia County for development expenses (provision of basic services including water, roads, health facilities and electricity)		17,979,656
	BUDALANGI	BUNYALA SOUTH	5,971,174
		Constituency Total	5,971,174
	TESO NORTH	ANG'URAI SOUTH	5,766,757
		MALABA NORTH	6,241,725
		Constituency Total	12,008,482

ELGEYO MARAkwET	The amount required in the year ending 30 th June, 2023 in Elgeyo Marakwet County for development expenses (provision of basic services including water, roads, health facilities and electricity)	65,114,751
KEIYO SOUTH	METKEI	5,558,332

(1)	(2)	(3)	(4)
		Constituency Total	5,558,332
	MARAkwET EAST	EMBOBUT/EMBULOT	31,214,638
		ENDO	10,374,150
		KAPYEGO	6,435,119
		SAMBIRIR	5,785,796
		Constituency Total	53,809,703
	MARAkwET WEST	LELAN	5,746,716
		Constituency Total	5,746,716
GARISSA	The amount required in the year ending 30 th June, 2023 in Garissa County for development expenses (provision of basic services including water, roads, health facilities and electricity)		630,912,260
	BALAMBALA	BALAMBALA	33,253,796
		DANYERE	49,166,237
		JARAJARA	16,231,091
		SAKA	22,784,451
		SANKURI	36,290,988
		Constituency Total	157,726,562
	DADAAB	ABAKAILE	15,989,598
		DADAAB	8,631,598
		DAMAJALE	22,434,738
		DERTU	15,861,337
		LABISIGALE	8,752,845
		LIBOI	21,927,705
		Constituency Total	93,597,821
	FAFI	BURA	19,966,707
		DEKAHARIA	22,444,759
		FAFI	14,193,938
		JARAJILA	16,928,513
		NANIGHI	15,294,181
		Constituency Total	88,828,097
	GARISSA TOWNSHIP	TOWNSHIP	14,722,014
		Constituency Total	14,722,014
	IJARA	HULUGHO	39,591,717

		IJARA	66,750,085
		MASALANI	33,877,066
		SANGAILU	36,476,365
		Constituency Total	176,695,234
	LAGDERA	BARAKI	15,772,155
		BENANE	16,963,584
		GOREALE	8,051,415
		MAALAMIN	16,908,472
		MODOGASHE	18,102,907
		SABENA	23,544,000
(1)	(2)	(3)	(4)
		Constituency Total	99,342,533
HOMA BAY	The amount required in the year ending 30 th June, 2023 in Homa Bay County for development expenses (provision of basic services including water, roads, health facilities and electricity)		131,603,304
	HOMA BAY TOWN	HOMA BAY WEST	6,420,089
		Constituency Total	6,420,089
	NDHIWA	KABUOCH NORTH	6,171,582
		KABUOCH/PALA	14,395,348
		KANYADOTO	6,668,595
		KANYAMWA KOSEWE	13,712,957
		KWABWAI	33,027,334
		Constituency Total	73,975,817
	SUBA NORTH	GEMBE	12,900,300
		MFANGANO ISLAND	5,391,993
		Constituency Total	18,292,293
	SUBA SOUTH	GWASSI NORTH	19,445,644
		KAKSINGIRI WEST	13,469,461
		Constituency Total	32,915,105
ISIOLO	The amount required in the year ending 30 th June, 2023 in Isiolo County for development expenses (provision of basic services including water, roads, health facilities and electricity)		166,157,751
	ISIOLO NORTH	BURAT	14,470,501
		CHARI	5,290,786
		CHERAB	41,602,817
		NGARE MARA	6,690,640
		OLDONYIRO	31,820,874
		Constituency Total	99,875,619

	ISIOLO SOUTH	GARBATULLA	27,385,832
		KINNA	20,108,997
		SERICHO	18,787,302
		Constituency Total	66,282,131
KAJIADO	The amount required in the year ending 30 th June, 2023 in Kajiado County for development expenses (provision of basic services including water, roads, health facilities and electricity)		414,765,595
	KAJIADO CENTRAL	DALALEKUTUK	47,780,411
		MATAPATO NORTH	47,051,926
		MATAPATO SOUTH	32,976,230
		PURKO	16,028,678
(1)	(2)	(3)	(4)
		Constituency Total	143,837,245
	KAJIADO SOUTH	ENTONET/LENGISM	26,676,386
		IMBIRIKANI/ESSELEN GEI	13,775,084
		KUKU	15,391,379
		ROMBO	7,295,874
		Constituency Total	63,138,723
		KAJIADO WEST	EWUASO KEDONG
	KEEKONYOKIE		19,682,127
	MAGADI		83,135,491
	MOSIRO		21,666,171
	OLOODOKILAN		50,446,848
	Constituency Total		207,789,627
KERICHO	The amount required in the year ending 30 th June, 2023 in Kericho County for development expenses (provision of basic services including water, roads, health facilities and electricity)		60,882,122
	BURETI	CHEPLANGET	6,648,555
		Constituency Total	6,648,555
	KIPKELION WEST	CHILCHILA	6,386,019
		Constituency Total	6,386,019
	SIGOWET/SOIN	SOIN	19,165,072
		SOLIAT	28,682,476
		Constituency Total	47,847,548

KILIFI	The amount required in the year ending 30 th June, 2023 in Kilifi County for development expenses (provision of basic services including water, roads, health facilities and electricity)		539,901,714
	GANZE	BAMBA	86,290,924
		GANZE	26,899,842
		JARIBUNI	33,546,392
		SOKOKE	46,257,306
		Constituency Total	192,994,464
	KALOLENI	KALOLENI	41,669,954
		KAYAFUNGO	36,727,878
		MARIAKANI	7,554,401
		MWANAMWINGA	22,227,316
		Constituency Total	108,179,549
	KILIFI NORTH	MATSANGONI	7,123,523
		Constituency Total	7,123,523
	MAGARINI	ADU	57,755,748
		GARASHI	61,039,443
		GONGONI	21,433,698

(1)	(2)	(3)	(4)
		MAGARINI	23,211,322
		MARAFI	21,112,042
		Constituency Total	184,552,252
	MALINDI	GANDA	6,833,933
		JILORE	6,348,944
		KAKUYUNI	20,007,790
		Constituency Total	33,190,667
	RABAI	MWAWESA	6,776,816
		RURUMA	7,084,443
		Constituency Total	13,861,259
KISUMU	The amount required in the year ending 30 th June, 2023 in Kisumu County for development expenses (provision of basic services including water, roads, health facilities and electricity)		24,333,610
	MUHORONI	CHEMILIL	5,823,873
		OMBEYI	6,577,410
		Constituency Total	12,401,283
	NYANDO	AWASI/ONJIKO	6,145,529
		KABONYO/KANYAGW A L	5,786,798

		Constituency Total	11,932,327
KITUI	The amount required in the year ending 30 th June, 2023 in Kitui County for development expenses (provision of basic services including water, roads, health facilities and electricity)		397,477,349
KITUI EAST	CHULUNI		6,469,189
	ENDAU/MALALANI		43,687,066
	MUTITU/KALIKU		6,088,413
	VOO/KYAMATU		45,169,088
	ZOMBE/MWITIKA		31,371,959
		Constituency Total	
KITUI SOUTH	ATHI		7,003,278
	IKANGA/KYATUNE		18,838,406
	KANZIKO		41,859,340
	MUTHA		24,505,961
		Constituency Total	
MWINGI CENTRAL	NGUNI		38,785,072
	NUU		13,868,274
	WAITA		6,014,261
		Constituency Total	
MWINGI NORTH	KYUSO		24,609,171
	MUMONI		18,696,116

(1)	(2)	(3)	(4)
		NGOMENI	25,911,827
		THARAKA	6,058,351
		TSEIKURU	38,541,576
		Constituency Total	113,817,042
KWALE	The amount required in the year ending 30 th June, 2023 in Kwale County for development expenses (provision of basic services including water, roads, health facilities and electricity)		292,590,513
KINANGO	CHENGONI/SAMBURU		29,801,758
	KASEMENI		27,753,582
	KINANGO		15,056,697
	MACKINON ROAD		22,188,236
	MWABILA		14,519,602
	NDAVAYA		30,949,097
	PUMA		22,843,572
		Constituency Total	
LUNGA LUNGA	DZOMBO		8,653,642

		MWERENI	24,939,846
		PONGWE/KIKONENI	23,462,834
		VANGA	23,222,344
		Constituency Total	80,278,667
	MATUGA	MKONGANI	22,456,783
		TSIMBA GOLINI	7,691,681
		WAA	6,383,013
		Constituency Total	36,531,478
	MSAMBWENI	RAMISI	12,667,826
		Constituency Total	12,667,826
LAIKIPIA	The amount required in the year ending 30 th June, 2023 in Laikipia County for development expenses (provision of basic services including water, roads, health facilities and electricity)		119,303,227
	LAIKIPIA NORTH	MUGOGODO EAST	37,204,851
		MUGOGODO WEST	26,657,347
		SEGERA	12,785,065
		SOSIAN	35,351,071
		Constituency Total	111,998,334
	LAIKIPIA WEST	SALAMA	7,304,893
		Constituency Total	7,304,893
LAMU	The amount required in the year ending 30 th June, 2023 in Lamu County for development expenses (provision of basic services including		57,614,460

(1)	(2)	(3)	(4)
	water, roads, health facilities and electricity)		
	LAMU EAST	BASUBA	14,237,025
		FAZA	5,251,707
		KIUNGA	6,165,570
		Constituency Total	25,654,302
	LAMU WEST	HINDI	6,204,650
		MKUNUMBI	6,920,108
		SHELLA	5,639,497
		WITU	13,195,903
		Constituency Total	31,960,158

MACHAKOS	The amount required in the year ending 30 th June, 2023 in Machakos County for development expenses (provision of basic services including water, roads, health facilities and electricity)		12,923,347
	MASINGA	KIVAA	6,153,545
		MUTHESYA	6,769,802
		Constituency Total	12,923,347
MANDERA	The amount required in the year ending 30 th June, 2023 in Mandera County for development expenses (provision of basic services including water, roads, health facilities and electricity)		753,408,998
BANISSA	BANISSA	17,661,006	
	DERKHALE	17,946,588	
	GUBA	16,935,527	
	KILWAHERI	18,488,693	
	MALKAMARI	25,984,976	
	Constituency Total	97,016,791	
LAFEY	ALANGO GOF	8,326,976	
	FINO	16,182,993	
	LAFEY	23,906,739	
	LIBEHIA	59,075,439	
	SALA	7,951,210	
	WARANKARA	36,861,150	
	Constituency Total	152,304,508	
MANDERA EAST	ARABIA	31,524,269	
	BULLA MPYA	32,653,572	
	KHALALIO	39,280,081	
	NEBOI	18,412,538	
	TOWNSHIP	6,671,602	
Constituency Total	128,542,063		
MANDERA NORTH	ASHABITO	38,818,140	

(1)	(2)	(3)	(4)
		GUTICHA	34,847,044
		MAROTHILE	15,904,425
		RHAMU	14,826,227
		RHAMU DIMTU	38,223,928
		Constituency Total	142,619,763
	MANDERA SOUTH	ELWAK NORTH	15,252,095
		ELWAK SOUTH	16,153,934

		KOTULO	55,226,592
		SHAMBIR FATUMA	36,731,886
		WARGADUD	16,336,305
		Constituency Total	139,700,812
	MANDERA WEST	DANDU	25,207,391
		GITHER	26,338,698
		LAGHSURE	8,562,457
		TAKABA	8,430,187
		TAKABA SOUTH	24,686,329
		Constituency Total	93,225,061
MARSABIT	The amount required in the year ending 30 th June, 2023 in Marsabit County for development expenses (provision of basic services including water, roads, health facilities and electricity)		469,644,478
	LAISAMIS	KARGI/SOUTH HERR	34,785,919
		KORR/NGURUNIT	45,447,656
		LAISAMIS	39,702,944
		LOGOLOGO	12,100,670
		LOIYANGALANI	54,123,343
		Constituency Total	186,160,531
	MOYALE	BUTIYE	19,079,899
		GOLBO	50,990,957
		HEILLU/MANYATTA	14,388,334
		OBBU	6,828,922
		URAN	16,893,441
		Constituency Total	108,181,553
	NORTH HERR	DUKANA	33,070,422
		ILLERET	9,236,831
		MAIKONA	42,154,943
		NORTH HERR	37,347,141
		TURBI	25,532,053
		Constituency Total	147,341,389
	SAKU	KARARE	19,142,025
		MARSABIT CENTRAL	4,056,270
		SAGANTE/JALDESA	4,762,710
		Constituency Total	27,961,005

(1)	(2)	(3)	(4)

MERU	The amount required in the year ending 30 th June, 2023 in Meru County for development expenses (provision of basic services including water, roads, health facilities and electricity)		29,927,013
	IGEMBE SOUTH	AKACHIU	12,010,486
		Constituency Total	
	SOUTH IMENTI	ABOGETA EAST	6,083,402
		Constituency Total	
	TIGANIA EAST	KARAMA	5,584,385
		MUTHARA	6,248,739
Constituency Total		11,833,125	
MIGORI	The amount required in the year ending 30 th June, 2023 in Migori County for development expenses (provision of basic services including water, roads, health facilities and electricity)		177,764,414
	KURIA WEST	NYAMONSENSE'KOMOS OKO	7,129,535
		Constituency Total	
	NYATIKE	GOT KACHOLA	13,277,068
		KALER	13,950,441
		MACALDER/KANYARU ANDA	19,058,856
		MUHURU	30,405,990
		NORTH KADEM	32,923,121
		Constituency Total	
	SUNA WEST	WASIMBETE	27,055,158
		WIGA	20,856,521
		Constituency Total	
	URIRI	NORTH KANYAMKAGO	13,107,723
		Constituency Total	
MURANG'A	The amount required in the year ending 30 th June, 2023 in Murang'a County for development expenses (provision of basic services including water, roads, health facilities and electricity)		5,679,579
	GATANGA	ITHANGA	5,679,579
		Constituency Total	

NAKURU	The amount required in the year ending 30 th June, 2023 in Nakuru County for development expenses (provision of basic services including water, roads, health facilities and electricity)	6,435,119
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(1)	(2)	(3)	(4)
	RONGAI	SOIN	6,435,119
		Constituency Total	6,435,119
NANDI	The amount required in the year ending 30 th June, 2023 in Nandi County for development expenses (provision of basic services including water, roads, health facilities and electricity)		116,745,012
	NANDI HILLS	KAPCHORUA	12,396,273
		Constituency Total	12,396,273
	TINDERET	CHEMILIL/CHEMASE	11,752,961
		SONGHOR/SOBA	80,933,001
		TINDERET	11,662,777
		Constituency Total	104,348,739
NAROK	The amount required in the year ending 30 th June, 2023 in Narok County for development expenses (provision of basic services including water, roads, health facilities and electricity)		771,670,228
	EMURUA DIKIRR	ILKERIN	7,709,718
		KAPSASIAN	7,289,862
		MOGONDO	7,335,956
		Constituency Total	22,335,536
	KILGORIS	ANGATA BARIKOI	38,538,570
		KEYIAN	25,170,315
		KILGORIS CENTRAL	37,383,214
		KIMENTET	40,547,666
		LOLGORIAN	61,296,968
		SHANKOE	12,311,099
		Constituency Total	215,247,832
	NAROK EAST	ILDAMAT	24,789,539
		KEEKONYOKIE	13,337,191
		MOSIRO	53,086,229
		Constituency Total	91,212,959
	NAROK NORTH	MELILI	33,483,263
		NAROK TOWN	6,955,180
		NKARETA	14,518,600
		OLOKURTO	41,520,649

		OLORROPIL	20,907,625
		OLPOSIMORU	34,216,759
		Constituency Total	151,602,076
	NAROK SOUTH	LOITA	64,456,409
		MAJI MOTO/NAROOSURA	85,235,773
		MELELO	7,681,661
		OLOLULUNG'A	13,716,965

(1)	(2)	(3)	(4)
		Constituency Total	171,090,808
	NAROK WEST	ILMOTIOK	7,715,730
		MARA	22,240,342
		NAIKARRA	38,825,154
		SIANA	51,399,790
		Constituency Total	120,181,017
SAMBURU	The amount required in the year ending 30 th June, 2023 in Samburu County for development expenses (provision of basic services including water, roads, health facilities and electricity)		649,686,536
	SAMBURU EAST	WAMBA EAST	33,931,177
		WAMBA NORTH	44,142,996
		WAMBA WEST	69,663,024
		WASO	41,981,589
		Constituency Total	189,718,785
	SAMBURU NORTH	ANGATA NANYUKIE	41,136,867
		BAAWA	50,270,488
		EL BARTA	40,074,702
		NACHOLA	42,815,289
		NDOTO	55,582,317
		NYIRO	76,601,169
		Constituency Total	306,480,832
	SAMBURU WEST	LODOKEJEK	38,189,859
		LOOSUK	26,675,384
		MARALAL	19,579,918
		PORRO	48,950,797
		SUGUTA MARMAR	20,090,960
		Constituency Total	153,486,918

SIAYA	The amount required in the year ending 30 th June, 2023 in Siaya County for development expenses (provision of basic services including water, roads, health facilities and electricity)		31,973,185
	BONDO	CENTRAL SAKWA	6,461,173
		WEST SAKWA	6,183,607
		Constituency Total	12,644,779
	GEM	SOUTH GEM	6,459,169
		WEST GEM	5,770,765
		Constituency Total	12,229,934
	RARIEDA	SOUTH UYOMA	7,098,472
		Constituency Total	7,098,472
TAITA	The amount required in the year ending 30 th		13,335,187

(1)	(2)	(3)	(4)
TAVETA	June, 2023 in Taita Taveta County for development expenses (provision of basic services including water, roads, health facilities and electricity)		
	TAVETA	CHALA	6,336,919
		Constituency Total	6,336,919
	VOI	KASIGAU	6,998,268
		Constituency Total	6,998,268
TANA RIVER	The amount required in the year ending 30 th June, 2023 in Tana River County for development expenses (provision of basic services including water, roads, health facilities and electricity)		442,122,368
	BURA	BANGALE	30,649,486
		CHEWELE	30,434,047
		HIRIMANI	27,216,487
		MADOGO	45,183,116
		SALA	26,077,164
		Constituency Total	159,560,300
	GALOLE	CHEWANI	29,376,892
		KINAKOMBA	48,519,919
		WAYU	42,932,528
		Constituency Total	120,829,338
	GARSEN	GARSEN CENTRAL	34,596,533
		GARSEN NORTH	33,342,977
		GARSEN SOUTH	13,954,449

		GARSEN WEST	19,449,653
		KIPINI EAST	25,707,410
		KIPINI WEST	34,681,707
		Constituency Total	161,732,729
THARAKA NITHI	The amount required in the year ending 30 th June, 2023 in Tharaka Nithi County for development expenses (provision of basic services including water, roads, health facilities and electricity)		44,005,716
	MAARA	MWIMBI	11,345,130
		Constituency Total	11,345,130
	THARAKA	CHIAKARIGA	12,392,264
		GATUNGA	7,180,639
		MUKOTHIMA	13,087,682
		Constituency Total	32,660,586
TRANS	The amount required in the year ending 30 th		7,478,246

(1)	(2)	(3)	(4)
NZOIA	June, 2023 in Trans Nzoia County for development expenses (provision of basic services including water, roads, health facilities and electricity)		
	ENDEBESS	CHEPCHOINA	7,478,246
		Constituency Total	7,478,246
TURKANA	The amount required in the year ending 30 th June, 2023 in Turkana County for development expenses (provision of basic services including water, roads, health facilities and electricity)		1,144,091,494
	LOIMA	KOTARUK/LOBEI	43,519,725
		LOIMA	33,203,693
		LOKIRIAMA/LORENGI P PI	61,050,465
		TURKWEL	71,724,226
		Constituency Total	209,498,110
	TURKANA CENTRAL	KALOKOL	24,652,259
		KANGATOTHA	40,338,239
		KERIO DELTA	64,534,569
		Constituency Total	129,525,067
	TURKANA EAST	KAPEDO/NAPEITOM	38,892,291

		KATILIA	25,700,396
		LOKORI/KOCHODIN	52,685,411
		Constituency Total	117,278,098
	TURKANA NORTH	KAALENG/KAIKOR	63,605,675
		KAERIS	39,533,598
		KIBISH	46,736,283
		LAKEZONE	69,789,282
		LAPUR	66,630,842
		NAKALALE	31,063,330
		Constituency Total	317,359,009
	TURKANA SOUTH	KALAPATA	25,992,993
		KAPUTIR	13,987,517
		KATILU	33,181,648
		LOBOKAT	7,043,360
		LOKICHAR	33,714,735
		Constituency Total	113,920,253
	TURKANA WEST	KAKUMA	25,586,163
		KALOBYEI	46,852,520
		LETEA	60,067,461
		LOKICHOGIO	30,562,308
		LOPUR	16,495,630
		NANAAM	44,202,116

(1)	(2)	(3)	(4)
		SONGOT	32,744,758
		Constituency Total	256,510,957
WAJIR	The amount required in the year ending 30 th June, 2023 in Wajir County for development expenses (provision of basic services including water, roads, health facilities and electricity)		730,167,615
	ELDAS	DELLA	25,376,736
		ELDAS	16,741,131
		ELNUR/TULA TULA	39,053,620
		LAKOLEY/BASIR	16,015,652
		Constituency Total	97,187,138
	TARBAJ	ELBEN	31,562,347
		SARMAN	25,184,344
		TARBAJ	32,853,980
		WARGADUD	31,830,895
		Constituency Total	121,431,566
	WAJIR EAST	BARWAQO	7,780,863
		KHOROF/HARAR	38,510,513

		WAGBERI	8,083,480
		Constituency Total	54,374,856
	WAJIR NORTH	BATALU	23,316,536
		BUTE	23,442,794
		DANABA	25,005,980
		GODOMA	16,187,001
		GURAR	23,258,418
		KORONDILE	24,758,476
		MALKAGUFU	13,259,032
		Constituency Total	149,228,236
	WAJIR SOUTH	BENANE	55,378,903
		BUR-DER	23,184,266
		DADAJA BULLA	7,562,418
		DIFF	23,322,548
		HABASWEIN	26,985,015
		IBRAHIM URE	31,897,029
		LAGBOGHOL SOUTH	38,118,714
		Constituency Total	206,448,894
	WAJIR WEST	ADEMASAJIDE	7,786,875
		ARBAJAHAN	24,385,716
		GANYURE	31,268,749
		HADADO/ATHIBOHOL	29,207,546
		WAGALLA	8,848,039
		Constituency Total	101,496,925
WEST		The amount required in the year ending 30 th	1,021,690,952

(1)	(2)	(3)	(4)
POKOT	June, 2023 in West Pokot County for development expenses (provision of basic services including water, roads, health facilities and electricity)		
	KACHELIBA	ALALE	112,433,221
		KAPCHOK	17,871,435
		KASEI	63,185,819
		KIWAWA	67,886,402
		KODICH	44,499,723
		SUAM	44,851,440
		Constituency Total	350,728,040
	KAPENGURIA	ENDUGH	79,322,718
		KAPENGURIA	17,951,598
		MNANGEI	10,429,262
		RIWO	106,316,751

		SOOK	54,105,306
		Constituency Total	268,125,636
	POKOT SOUTH	BATEI	47,770,391
		CHEPARERIA	65,290,109
		LELAN	6,231,705
		TAPACH	25,928,862
		Constituency Total	145,221,067
	SIGOR	LOMUT	84,135,530
		MASOOL	45,481,725
		SEKERR	49,808,546
		WEI WEI	78,190,409
		Constituency Total	257,616,210
		<i>Sub-class total</i>	10,020,407,910
		Total Equalisation Fund	10,330,317,433

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

The Title and Clause 1

(Question that the Title and Clause 1 be part of the Bill proposed)

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

Members, we have finished canvassing the Clauses on the Bill.

I call upon the Mover.

Sen. Tabitha Mutinda: Madam Temporary Chairperson, pursuant to Standing Order No. 153, I beg to move that the Committee of the Whole do report progress on its consideration of the Equalization Fund Appropriation Bill (Senate Bills No.3 of 2023) and seeks leave to sit again tomorrow.

(Question proposed)

(Question put and agreed to)

The Temporary Chairperson (Sen. Mumma): Let us go to the next Bill.

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

The Temporary Chairperson (Sen. Mumma): Hon. Members, we are now in the Committee of the Whole for the County Vocational Education and Training Bill (Senate Bills No.3 of 2022).

Clause 3

(Question that Clause 3 be part of the Bill proposed)

The Temporary Chairperson (Sen. Mumma): The Division will be at the end.

Clause 4

Sen. Joe Nyutu: Madam Temporary Chairperson, I beg to move-
THAT, Clause 4 of the Bill be amended -

(a) by deleting paragraph (l);

(b) by deleting paragraph (m) and substituting therefor the following new paragraph—

(m) development and implementation of a national qualifications framework to provide for progression, recognition and equation of qualifications, credit transfers and exemptions with respect to vocational education and training in counties; and

(c) in paragraph (n) by deleting the words “and education” appearing immediately after the words “private vocational”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): The Division will be at the end.

Clause 5

Sen. Joe Nyutu: Madam Temporary Chairperson, I beg to move-

THAT, Clause 5 of the Bill be amended in paragraph (e) by deleting the words “education and” appearing immediately after the words “development of vocational”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): The Division will be at the end.

Clause 6

Sen. Joe Nyutu: Madam Temporary Chairperson, I beg to move-
THAT, Clause 6 of the Bill be amended –

(a) in the marginal note by deleting the words “education and” appearing immediately after the words “of a vocational”;

(b) in the introductory clause by deleting the words “education and” appearing immediately after the words “establish a vocational”;

(c) in paragraph (b) by deleting the words “education and” appearing immediately after the words “at the vocational”; and

(d) in paragraph (d) by deleting the words “education and” appearing immediately after the words “in the vocational”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): The Division will be at the end.

Clause 7

Sen. Joe Nyutu: Madam Temporary Chairperson, I beg to move-

THAT, Clause 7 of the Bill be amended in subclause (2) by -

(a) deleting the words “education and” appearing immediately after the words “adequate vocational” in paragraph (b);

(b) deleting the words “education and” appearing immediately after the words “county vocational” in paragraph (c);

(c) deleting paragraph (d) and substituting therefor the following new paragraph –

(d) conduct training and capacity building programmes targeting centre managers, trainers and staff of vocational training centres that provide vocational education and training to trainees with disabilities;

(d) deleting the words “education and” appearing immediately after the words “public vocational” in paragraph (e).

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): The Division will be at the end.

Heading to Part II

Sen. Joe Nyutu: Madam Temporary Chairperson, I beg to move-

THAT, the Bill be amended in the heading to Part II by deleting the words “EDUCATION AND” appearing immediately after the words “OF VOCATIONAL”.

(Question of the amendment proposed)

Clause 8

Sen. Joe Nyutu: Madam Temporary Chairperson, I beg to move-

THAT, the Bill be amended by deleting clause 8 and substituting therefor the following new clause –

Categories of vocational training centres

8. Vocational training centres shall be categorised as –

(a) public vocational training centres; or

(b) private vocational training centres

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): The Division will be at the end.

Clause 9

Sen. Joe Nyutu: Madam Temporary Chairperson, I beg to move-
THAT, Clause 9 of the Bill be amended –

- (a) in the marginal note by deleting the words “education and” appearing immediately after the words “county vocational”; and
- (b) by deleting the words “education and” appearing immediately after the words “such vocational”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): The Division will be at the end.

Clause 10

Sen. Joe Nyutu: Madam Temporary Chairperson, I beg to move-
THAT, Clause 10 of the Bill be amended –

- (a) in sub-clause (1) by deleting the words “education and” appearing immediately after the words “public vocational”;
- (b) in sub-clause (2) by deleting the words “education and” appearing immediately after the words “administered in the vocational”;
- (c) by deleting sub-clause (3) and substituting therefor the following new sub-clause -

(3) A sponsor shall not compromise the implementation of any law applicable to the respective vocational training centre or the professional standards and ethics of instructions in a vocational training centre.

- (d) by deleting sub-clause (4) and substituting therefor the following new sub-clause –

(4) Notwithstanding the fact that the sponsor of a vocational training centre is a faith based institution, the curriculum in the training centre shall be secular.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): The Division will be at the end.

Clause 11

Sen. Joe Nyutu: Madam Temporary Chairperson, I beg to move-
THAT, Clause 11 of the Bill be amended in sub-clause (1) by –

- (a) deleting the words “education and” appearing immediately after the words “licensed vocational” in paragraph (b);
- (b) deleting the words “education and” appearing immediately after the words “vocational” in paragraph (c);
- (c) deleting the words “education and” appearing immediately after the word “vocational” in paragraph (d);
- (d) inserting the word “vocational” immediately after the words “learners in all” in paragraph (e);
- (e) inserting the following new paragraph immediately after paragraph (e)

–

- (ea) instructors and trainers in vocational training centres;
- (f) deleting the words “education and” appearing immediately after the word “vocational” in paragraph (f).

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): The Division will be at the end.

Clause 12

Sen. Joe Nyutu: Madam Temporary Chairperson, I beg to move-

THAT, Clause 12 of the Bill be amended –

- (a) in the marginal note by deleting the words “education and” appearing immediately after the words “registration of vocational”;
- (b) in the introductory clause by deleting the words “education and” appearing immediately after the words “a private vocational”;
- (c) by deleting the words “education and” appearing immediately after the words “the vocational” in paragraph (a); and
- (d) by deleting the words “education and” appearing immediately after the words “operate a vocational” in paragraph (b).

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): The Division will be at the end.

Clause 13

Sen. Joe Nyutu: Madam Temporary Chairperson, I beg to move-

THAT, Clause 13 of the Bill be amended –

- (a) in the marginal note by deleting the words “education and” appearing immediately after the words “licensing of vocational”; and
- (b) by deleting the words “education and” appearing immediately after the words “licensing of”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): The Division will be at the end.

Clause 14

Sen. Joe Nyutu: Madam Temporary Chairperson, I beg to move-

THAT, Clause 14 of the Bill be amended -

- (a) in the marginal note by deleting the words “education and” appearing immediately after the words “relation to a vocational”;
- (b) in the introductory clause by deleting the words “education and” appearing immediately after the words “establishing a vocational”;
- (c) by deleting the words “education and” appearing immediately after the word “vocational” in paragraph (c);

(d) by deleting the words “education and” appearing immediately after the words “staff of the vocational” in paragraph (d); and

(e) by deleting the words “education and” appearing immediately after the word “vocational” in paragraph (e).

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): The Division will be at the end.

Clause 15

Sen. Joe Nyutu: Madam Temporary Chairperson, I beg to move-

THAT, Clause 15 of the Bill be amended in sub-clause (2) by deleting the words “education and” appearing immediately after the words “licenced vocational”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): The Division will be at the end.

Clause 16

Sen. Joe Nyutu: Madam Temporary Chairperson, I beg to move-

THAT, Clause 16 of the Bill be amended in subclause (1) by –

(a) deleting the words “education and” appearing immediately after the words “deregister a vocational”;

(b) deleting the words “education and” appearing immediately after the words “the vocational” in paragraph (a);

(c) deleting the words “education and” appearing immediately after the words “in the vocational” in paragraph (b); and

(d) deleting paragraph (c) and substituting therefor the following new paragraph -

(c) the training centre has ceased to be a vocational training centre or closed down.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): The Division will be at the end.

Clause 17

Sen. Joe Nyutu: Madam Temporary Chairperson. I beg to move:

THAT, Clause 17 of the Bill be amended in subclause (1) by deleting the words “education and” appearing immediately after the words “deregistering a vocational”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

Clause 18

Sen. Joe Nyutu: Madam Temporary Chairperson, I beg to move:

THAT, Clause 18 of the Bill be amended –

(a) in the marginal note by deleting the words “education and” appearing immediately after the words “closure of a vocational”; and

(b) in subclause (1) by deleting the words “education and” appearing immediately after the words “down a vocational”.

(c) in subclause (2) by –

(i) deleting the words “education and” appearing immediately after the words “close down a vocational” in the introductory clause;

(ii) deleting the words “education and” appearing immediately after the words “down the vocational” in paragraph (a);

(iii) deleting the words “education and” appearing immediately after the words “in the vocational” in paragraph (b)(ii);

(iv) deleting the words “education and” appearing immediately after the words “against the vocational” in paragraph (b)(iii); and

(d) in subclause (3) by deleting the words “education and” appearing immediately after the words “close down a vocational” in the introductory clause.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

Clause 19

(Question, that Clause 19 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

Clause 20 in relation to the Heading of Part III

Sen. Joe Nyutu: Madam Temporary Chairperson, I beg to move:

THAT, the Bill be amended in the heading to Part III by deleting the words “EDUCATION AND” appearing immediately after the words “MANAGEMENT OF VOCATIONAL”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

Clause 21

Sen. Joe Nyutu: Madam Temporary Chairperson, I beg to move:

THAT, the Bill be amended by deleting Clause 21 and substituting therefor the following new clause –

Board of management 21. (1) There is established in each vocational training centre, a Board to be known as the Board of Management.

(2) The Board shall comprise-

- (a) a chairperson;
- (b) a representative of the county government in the respective county within which the institution is located;
- (c) a representative of cabinet secretary in the county;
- (d) one representative of the teaching staff elected by trainers in the training centre;
- (e) one representative of the non-teaching staff elected by the non-teaching staff in the training centre;
- (f) one person nominated by parents to represent parents of the trainees in the centre;
- (g) two persons appointed on the basis of their knowledge and experience in-
 - (i) leadership and management;
 - (ii) financial management;
 - (iii) technology;
 - (iv) industry;
 - (v) engineering; or
 - (vi) information communication technology.
- (h) the centre manager or the head of the vocational training centre who shall be an *ex officio* member and the secretary to the Board.

(3) The county executive committee member shall appoint the persons nominated to the Board by a notice in the *gazette*.

(4) The members of the Board shall have a minimum qualification of post-secondary education.

(5) In appointing the members under subsection (2), the county executive committee member shall take into account the need to ensure gender and ethnic representation.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

Clause 22

Sen. Joe Nyutu: Madam Temporary Chairperson, I beg to move:

THAT, Clause 22 of the Bill be amended – in paragraph (a) by deleting the words “education and” appearing immediately after the words “in the vocational”;

- (a) in paragraph (a) by deleting the words “education and” appearing immediately after the words “in the vocational”;
- (b) in paragraph (b) by deleting the words “education and” appearing immediately after the words “of the vocational”;
- (c) in paragraph (c) by deleting the words “education and” appearing immediately after the words “programmes in the vocational”;
- (d) in paragraph (e) by deleting the words “education and” appearing immediately after the words “for the vocational”;
- (e) in paragraph (f) by deleting the words “education and” appearing immediately after the words “from the vocational”;
- (f) in paragraph (g) by deleting the words “education and” appearing immediately after the words “expenditure for the vocational”;
- (g) in paragraph (h) by deleting the words “education and” appearing immediately after the words “behalf of the vocational”;
- (h) by deleting paragraph (i) and substituting therefor the following new paragraph –
 - (i) receive, on behalf of the vocational training centre, fees, grants, donations, bequests or other moneys and to make disbursements on behalf of the vocational training centre; and (i) in paragraph (j) by deleting the words “education and” appearing immediately after the words “of the vocational”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

Clause 23-26

*(Question, that Clauses 23, 24, 25 and 26
be part of the Bill, proposed)*

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

Clause 27

Sen. Joe Nyutu: Madam Temporary Chairperson, I beg to move:

THAT, the Bill be amended by deleting Clause 27 and substituting therefor the following new clause –

27. The Board shall submit an annual report on the management of a vocational training centre to the county executive committee member and the Authority

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

Clause 28

Sen. Joe Nyutu: Madam Temporary Chairperson, I beg to move:

THAT, Clause 28 of the Bill be amended –

- (a) in the introductory clause by deleting the words “education and” appearing immediately after the words “Every vocational”;
- (b) in paragraph (a) by deleting the words “education and” appearing immediately after the words “attended the vocational”;
- (c) in paragraph (b) by deleting the words “education and” appearing immediately after the words “at the vocational”;
- (d) in paragraph (c) by deleting the words “education and” appearing immediately after the words “at the vocational”; and
- (e) in paragraph (d) by deleting the words “education and” appearing immediately after the words “of a vocational”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

Clause 29

Sen. Joe Nyutu: Madam Temporary Chairperson, I beg to move:

THAT, Clause 29 of the Bill be amended –

- (a) in subclause (1) by –
 - (i) deleting the introductory clause and substituting therefor the following introductory clause –
 - (1) A vocational training centre shall not employ a centre manager or a trainer unless that person–
 - (ii) deleting the word “principal” appearing immediately after the words “case of a” in paragraph (b) and substituting therefor the words “centre manager”; and
 - (iii) inserting the words “Technical and” immediately after the words “trainer under the” in paragraph (a).
- (b) by deleting subclause (2) and substituting therefor the following new subclauses –
 - (2) Each county government shall be responsible for the recruitment and remuneration of centre managers and trainers of public vocational training centres within the county.
 - (3) Each county assembly shall appropriate such funds as may be necessary to ensure the recruitment of adequate trainers to serve in vocational training centres in the county.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

Clause 30

Sen. Joe Nyutu: Madam Temporary Chairperson, I beg to move -

THAT, Clause 30 of the Bill be amended in subclause (2) by deleting the words “education and” appearing immediately after the words “licensed vocational”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

Clause 31

Sen. Joe Nyutu: Madam Temporary Chairperson, I beg to move:

THAT, Clause 31 of the Bill be amended –

- (a) in subclause (1) by deleting the words “education and” appearing immediately after the words “A vocational”;
- (b) in subclause (2) by deleting the words “education and” appearing immediately after the words “A vocational”;
- (c) in subclause (3) by –
 - (i) deleting the words “education and” appearing immediately after the words “training, a vocational” in the introductory clause;
 - (ii) deleting the word “training” appearing immediately after the words “follow the” in paragraph (d) and substituting therefor the word “qualification”; and
- (d) in subclause (4) by deleting the words “education and” appearing immediately after the words “A vocational”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

Clauses 32 and 33

(Question, that Clauses 32 and 33 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

Clause 34

Sen. Joe Nyutu: Madam Temporary Chairperson, I beg to move -

THAT, Clause 34 of the Bill be amended –

- (a) in the marginal note by deleting the words “education and” appearing immediately after the words “Existing vocational”; and

- (b) in subclause (1) by deleting the words “education and” appearing immediately after the words “registered as a vocational”.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

Clause 35-37

(Question, that Clauses 35, 36 and 37 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

Clause 38

Sen. Joe Nyutu: Madam Temporary Chairperson, I beg to move:
THAT, Clause 38 of the Bill be amended –

- (a) in subclause (1) by inserting the words “in consultation with the respective county executive committee members” appearing immediately after the words “The Cabinet Secretary”; and
- (b) in subclause (2) by –
- (i) deleting the words “education and” appearing immediately after the words “applying to all vocational” in the introductory clause;
 - (ii) deleting the word “education” appearing immediately after the words “a registered vocational” in paragraph (a) and substituting therefor the word “training”;
 - (iii) deleting the words “education and” appearing immediately after the words “of a vocational” in paragraph (b);
 - (iv) deleting the words “education and” appearing immediately after the words “of registered vocational” in paragraph (d); and
 - (v) deleting the words “education and” appearing immediately after the words “by a vocational” in paragraph (e).

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

Clause 2

Sen. Joe Nyutu: Madam Temporary Chairperson, I beg to move:
THAT, Clause 2 of the Bill be amended –

- (a) by deleting the definition of the words “integrated vocational education and training centre” and substituting therefor the following new definition “integrated vocational training centre” means a vocational training centre designed to accommodate and provide courses and training suitable for the needs of a trainee with disability or special needs;
- (b) by deleting the definition of the word “principal”;
- (c) by deleting the definition of the words “private vocational education and training centre” and substituting therefor the following new definition —
“private vocational training centre” means a vocational training centre established, owned or operated by a private person;
- (d) by deleting the definition of the words “public vocational education and training centre” and substituting therefor the following new definition —
“public vocational training centre” means a vocational training centre established, owned or operated by a county government and includes a sponsored vocational training centre;
- (e) by deleting the definition of the words “trainee with disability”;
- (f) in the definition of the word “Board” by deleting the words “education and” appearing immediately after the words “public vocational”;
- (g) in the definition of the word “curriculum” by deleting the words “education and” appearing immediately after the words “in a vocational”;
- (h) in the definition of the word “sponsor” by deleting the words “education and” appearing immediately after the words “of a vocational”;
- (i) in the definition of the word “trainee” by deleting the words “education and” appearing immediately after the words “in a vocational”;
- (j) in the definition of the words “vocational education and training” by deleting the words “education and”

appearing immediately after the words “in a vocational”;

- (k) inserting the following new definitions in their proper alphabetical sequence—

“centre manager” means the administrator of a vocational training centre who is responsible for the implementation of policy guidelines and professional practice in the training centre;

“learner with disability” means a learner whose mental characteristics, sensory abilities, physical characteristics, emotional and social adjustment or communication abilities are impaired and includes a learner who suffers from long term disability which has a substantial or long-term effect on an individual’s ability to carry out ordinary day-to-day activities including learning growth and development;

No. 29 of 2013. “trainer” means a person who is licensed and registered as a trainer under the Technical and Vocational Education and Training Act;

“vocational training center” means an institution providing training leading to the award of a certificate up to the level of artisan.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

The Title

(Question, that the Title be part of the Bill, proposed)

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

Clause 1

Sen. Joe Nyutu: Madam Temporary Chairperson, I beg to move:

THAT the Bill be amended by deleting clause 1 and substituting therefor the following new clause –

Short title **1.** This Act may be cited as the Vocational Training Act, 2022.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Mumma): Division will be at the end.

I now call upon the Mover to report on progress.

Sen. M. Kajwang: Madam Temporary Chairperson, pursuant to Standing Order No.53, I beg to move that the Committee of the Whole do report progress on its consideration of the County Vocational Education and Training Bill (Senate Bill No.3 Of 2022) and seeks leave to sit again tomorrow.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

PROGRESS REPORTED

THE EQUALIZATION FUND APPROPRIATION BILL (SENATE BILLS NO. 3 OF 2023)

The Deputy Speaker (Sen. Kathuri): The Temporary Chairperson, Committee of the Whole, please report progress.

Sen. Mumma: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered the Equalization Fund Appropriation Bill (Senate Bills No. 3 of 2023) and seeks leave to sit again tomorrow.

The Deputy Speaker (Sen. Kathuri): Let us have the Mover of the Equalization Fund Appropriation Bill (Senate Bills No. 3 of 2023)

Sen. Tabitha Mutinda: Thank you, Mr. Deputy Speaker, Sir. I beg to move that the House agree with the Committee on the said report.

The Deputy Speaker (Sen. Kathuri): Who is seconding the Bill? The Senate Majority Whip, please second.

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker, Sir, I second the Bill as moved.

(Question proposed)

(Question put and agreed to)

The Deputy Speaker (Sen. Kathuri): Let us move on to the next Bill.

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

Temporary Chairperson, please report progress.

Sen. Mumma: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has Considered the County Vocational Education and Training Bill (Senate Bills No. 3 of 2022) and seeks leave to sit again tomorrow.

The Deputy Speaker (Sen. Kathuri): The Mover, you may have the Floor.

Sen. M. Kajwang': Mr. Deputy Speaker, Sir, I beg to move that the House do I agree with the Committee on the said report. The Senator for Busia County shall second.

The Deputy Speaker (Sen. Kathuri): Sen. Okiya Omtatah, please second.

Sen. Okiya Omtatah: Mr. Deputy Speaker, Sir, I second.

(Question proposed)

(Question put and agreed to)

The Deputy Speaker (Sen. Kathuri): Next order.

BILLS

Second Reading

THE LEARNERS WITH DISABILITIES BILL (SENATE BILLS NO. 4 OF 2023)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, business under Order No. 11 is deferred.

(Bill Deferred)

Next order.

Second Reading

THE COTTON INDUSTRY DEVELOPMENT BILL (SENATE BILLS NO. 5 OF 2023)

The Deputy Speaker (Sen. Kathuri): Sen. Beth Syengo, you may have the Floor.

Sen. Beth Syengo: Thank you, Mr. Deputy Speaker, Sir. I rise to move the Bill on Cotton Industry Development. The objective of this Bill is to provide for policy and institutional framework within which the cotton industry operates by establishing Cotton Development Board of Kenya.

The Deputy Speaker (Sen. Kathuri): Sorry, Sen. Beth Syengo. Kindly approach the Table for guidance.

(Sen. Beth Syengo approached the Table)

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

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

Sen. Beth Syengo: Madam Temporary Speaker, it seems I will change the title.

The Temporary Speaker (Sen. Mumma): Proceed.

Sen. Beth Syengo: Thank you, Madam Temporary Speaker. I beg to move that the Cotton Industry Development Bill (Senate Bills No.5 of 2023) be read a Second Time.

The object of this Bill is to provide for policy and institutional framework within which cotton industry operates by establishing Cotton Development Board.

When I was growing up, cotton was being grown in this country. It was one of the major foreign exchange earners. So many communities in Kenya used cotton to earn a living.

The collapse of the cotton industry brought massive losses to the Government and farmers. Lack of a Cotton Development Board (CDB) has led to so many challenges in the cotton industry. Cotton has been classified as a food together with cowpeas, *Sukuma wiki and dhania*. They have been clumped together under the management of Agriculture and Food Authority (AFA). This has made it very difficult to manage and regulate the cotton industry.

Madam Temporary Speaker, there is genuine need for a strong and robust policy and institutional foundation to support and guide the multitude of activities, operations and interactions within the industry with the aim of strengthening agricultural economy for the various counties across the country.

Looking at the cotton industry, there are about six regions that can grow cotton and were growing cotton before. If the industry is revived, it will support the economy of the country, empower farmers and ensure they are able to take their children to school and earn a living. The cotton that acts as a cash crop will bring a lot of revenue to the country.

This Bill aims at revamping cotton farming in order to make it profitable, sustainable and a development-oriented activity. At this point, I would request that this Bill is debated and see how we can support the country through reviving the cotton industry.

Thank you, Madam Temporary Speaker and I request the Senator for Bungoma to second.

Sen. Wakoli: Asante sana, Bi. Spika wa Muda. Ningependa kuchangia yaliyosemwa na Sen. Beth Syengo.

Mimi kama mmojawapo wa wanachama wa Kamiti ya Ukulima na Uchumi Samawati, tuliweza kuzuru pembe mbalimbali za nchi ya Kenya ambazo zimeweza kihistoria na kitafiti, kudhibitishwa kwamba ni maeneo pamba inawezakuzwa, kuvunwa na vilevile kutengenezwa kwa bidhaa mbalimbali.

Jambo ambalo lililodhihirika ni kwamba kudorora kwa idara ya pamba nchini ni kwa sababu ya ufisadi, mfumo mbaya wa uongozi na kutogharamika kwa Serikali kuu kwa kuwapa wakulima pembejeo. Ni lazima tuwape wakulima wa pamba taaluma ya kisasa kuhakikisha kwamba Kenya inaenenda kibiashara na kiuchumi na nchi za kimataifa zilizoboea katika upanzi, uvunaji na utengenezaji wa bidhaa mbalimbali katika bara la Afrika na dunia.

Katika Kaunti ya Kitui, tuliweza kuzuru kiwanda kilichobuniwa mwaka wa 1983 kinachoongozwa na uzao wa tatu wa familia ya kihindi. Kaunti ya Bungoma tuliweza kuzuru kiwanda cha Malakisi. Na katika Kaunti Busia tulizuru kiwanda cha Mrwanda.

Hivi ni viwanda vilivyo na uwezo mkubwa wa kutengeneza bidhaa mbalimbali kama mavazi, vyakula vya mifugo na mafuta kama *diesel* inayotumika na magari.

Sisi kama Kamati ya Kilimo na Seneti ni lazima tuekeze katika upanzi wa pamba kama mojawapo ya vitega uchumi ili Kenya iweze kujimudu katika sekta ya kutengeneza mavazi na mambo mbalimbali.

Tukiangalia mapato ambayo Serikali ilikuwa inapata hapo awali, mapato hayo yamedidimia kwa sababu ya utepetevu. Hii falsafa ama mfumo, sheria na kanuni ambazo Mswada huu unaleta ni kuhakikisha uwajibikaji katika uongozi wa viwanda hivi.

Vile vile, Serikali za kaunti zimepewa majukumu ya kuwapa mbegu na pembejeo wakulima hawa ili maeneo ya Nyanza, yaliyo na kiwanda ama taasisi ya uchunguzi na utafiti wa upanzi wa pamba uweze kuimarishwa maradufu ili Wakenya waendeleo kunufaika.

Kwa hayo machache, Bi. Spika wa Muda, naomba kuunga mkono Mswada wa Mhe. Beth Syengo.

Asante sana.

(Question proposed)

Sen. M. Kajwang': Madam Temporary Speaker, I rise to support the Cotton Industry Development Bill that has been sponsored by Sen. Beth Syengo. I want to congratulate her for making this her maiden Bill.

Cotton is a very important raw material and a very important driver of economies where it has been taken seriously. The county that I represent, Homa Bay, was one of the leading growers of cotton in this country. Cotton has been part of our spiritual, academic and economic journey.

Spiritual journey in the sense that when Pastor Carscallen came to the Hills of Kendu to set up the first Seventh Day Adventist (SDA) church in Homa Bay on the shores of Lake Victoria, he introduced the people to cotton growing. Whereas in the past the people of Homa Bay made their garments using readily available materials, cotton was not part of it. We made our garments using hides and skins and paper derived from the papyrus that was abundant around the lake.

When Pastor Carscallen and Pastor Nyasa from either Zambia or Malawi came, they introduced us to mass growing of cotton. The chiefs then realized that these religious leaders had not come to steal their land and colonize them or belittle them as Africans. Our people in Homa Bay took up cotton growing. Because of its spread, the church also spread. That is why I am saying it is part of our spiritual journey.

Cotton has been part of our economic journey because it allowed our people to get into the cash economy. Prior to that, we were trading using barter. That is the reason why one of the counties in Kenya is called Kisumu. Kisumu is derived from the Luo word "kisuma" which is about barter.

Our people would come with fish from Homa Bay, walk over to Kisumu and exchange the fish with other delicacies that the people of that area produced. Due to cotton, the concept of cash was introduced to our people. As a result, we had the first bank accounts and the first people who could go to shops and buy items to put up modern structures.

Cotton has been part of our academic journey. Many of us have been educated as a result of the proceeds of cotton. If it was not for cotton, perhaps the first or second

generation after colonialism and arrival of the church in our region, would not have made it to school. This is because their parents would not have been able to afford the school fees.

Cotton has been part of our urban centres and structures. When you drive along the roads of the cotton growing areas, you will find centres called store pamba, which simply means cotton store or store *ya pamba*.

You will find in Homa Bay and Kisumu a centre called store pamba. One unique thing about store pambas is that they are huge warehouses where people used to bring and aggregate their cotton for it to be delivered onwards to the ginneries and to those who would process and add value to it.

Madam Temporary Speaker, that was the landscape in Kenya – Homa Bay, Busia, Kitui and in several other counties until we succumbed to pressure to liberalize our economy and open the floodgates to second-hand imports into this country. That killed the cotton industry, once and for all.

Even though we are always quick to blame the International Monetary Fund (IMF) and the Structural Adjustment Programmes (SAPs) of that error, there was also a lot of local blunders and political decisions made that led to cotton on the brink of collapse.

In this country, it is thought that fertilizer is only for maize farmers. No one ever thinks of providing fertilizer to growers of cotton, cashew nuts and other agricultural products. Every one thinks that the farmers in Rift Valley – the North Rift, Trans Nzoia, Kitale and those areas, should be given seeds and fertilizers.

No one ever imagines that to the fish farmer - the person with a fish pond or with fish cage fertilizer is equivalent to fish feed. No one is giving them fish feed. No one is giving our poultry farmers, free feed or subsidized feed, the same way we do to maize farmers.

Madam Temporary Speaker, I am making this narration to reflect that cotton farmers were completely ignored and disregarded by the Government of the day. A lot of focus was on maize farmers in Kitale and Rift Valley.

When it came to cotton farmers, they were left on their own. As a result of this, cotton became untenable because the variety of cotton we had, required to be sprayed and weeded several times.

There is an interesting story my farmer told me before he passed on. The families of the days back were polygamous. Therefore, they had a huge labour force. When the children were deployed to the cotton farms, they could cover acres upon acres when weeding, spraying or picking the cotton.

For those who have not had that experience, if you harvest one acre of cotton, by the time it reaches evening and you look back, you find a white field. When cotton is ready for harvest, the balls keep bursting and the white is exposed. So, you cannot say that you will harvest one acre and you will move on to the next. You have to keep repeating.

Madam Temporary Speaker, family sizes have reduced. As a result, you do not have that labour to sustain the activities required by cotton farmers. The solution has come in the way of Bt cotton. There has been a conversation around Genetically Modified Organisms (GMO) in this country. However, a decision was made that we start with Bt cotton. I support Bt cotton as long as we go through the necessary precautions required under the biosafety and other laws in this country. This is because Bt cotton

reduces the amount of work required to tend to the cotton crop and the number of times to spray. It is handier.

Madam Temporary Speaker, Bt simply means that it is injected with something that makes it more resistant to pests. As we discuss the Cotton Industry Development Bill, let us look at other aspects of ensuring that our farmers have got the right kind of seed; be it Bt cotton or anything that scientists find to be better than what we traditionally used to have.

We cannot afford labour because we stopped being polygamous and having many children. In the olden days, it was children, wives and husbands who used to provide labour to the farms. As long as Bt cotton and other improved varieties are safe for human consumption, then they should be promoted.

Madam Temporary Speaker, for a long time, the Cotton Lint and Seed Marketing Board was seen as a position to be given to persons who were in the opposition in order to contain and tame them. You do recall that when hon. Jaramogi Oginga Odinga left detention, he was appointed to be Chair of this Board, but he was a truthful man.

Today, people tolerate truthful men, but they never tolerated the truthful man that hon. Jaramogi was. When he was appointed the Chair of the Cotton Lint and Seed Marketing Board, he said that there are people who grabbed land in Kenya. As a result of that, he was fired from that Board and sent into political oblivion.

Those were some of the things that made cotton to be under-looked and underrated. There was under-investment in the cotton industry, just because of political considerations and also because cotton was grown in areas that were politically radical.

The Government in terms of its industrial and agricultural policies saw to it that those regions remained marginalized and at the mercy of the national Government.

Madam Temporary Speaker, this Bill should cure that problem, revive cotton growing and put money back into the pockets of cotton growers. It should also allow cotton growers to walk with the same kind of dignity that maize farmers have.

This Bill should ensure that the national Government looks at cotton the same way it looks at maize growers. As it is providing free or subsidized fertilizers to maize growers, it should do the same for cotton growers.

It should provide good quality seed to cotton growers. It should ensure that there is a market for the Kenyan cotton. It should ring-fence the Kenyan local market.

Madam Temporary Speaker, there was the Africa Growth and Opportunities (AGO) Act that the Americans came up with to support African countries to spur local production and be able to export things to the United States (US).

Statistics show that even though we are making Levis, Lee and all sorts of designer brands here in Athi River, all of which are extensively based on cotton, most of that cotton comes from Egypt, Ethiopia and other countries. Very little of it comes from Kenya. We need to address that.

If AGO is to be beneficial to the people of Kenya, it should not just be in the form of providing some form of sweatshop kind of labour for our people in Athi River. It should not just be because it is providing a real estate market boom in Athi River, Syokimau and related areas.

It must also trickle down to the farmers. We must make sure we protect our farmers, but we can only do so, if we promote the production of cotton and the formalization of cotton growing.

Madam Temporary Speaker, I also hope that this Bill does not take us back to the Produce Marketing Board era. That was a strategy that went alongside import substitution policies. They have been discredited in many instances.

That is the reason why, when President Mwai Kibaki took over power, he came up with the strategy of revitalization of agriculture. That led to the amalgamation of all the different boards that had been established.

We set up one super Board called the Agriculture and Food Authority (AFA). Today, before this House, there are some proposals to break down AFA because it has failed in its mandate. However, AFA did not fail because the managers there did not do a good job. It failed because the Ministers of Agriculture were always fighting with it.

From the time AFA was established, the Ministers of Agriculture thought it had more powers than their Ministries. Therefore, they have done all they can to bring the powers given to AFA back to the Ministry. It is the same conversation we are hearing today.

Madam Temporary Speaker, that someone can go to church, give a fat offering and pronounce that he is taking away the power in certain areas of the National Land Commission (NLC) and donating it back to the Ministry. The NLC is a constitutional body whose powers are derived from the Constitution. That is what happened to AFA.

The Ministry and the mandarins in the national Executive did not want AFA to succeed. As a result of that, we hived off fisheries and tea. I think we have hived off crops and are now hiving off livestock and cotton.

If we are going to produce or come up with a cotton marketing board in order to promote the product from this industry, is it not another unnecessary duplication that will be a strain on the taxes and resources of this country?

Madam Temporary Speaker, as I finish, in this country, you do not need to raise or increase taxes. All you need to do are three things; cut down on wastage, reduce the Government expenditure and invest in productive sectors such as cotton, fishing and livestock industries. There will be so much money that even if people were paying a tax rate of 2 per cent, there will be enough to run the Government.

Madam Temporary Speaker, I support and congratulate Sen. Beth Syengo on this wonderful Bill that will put money in the pockets of the people of Homa Bay County.

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

Sen. Olekina: Madam Temporary Speaker, let me begin by thanking Sen. Beth Syengo for thinking about diversification of our cash crops in this country. I have had a chance to go through the Bill. Although I support it, I have various reservations. I have had a chat with her on some of the things she ought to change in the Bill which I will alluded to.

First of all, let me give a brief history of this country when it comes to cotton growing. At one point, this country used to produce a lot of cotton. In fact, when cotton was introduced, there were a lot of textile industries flourishing in Uasin Gishu County. At that time, we did not have a lot of *mitumba*.

Concentrating everything in Nairobi is what killed the cotton industry in this country. People would go to our local hospitals even if they were not devolved. People who went to Makueni, Machakos and Lamu would get cotton to use in hospitals. Our livestock industry was benefitting a lot from the cottonseeds, which provide energy and proteins to them.

Today, as a farmer, I import all my cottonseeds from Uganda. I get it as a by-product from the factories, which remove the oil and other minerals. They remove some extracts to make oil and soap. They also make fabrics and sell at high prices. We get by-products, but they are still expensive.

These are the kinds of legislations that we have to bring to this House. The reason I support this Bill, although there are areas I do not and I shall talk about them, is that agriculture is devolved. This House should be in the frontline by passing legislation that promotes devolved functions.

The biggest problem I have with this Bill is the fact that the proposed Board which will be set up will have headquarters in Nairobi, a place that does not produce any cotton. Why are we not comfortable with county governments building themselves? Why are we giving the national Government all the powers? The day we will recognize that our counties and the people on the ground are important to us, we shall start making legislations to ensure that boards are set up at the county level.

This year's budget is an interesting one because it will make all of us cry. I dare say that this year's budget has not even been drafted by MPs of this country. It is a foreign drafted budget. Maybe it has some inputs from the International Monetary Fund (IMF) and the World Bank because of our debts.

If we are to develop a budget and give our counties money, there is no reason we should set up a board for cotton development, have its headquarters here and give the President the power to appoint the Chairperson. Why are we doing so? I persuade my dear sister to change that and deny the national Government that power.

The biggest problem is that we are yet to agree that we have moved away from a central Government structure. We now have two levels of government; national and county governments. Give all the powers to the county governments and deny the national Government power. You claim you have devolved agriculture and health, but most of the money is left here in Nairobi. Why are we lying to ourselves?

I have a big problem of drafting legislation using a colonial mind of setting up a board. Why are we over-legislating? It is completely ludicrous. What we need to do is to support our counties because agriculture is a devolved function.

If you look at the objects and memorandum of this Bill on the last page, there is a statement on how the Bill concerns county governments. It clearly states that agriculture is a devolved function set out in Paragraph 1, Part II of the Fourth Schedule of the Constitution. By facilitating the development of cotton industry in the counties, the Bill seeks to ensure that cotton farmers have opportunities to enhance cotton farming and value addition to cotton products.

Tell me now, if you put headquarters in Nairobi, how will a farmer in Narok, Makueni, Lamu or Tana River counties benefit? Put the headquarters in the cotton growing regions.

Who says that cotton cannot be grown in Narok? If cotton can be grown in Homa Bay and parts of Siaya, I dare say that parts of Narok County can grow cotton. If you analyze the soils, cotton can also be grown there.

Let us promote our counties. Let us make legislation that supports counties, especially on what is devolved. Others might come up with an argument that not every part of Kenya grows cotton. Make those parts grow cotton.

I come from a school of thought where if you give me stone, I can boil it and drink the soup. At least, I will have to make something out of it. We are in a time where we can use science. Why is it that when we travel to other countries, we are happy to come and say that we were in Italy or Brazil and praise how they do agriculture and promote their industries?

We are happy to clap for them, but when we come back here, we just sit and place everything in Nairobi. We give more powers to the President and the Cabinet Secretary for Agriculture and Livestock Development. Why then do we not say, “to hell with this issue of devolution and go back to the colonial period of a central Government?” Those are the things that I do not support. I hope my sister will change them. Remove the issue of having headquarters of the Board in Nairobi.

That is why we need talk to our brothers and sisters in the National Assembly. Even if they oversight the national Government, they come from our counties. They are fighting for the National Government-Constituency Development Fund (NG-CDF), which is something I do not believe in because we have counties. The reason our counties are not doing well is that instead of supporting devolution, we are busy taking money from it.

We need to have a conversation with our brothers and sisters in the National Assembly. When it comes to the budget appropriations, we need to make sure we send money to counties. If it is the Coastal region, we have five counties which include, Kwale, Kilifi, Lamu, Taita-Taveta and Tana River. In Central region, we have Kiambu, Kirinyaga, Murang’a and Nyeri. In Rift Valley, we have Baringo, Elgeyo-Marakwet, Kajiado, Kericho, Turkana and West Pokot, among others.

When it comes to the budget on agriculture, we should sit down and talk with the Cabinet Secretary for Agriculture and Livestock Development.

If the Members of Parliament in the Committee on Budget and Appropriations of the National Assembly are the ones who are really making the budget, ensure that your regions have got money to grow the cotton industry. It is a shame that we are now producing 25,000 bales in this country while the demand is over 200,000 bales.

Madam Temporary Speaker, we used to pride ourselves as being one of the richest countries in East and Central Africa. We must practice what we preach. The moment we realise that our counties are important, is the day we will continue to develop.

What I like about the Bill is that it envisions a situation where it creates employment and helps farmers. Nonetheless, those farmers will not be assisted 100 per cent by policy. When you talk about representation of the farmers through membership in the board situated in Nairobi City County, this means that the farmers will take their cue from Nairobi City. There is little agriculture in Nairobi City.

I dare say there are so many people who have never seen Nairobi City. From your own county, there are people who do not know Nairobi City exists. They do not know anything else exists apart from their neighbourhood because that is what they have.

How do you expect that farmer who is intelligent to benefit from this Bill? Earlier on, I was causing havoc with my sister who is a 27-year-old Senator. We have reduced over Kshs3 billion on the Equalisation Fund that was set aside by the Constitution to go to counties. The excuse that we have is that the National Treasury does not have money.

The Constitution states that a certain amount of money should be set aside every year. The National Treasury should have been setting aside that money. We have reduced the money and denied my county money it is supposed to get. One of the things that annoys me is that in all these boards, there is now an equalisation secretariat, which takes about Kshs416 million. What is the secretariat doing? You have reduced the fund to about Kshs300 million.

In this Bill, there is a board allocated a lot of money in the budget. They are doing this instead of taking the money to counties, so that in the agricultural budget of each county they can allocate money to employ field officers who will go to cotton growing regions and support young farmers.

There is no way we will change this country, if all we think about is establishing boards which consist of a chairperson appointed by the President vide a gazette notice. You are creating more jobs while complaining that our wage bill is bloated.

I persuade my sister - although the Bill is the property of this House - to scrap the proposal. Let us begin to draft legislation while keeping in mind what is happening in our counties. Not every legislation we develop must have a board. We are creating more jobs for a few individuals who are known and the rest will not get it.

Finally, as I wind up, I wish to remind Kenyans of the tough times we have ahead. This is going to be one of the most punitive years of our lives. Only farming and agriculture - if we go back to the old ways of doing things - will be able to support us. I plead with county governments to allocate the agricultural sector more money and ensure that they take advantage of the rains. If we do not take advantage of the rains, it will be difficult for people to survive.

If you board a *boda boda* today, a place where we used to pay Kshs50 is now Kshs200. This is because of the cost of living. The cost of living is high. This is a time when the Government is supposed to spend more money, but not overtax people. All the legislations we are proposing to pass, it will only become good on paper since Cabinet Secretaries will not have the powers to implement them.

I would like to request my brothers in the National Assembly to think twice before passing a Finance Bill that will affect farmers. They do not know what is in the Finance Bill because they have not drafted it. The proposals are foreign.

It is about time that we take pride of who we are as a country, learn to live within our means and do away with the taxation. It is going to be bad. It is like feeding a cow wet foliage during the dry season. Do you know what happens? The stomach swells. For you to maintain the cow, you will have to drill a big hole in the tummy. This time around, since nobody is going to be there to help you make that big hole, it will burst. No one will control what will happen in this country.

I support the Bill.

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

Sen. Ogola: Thank you, Madam Temporary Speaker, for giving me the opportunity to contribute to Sen. Beth Syengo's Cotton Industry Development Bill, 2023.

This Bill excites me. The Second Schedule of the Bill has the Nyanza region and Homa Bay County where I come from, is the first on the list. This is not to say that the other counties do not excite me.

In my childhood years in my home, my grandparents were great cotton farmers. Ideally, a number of people went to school in those days because of cotton growing. We

all grew up working on the cotton farms as we were schooling. It was exciting to be taken through the process by our grandparents.

One of the previous speakers narrated the challenge we would go through as we harvested. You would go about 100 or 200 metres away, but on looking behind where you started, it would be all white. It gave us so much work to do, but the happiness in this was that there were more cotton seeds that were sprouting up. This was the fun and beauty of it because it meant the quantity kept on increasing.

In my region, there was an outstanding industry called Kisumu Cotton Mill (KICOMI) in Kisumu County. KICOMI gave my region a lifeline. School leavers would not sit at home the way they do today. There was somewhere to be employed because of the thriving cotton industry then. Today, the place is gloomy. Some students in this region have nowhere to turn to for casual work or even work on contract as they wait to join tertiary education.

This is specifically why I am excited about this Bill. If cotton thrives in Homa Bay County where I come from, then the economy of the whole County will thrive. My people are excited because Homa Bay County is a cotton growing region.

Madam Temporary Speaker, if this Bill will help in the promotion of cotton growth, then it means that in one way or the other, Homa Bay County will have something to invest in and farmers can smile about.

I am excited about this Bill because the sponsors spelt out very comprehensive management of the industry. That there shall be a board that will be created.

I am excited because in the composition of the board, there will be representation of about six farmers. To me, this is exciting because half of the board will be managed by half cotton farmers who know what they want on the board.

Something else that excites me about the board is that the Council of Governors (CoGs) is also represented. This is critical because agriculture is devolved function. Therefore, cotton will be grown in some counties.

When you go further than that, you see the role of the county government is spelt out very clearly. It means that in this board, there will be members who are primarily nominated by the CoGs to represent the interests of the counties.

One of the roles of the county government spelt out in the Bill, will be to give financial support to the promotion of the development of the cotton industry. Lack of finances is part of the reasons why that industry has not been doing well. So, if this is spelt out in the roles that are given to the county governments, it means that this industry will thrive.

Another very outstanding role that the county governments will be doing is offering of extension services in cotton production. This is an area that has been crying out yet agriculture is purely devolved. A number of our local people are crying. This is because even when seeds and fertilizers are given, the farmers rarely have extension officers to visit them.

This means that they lack the technical advice that would otherwise make them do better with their farm produce. However, the sponsor has spelt out in the Bill.

Another exciting role of the county government that is spelt out in the Bill is the promotion of organizations of associations of cotton farmers. This is critical because when you pull together, you network. That will make our farmers to access credit

facilities as groups. There are many challenges in accessing credit, especially when you do it individually. To me, this is also very exciting.

Another very important role that the Bill spells out is that it will enable farmers to do value addition because of the intensive role that the Bill gives to the county governments. Again, the county governments have one major role to monitor the farms. As they do extension services, they will be monitoring the farms. They will see issues that affect farmers like pests and diseases that attack crops.

That is what has brought down the cotton industry in my area. This is because farmers deal with the issues of pests and diseases individually.

If this is brought out to be a prominent role of the county government, a government that is close to the people, a government that is closer to the farmers; then I know that the cotton industry will thrive. I am excited because my region will grow it because that is a cotton-growing region.

However, coming to this heavy role that the county government has been given in this Bill, it means that it has a lot of financial obligations on the county government, especially on agriculture. Not only limited to agriculture, we know that there are also other Ministries that the county governments are overseeing like health, roads and others.

Madam Temporary Speaker, see the number of roles that are here like extension services would require finances to facilitate. Extension Officers will have to move to the fields regularly to monitor the different growth levels of even the cotton or the process of the cotton growing. That brings me to the pressure that the county governments have over finances. If we are going to have county governments that are going to run for four or five months without disbursement from the national Government, all these efforts we are making will face challenges.

The roles of county governments are spelt out in the Constitution. It is very clear that there are distinct, they get their monies from Treasury just as the national Government does. Therefore, this Senate must ensure that disbursement to county governments is timely as scheduled. If that does not happen, then it means that some of the roles that are spelt here are not going to be taken very seriously.

Madam Temporary Speaker, I want to support this Bill. We want to encourage the sponsor that we will walk with you through this. It means so much to our counties because agriculture is so crucial to our people.

The Cotton Industry Development Bill that we are discussing here is going to enhance employment in our counties. If that is well structured, then it means our people will have employment on the farms. As value addition is done as we invest in that cotton industry, it means that it will be giving adequate income to our people. Therefore, I applaud the sponsor of this Bill and I want to stand out as a supporter of the Bill.

I support.

Temporary Speaker (Sen. Mumma): Proceed, Sen. Tabitha Mutinda

Sen. Tabitha Mutinda: Thank you, Madam Temporary Speaker. Let me start by congratulating my sister from my home county of Kitui, Sen. Beth Syengo for wonderfully bringing this great Bill. Why do I say it is a good Bill? It is a good Bill because it is an agricultural Bill. Agriculture is one of the sectors that do and continue improving our economy, not only in Kenya, but largely in the East African countries.

At some point, I used to sit in the Committee on Agriculture, Livestock and Fisheries and I saw the passion that Sen. Beth Syengo dedicated. I understood her passion because cotton is one of the major cash crops that is grown in our region, Kitui and we take pride in it.

Yes, in other counties like Siaya, Meru and Machakos, we still have this cash crop. The way she has brought it out from where I sit and from my understanding is that we cannot continue doing this the same way. From her perspective, things have to be done differently.

One, she recognizes that this is a good cash crop, which is supposed to bring great revenue to this country and more so, to these specific counties she has brought out.

I agree as my colleagues have put it, that agriculture is a devolved function. She really focuses on these regions that produces the cash crops called cotton. As I speak, the cotton industry went down. However, she brings it out in her Bill, stating the impact this cash crop will bring about.

What is key and I put emphasis on, is how we should focus on bringing up this cash crop. It is very important to ensure that the farms that grew this cash crop will be more prioritized even at the level of national Government.

As I speak, the Government, through the Ministry of Agriculture and Livestock Development, is focused on ensuring that it supports its farmers. How does it support? It supports its farmers by providing the correct and standardized seedlings for the different cash crops and also the quality fertilizer that is required to ensure this cash crop germinates.

Madam Temporary Speaker, cotton is a produce that gives us different byproducts. Away from farming, we have the manufacturing process. The farming and manufacturing sectors are going to increase job creation.

As it is, the economy is tough. However, as much as it is tough, it is high time we minimized on white-collar jobs and look at jobs that are actually going to have a much bigger futuristic benefit. The agricultural sector is one of them, whereby our youths from different regions are going to get employment. White-collar jobs will also be attained. This is close to over 10,000 people who will be in these offices, ensuring they acquire a bigger market share for the cash crop.

The Finance Bill that we have been talking about has a clause that talks about excise duty on imported products. The Finance Bill is discouraging imported products that we, as a country, can produce and provide in our markets. It is high time that we understand that the Finance Bill is encouraging our own local industries in both manufacturing and farming sectors.

The moment we embrace and add value to our cash crops and more precisely to the cotton that we are discussing about, then we embrace what is our own, Kenyan and African. To note is that tomorrow is actually the African Day. Therefore, we need the time to pride in our local products that we have as a country.

When I get an opportunity to travel, one of the things that comes out when you say that you are from Kenya is the Kenyan tea. It is an international product. It is what resonates because they know that the Kenyan tea is a brand.

I urge my colleagues to take time and get to understand what is in this Finance Bill. I am happy that the Bill proposes to remove some of the taxes for coffee and tea. This is where we should take cotton in such a way that we also pride in it.

Madam Temporary Speaker, the market has been affected by brokers. Our farmers sweat so much and go through a lot, but the output is minimised.

I am happy to state that I have a Bill about extension services. Agriculture is a devolved function. I can see that Sen. Beth Syengo clearly understands that this cash crop grows well in specific counties. Through the intervention of the extension officers, we expect a lot of improvement of the product, taking the product to the standard that is required because standards matter.

The extension officers are going to ensure that our farmers have the right seedlings, right soil PH levels and components required, including following the correct farming processes, so that we have a product that will shine the way tea is shining in this country.

Madam Temporary Speaker, back to the Finance Bill. When we talk about the housing, we need to realize that it is much more about the urban sector. We need to ensure that the land that we have, especially in the counties is ploughed and utilized as agricultural land. The question we should ask is; agricultural land for what products? Cotton is one of the products. If we use our farms for that purpose, we are going to enhance maximum production and yields of this particular commodity.

My colleague Sen. Olekina said earlier that we produce about 25,000 bales instead of 250,000. I really appreciate the fact that we have a quantity. We only need to figure out how we can maximize.

I appreciate the fact that we are talking about cotton. Jobs will be created for the different sectors. Remember, we are going to create informal jobs in the local areas. We are also going to improve the infrastructure such as roads. We will ensure there is electricity in those regions.

The issue of the board has been mentioned. Like any management company, there has to be an administration to oversee the processes. They will ensure that the same mistakes that were done in the 1980s leading to factories being closed down are not repeated.

Whether they are located in Nairobi or whatever region, to me, it is a non-issue. It is not about where the board is located, but what it does; the functions of the board, that matter. The capability of the board to ensure that the value that is needed is achieved as far as cotton is concerned is what matters. It is about the set goals that need to be achieved.

Madam Temporary Speaker, what I urge to be added in this Bill is the issue of having an association. For example, we should have the Cotton Farmers Association, which can grow to a SACCO or micro-finance. Those should be their targets of growth.

Like any growing industry or new organization, there has to be a plan, vision, mission and goals on what should be attained. That should be guided by the deliverables and different variables that will be put in place.

Madam Temporary Speaker, I firmly support Sen. Beth Syengo because this is a good Bill. With this Bill, I know one day, we will go back to our home counties and see the impact that the cash crop will have brought.

With those many remarks, I support.

The Temporary Speaker (Sen. Mumma): Sen. Okiya Omtatah, proceed.

Sen. Okiya Omtatah: Madam Temporary Speaker, thank you for the opportunity.

I rise to support the Cotton Industry Development Bill by Sen. Beth Syengo. Cotton is one of the fabrics that is light, affordable and comfortable to wear. If you look around, majority of us are wearing cotton. From the way we are all comfortable, I think our underwear are all in cotton. You cannot create some clothes out of some of these other fabrics.

Cotton has many advantages. Activities associated with cotton include growing, handling and ginning. Ginning has been around for over 200 years. It provides a significant income annually in those countries that have taken cotton seriously. There are major industries and they make huge amounts of money.

Cotton is an international crop that is traded internationally because it is a significant crop for the world economy. Exports of cotton products will contribute a significant amount to the foreign exchange of Kenya if this country takes cotton seriously.

We are talking of the AGOA. Right now, the Chinese have simply shifted shop to Kenya to avoid the sanctions in their own countries. They are using cotton from elsewhere to make use of Kenya's share of the AGOA Protocol. If we grew our own cotton and serviced these industries, we stand to make a lot of money out of them.

Although agriculture is devolved, the national Government has a major role in terms of policy to ensure that the cotton industry thrives. The Government must come up with measures, including subsidies to protect producers and stimulate cotton growing by insulating it from whatever factors that are playing out in the global scene. This is because globally, cotton is also a political crop whereby rich countries subsidize their produces to even produce uneconomically, but make sure they secure their own textile industries.

A fact that has to be addressed that led to the killing of cotton is the low price of cotton. Right now, cotton has very low prices in Kenya compared to neighbouring countries such as Uganda where it is double of what we are getting in Kenya. The Government needs to look into that and ensure that the primary producer is protected. They should force part of the profits made in the value chain by intermediaries and others who come in at later stage, are shared downstream or upstream. I do not know which is which. I think it is upstream with the producers.

We also have a problem with the cost of Bt seed. The Government in terms of research; which is a mandate of the national Government, should revive the likes of the Cotton Research Centre in Kisumu to be able to come up with our own seed varieties like India has done. This is so that we do not rely on the likes of Monsanto.

I am informed that a kilogramme of Bt seed is about Kshs4,000 and you can only buy it in United States of America (USA) dollars and on order. How can that revive our cotton industry? If we are going to look for those kinds of seeds, let us develop our own.

That calls for serious investment by the national Government in research and development. This will take a forefront in reviving the cotton industry. We must carry out research, develop our own varieties and propagate them to the farmer.

I have heard people commenting on the Finance Bill during these submissions. I am sorry to say that in terms of developing a country, it amounts to arrant nonsense. No country has been developed through taxation. When you tax farm inputs, and cotton is an agricultural crop, what do you aim to get? It is failure. When you tax petroleum, so that the cost becomes too high, what do you aim to get?

Sen. Tabitha Mutinda: On a point of order, Madam Temporary Speaker.

The Temporary Speaker (Sen. Mumma): What is your point of order, Sen. Tabitha Mutinda?

Sen. Tabitha Mutinda: Thank you, Madam Temporary Speaker. I rise on a point of order that the Senator sticks to the discussion of the Cotton Bill and not the Finance Bill.

Thank you, Madam Temporary Speaker.

Sen. Okiya Omtatah: I was contributing. In fact, the Senator who has risen on a point of order is the one who introduced the Finance Bill and begun praising, lionizing and anointing it, putting oil and perfume on it. However, the thing is a skunk. It smells. There is nothing you can do about it; it stinks.

Unfortunately, the Finance Bill will not find its way to this House unless my petition in the High Court succeeds. My petition is trying to force that the Finance Bill come to the Senate because it affects us in terms of our mandate over the counties.

With those few remarks, I support the Bill and pray that it will be enacted into law.

Thank you, Madam Temporary Speaker.

Sen. Kibwana: Asante Bi. Spika wa Muda. Yangu ni machache tu maana yote yamezungumzwa.

Naunga mkono dadangu Sen. Beth Syengo ya kuwa pamba inafaa kuhimizwa na kuwa hima kwa viwanda vya pamba. Dada yetu ameeleza kwamba huu Mswada ni mzuri sana. Kilimo cha pamba kinafaa.

Wakenya bado hawajaelewa vizuri kwamba pamba ni dhahabu nyeupe. Nchi ya Tanzania, imechukulia ukulima wa pamba kwa uzito.

Pamba inatoa viti vingi sana. Pia inaponya magonjwa mengi sana. Upande wa gome la mzizi wa pamba, *root* ni dawa ya magonjwa kama vile, kutapika, maumivu ya kichwa na kuzuia kuendesha. Yote hii inatokana na pamba. Pia inatoa mafuta kama ya zeti, korosho na karanga.

Dawa inayoitwa Omega 3 inatokana na pamba na inatuzuia magonjwa mengi kama ya mifupa na---

The Temporary Speaker (Sen. Mumma): Sen. Kibwana, you will have a balance of 18 minutes when the debate on this Bill resumes.

ADJOURNMENT

The Temporary Speaker (Sen. Mumma): Hon. Senators, it is now 6.30 p.m. time to adjourn the Senate. The Senate, therefore, stands adjourned until tomorrow Thursday, 25th May 2023, at 2.30 p.m.

The Senate rose at 6.30 p.m.