

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

Tuesday, 13<sup>th</sup> February, 2024

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

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

#### PRAYER

DETERMINATION OF QUORUM  
AT COMMENCEMENT OF SITTING

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

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

You may proceed to call the First Order.

#### COMMUNICATION FROM THE CHAIR

WELCOME TO HON. SENATORS TO THE THIRD SESSION  
OF THE THIRTEENTH PARLIAMENT

Hon. Senators, it is my pleasure and privilege to welcome you to the Third Session of the Senate. I take this opportunity to also wish hon. Senators a happy and prosperous 2024. I trust that during the recess, you had the opportunity to reconnect with your constituents, listen to their concerns and challenges and assess the opportunities available in our counties.

From these interactions, I have no doubt that you will endeavour to develop a legislative intervention for addressing emerging issues. In this respect, my office and, indeed, that of the Clerk of the Senate is available to hon. Senators to assist them effectively in discharging their constitutional mandate. I also trust that during the recess, hon. Senators took time off to rest, rejuvenate and spend time with families and friends over the Christmas and New Year festivities.

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Hon. Senators, during the Second Session, the Senate participated in two critical events that play an immense role in protecting and upholding the devolved governance structure in Kenya. These were the First Biannual Devolution Conference that took place from the 15<sup>th</sup> to the 19<sup>th</sup> August, 2023 in Eldoret, Uasin-Gishu County and the Senate Mashinani held from the 25<sup>th</sup> to 29<sup>th</sup> September 2023 in Lodwar, Turkana County. The lessons learnt from these two events continue to shape the discourse on how the Senate undertakes its mandate.

The Senate must undertake an introspection in relation to the lessons learnt and devise strategies, including legislative interventions, to address pertinent issues that arose from the two events. Therefore, I urge Standing Committees to critically interrogate the communique from the Devolution Conference and experiences from the Senate Mashinani in Turkana County and play a pro-active role in the opportunities available and finding solutions to the challenges observed.

Hon. Senators, as we begin the Third Session, it is important to reflect on the business transacted in the Second Session. Eleven Bills were considered and enacted into law. Out of these, five were Senate Bills and six were National Assembly Bills. By the end of the Second Session, 22 Petitions were concluded by the respective Standing Committees, 61 substantive Motions on diverse matters were adopted, 254 Statements pursuant to Standing Order No.53(1) were concluded by the respective committees while 52 questions were responded to by the relevant Cabinet Secretaries.

From the foregoing, my attention is drawn to the length of time in which Bills are considered in the Senate. There are currently 44 Bills pending conclusion in the Senate, out of which nine are National Assembly Bills and 35 are Senate Bills. On the other hand, there are eight Senate Bills pending conclusion in the National Assembly. This illustrates the work cut out for the Senate in this session. For this reason, we must change the strategy to ensure that legislative business is expedited in the Third Session. I call upon the Senate leadership to lead us in this respect.

With the same breath, I also urge Chairpersons of Committees to hasten consideration of pending business in their respective committees and table the reports thereon pursuant to the Standing Orders.

I wish to inform hon. Senators that as per the standing parliamentary practice, Motions that are not concluded by the end of the Second Session are deemed to have lapsed. In view of this, the Senators wishing to pursue the Motions will have to file them afresh. Similar to Motions, Questions that had not been responded to by the end of the Second Session also lapsed and Senators wishing to pursue them will be required to file the Questions afresh.

Hon. Senators, as has been the tradition at the commencement of every new Session, the Senate will this week receive the Budget Policy Statement (BPS), the draft Division of Revenue Bill, the draft Count Allocation of Revenue Bill and the draft County Government Additional Allocations Bill. As we consider these financial instruments, our cardinal duty must be to safeguard the interests of counties and their governments as enshrined in Article 96 of the Constitution.

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Hon. Senators, I wish to state that this is an important Session which will offer you an opportunity to demonstrate your commitment; fulfilling the responsibilities bestowed upon you by the Constitution. This will call for hon. Senators to prioritise attendance and active participation in the Chamber. I am confident the deliberations of this Session will be marked by a spirit of collaboration, mutual respect and a steadfast commitment to fulfilling our constitutional mandate.

In conclusion and in established parliamentary practice, pursuant to Standing Order No.190, the Senate Majority Leader will shortly give a Notice of Motion for approval of Senators to serve in the Senate Business Committee for the Third Session. This will be the only business on the Order Paper for the day after which dispensing with the Motion, the Senate will adjourn until tomorrow Wednesday 14<sup>th</sup> of February 2024, at 9.30 a.m.

I thank you and wish you hon. Senators a fruitful session.

Thank you.

Next order.

The Senate Majority Leader.

### NOTICE OF MOTION

#### APPROVAL OF SENATORS TO SERVE IN THE SENATE BUSINESS COMMITTEE

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, I rise to give notice of the following Motion on the approval of the Senators to serve in the Senate Business Committee-

THAT pursuant to Standing Order Nos.190 and 199(3), the Senate approves the following Senators nominated to serve in the Senate Business Committee (SBC) for the Third Session, in addition to the Speaker of the Senate, who pursuant to Standing Order No.190(1)(a), shall be the Chairperson of the Committee, the Senate Majority Leader, the Senate Minority Leader, the Senate Majority Whip, the Senate Minority Whip-

1. Sen. Ali Roba Ibrahim, EGH, MP - Member
2. Sen. Edwin Sifuna, MP - Member
3. Sen. Veronica Maina, MP - Member
4. Sen. Wakili Sigei, MP - Member
5. Sen. Tabitha Mutinda, MP - Member
6. Sen. Kavindu Muthama, MP - Member
7. Sen. Mwinyihaji Faki, CBS, MP - Member

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): The Senate Majority Leader, you may move your Motion.

**MOTION****APPROVAL OF SENATORS TO SERVE IN THE  
SENATE BUSINESS COMMITTEE**

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, I rise to move the following Motion on the approval of the Senators to serve in the Senate Business Committee-

THAT, pursuant to Standing Order No.190 and 199(3), the Senate approves the following Senators nominated to serve in the Senate Business Committee (SBC) for the Third Session in addition to the Speaker of the Senate, who pursuant to Standing Order No. 191 shall be the Chairperson of the Committee, the Senate Majority Leader, the Senate Minority Leader, the Senate Majority Whip, the Senate Minority Whip-

- |                                      |          |
|--------------------------------------|----------|
| 1. Sen. Ali Roba Ibrahim, EGH, MP, - | Member   |
| 2. Sen. Edwin Sifuna, MP             | - Member |
| 3. Sen. Veronica Maina, MP           | - Member |
| 4. Sen. Wakili Sigei, MP             | - Member |
| 5. Sen. Tabitha Mutinda, MP          | - Member |
| 6. Sen. Kavindu Muthama, MP          | - Member |
| 7. Sen. Mwinyihaji Faki, CBS, MP     | - Member |

Mr. Speaker, Sir, this is a procedural Motion at the beginning of every session of Parliament where this Committee will soon after we are done with its approval, sit to deliberate and set the agenda for the week and the days that are coming forward in this Session. It is one of the most important committees of the House given that it is the Committee that determines the business of the House and many other matters that come, including the calendar of the House jointly.

First, I want to welcome my colleagues back to the House in this Session. If it is not too late, wish them a happy new year as many of them have not met or seen each other in this new year. I appreciate that in the spirit of the guidance from the Communication from the Chairperson, this is a new session.

There are many things that we carry on from the past. However, we approach this Session with a new spirit and determination; knowing that the Constitution has granted us power to cement and guide the country into establishing a Senate that is respectable and that Kenyans can be proud of in all the business that comes before us.

Mr. Speaker, Sir, it is my sincere hope that all our colleagues gathered in this House this afternoon will quickly dispense of this business, so that the SBC can convene immediately in quick succession and consider the business of the coming days and many other things that are before it.

With those few remarks, I beg to move and request that the Senate Minority Leader second the Motion.

I thank you, Mr. Speaker, Sir.

**The Senate Minority Leader** (Sen. Madzayo): Asante, Bw. Spika. Kwanza, naungana na wewe kuwakaribisha ndugu zetu Maseneta kwa mwaka huu. Nawatakia kila la heri, fanaka na ukarimu kama tunavyo omba.

Jambo la kwanza, huu utakuwa muhula wetu wa tatu. Wale Maseneta ambao wamechaguliwa kukaa katika Kamati hii ambayo ndio Kamati ya kwanza kwa Kamati zote za Bunge, wengi wao ni wale walikuwa kwa kipindi cha pili. Hakuna yeyote aliyetolewa. Wote wako sawa.

Ningependa kusema ya kwamba hawa Maseneta wako na ujuzi sana. Kwa hivyo, mimi niko na imani tutalenga vile inavyotakikana kwenda kulingana na biashara yetu ya Seneti katika mikutano na kwa kuendesha Seneti vilivyo.

Ninayo imani wakati huu, tutakuwa na wakati mchangamfu sana katika Bunge letu la Seneti.

Kwa hayo machache, asante sana, Bw. Spika.

**The Speaker** (Hon. Kingi): Hon. Senators, I now proceed to propose the question

*(Question proposed)*

Hon. Senators, you may now proceed to make your brief comments and contribution to this Motion starting with Sen. Okenyuri

**Sen. Okenyuri:** Thank you, Mr. Speaker, Sir, for this opportunity. I also want to take this moment to welcome my colleagues after the long recess. I look forward to a very vibrant session. From the membership of the SBC, I know that we are going to do good work. In the past sessions, important matters were prioritised. I look forward to the same happening this time and more legislative work being processed in this House. That is what I wanted to say.

I am happy that I am healthy and back in full swing hoping to prosecute youth and women matters constructively, so that we can change the leadership in this country.

I thank you.

**Sen. Onyonga:** Thank you very much, Mr. Speaker, Sir. First, I would like to welcome my colleagues back to the House from the countryside where many of us have been staying.

As many of my colleagues would realize, the issues in this country are very weighty and they expect our intervention. The people expect us to offer some solutions to these problems.

Mr. Speaker, Sir, I am happy that I belong to this House. For the past year, I have learnt a lot. I believe that I should come here, participate fully and ensure that our country becomes better.

Finally, I would want this House to sit down and interrogate the political matters that are happening because they affect our major responsibility, which is devolution. I would like to inform the House of what has just happened in Kisii County. The County Assembly has just impeached the Deputy Governor.

You realise we handled the matter of the Deputy Governor of Siaya County and many issues are taking place.

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*(Laughter)*

**The Speaker** (Hon. Kingi): Order! Order, Hon. Senators.

What is so funny about a deputy governor being impeached unless there is something that I am not aware of?

*(Laughter)*

**Sen. Onyonka:** Mr. Speaker, Sir, I am also shocked because I saw my sister laughing a lot. I did not know why she laughed.

*(Sen. Orwoba spoke off record)*

Oh, things are happening! Oh, you were saying Happy New Year on the impeachment!

Mr. Speaker, Sir, to finish, I want to say that with my colleagues here, we need to look and begin to interrogate the issues affecting the administration of governance in our counties because there is a big problem.

Thank you, Mr. Speaker, Sir, for giving me this opportunity.

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

**Sen. Kathuri:** Thank you, Mr. Speaker, Sir, for this opportunity. I would also like to take this opportunity to welcome my colleagues back to the Senate's Third Session.

Mr. Speaker, Sir, the team that has been read out comprises of you as the Chairperson of the Senate Business Committee (SBC) and the entire team. Since we started, I have had a lot of confidence in the team you have led in the last two sessions and you have led us well as the Senate. So far, so good.

Mr. Speaker, Sir, when we ended our Senate Liaison Committee retreat last week, some issues were raised by the Members that some businesses have been stalling on the Order Paper for quite some time. As the SBC in this Session, we will look at the possibility of dispensing those Bills and Motions, so that we be able to plan. In the last two Sessions, we have been taking a lot of time on the Statements. As one of your panelists, we will look for the best way we can to dispense some of these businesses.

Mr. Speaker, Sir, devolution is here with us and it is here to stay. My colleague Senators, I wish that for any issues coming from the counties, we take time to critically look at it as raised by MCAs.

Like now the issue in Kisii, let us approach issues on devolution with a very sober mind. Let us analyse the issues brought to this House in a bipartisan way and in a way that will promote devolution in our counties and make sure that counties work because there are many issues in different counties and we need to move with speed.

I also want to encourage the Standing Committee on Devolution and Intergovernmental Relations to be very active. We need to look at the matters that are

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being raised all the time by the county assemblies and the counties themselves, so that those county governments can work.

Even before impeachments are brought to the Senate, I wish to encourage the Standing Committee on Devolution and Intergovernmental Relations to ensure that they are proactive and they get issues even before they are brought to the Senate. They will visit the counties and come up with a report that we can discuss even before these issues are brought on this Floor.

I wish all of us are very successful Third Session of the Senate.

Thank you, Mr. Speaker, Sir.

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

**Sen. Boy:** Asante sana, Bw. Spika, kwa kunipa fursa hii. Kwanza ningependa kuwatakiwa watu wote katika Bunge hili, hasa Maseneta wenzangu, mwaka mpya wenye heri. Tumetoka likizo ndefu. Mashinani tumeonana na wananchi. Tumetatua zilizokuwa katika kaunti zetu.

Pili, hawa waliyochaguliwa katika Kamati hii ya SBC ni Maseneta ambao wamebobeza sana katika kazi zao. Mwakili wako humo ndani na wengine ambao ni Maseneta waliobobeza katika nyanja mbalimbali.

Kwa hivyo, nina imani ya kwamba katika kipindi hiki ambacho tumeingia sasa hivi, tutaweza kujadili mambo mengi sana ambayo yataweza kutusaidia na kufanikisha watu wetu hususan katika mambo ya gatu.

Ninawasihi Maseneta wenzangu, tuweze kuhudhuria vikao kwa wingi sana katika kipindi hiki ili tuyatekeleze majukumu yetu makubwa kama Maseneta. Tuweze kujumuika kusaidia kaunti zetu na kuhakikisha ya kwamba tunaleta Miswada muhimu sana ambayo itasaidia kaunti zetu.

Asante sana, Bw. Spika, kwa kunipa fursa ninaunga mkono Hoja hii.

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

**Sen. Mungatana, MGH:** Thank you, Mr. Speaker, Sir. I want to take this opportunity to thank you for allowing me to welcome all our Members.

There are just two quick points I want to make. The first one is that I support the SBC because it is supposed to plan for the business of the House.

Mr. Speaker, Sir, as you have said, legislation is the main business of this House. I know the whole House leadership here is listening; we have passed legislation here, which is supposed to go to the National Assembly to be processed and signed into law.

I request, beg and cajole the SBC to make a follow-up. Even after you have planned for us and we pass it here; kindly find out what happens to it in the National Assembly. This is because it is taking too long in the National Assembly to process the Bills that have been passed by the Senate. When we follow up, we are dealing with an institution on the other hand.

Mr. Speaker, Sir, during this session, I want to ask the SBC because I know the leadership is listening to me, to find out what the other side is doing with our Bills. When we follow up on our own, it becomes complicated.

I know what I am talking about because I have Bills that have gone to the National Assembly. They are stuck there; they are not moving. So, we would like the

SBC to make a follow-up on our behalf so that we know what is happening with those Bills in the National Assembly.

Mr. Speaker, Sir, my final point is on Cabinet Secretaries. We have had challenges with Cabinet Secretaries who fails to honour requests to appear before the Senate. We would like the Senate Majority Leader, when he is reading the Business of the House for the coming week, the way he does, to also include Cabinet Secretaries who have not honoured requests to appear before the Senate. This will enable the SBC to follow up with the Cabinet Secretaries who do not take the business of this House seriously. We want to know them. They must take this matter seriously. We would want them to follow up on the questions that we ask them and we want them to come here.

Mr. Speaker, Sir, I support this Motion.

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

**Sen. Omogeni:** Thank you, Mr. Speaker, Sir, for giving me this opportunity. I begin by wishing you and my colleague Senators a happy New Year 2024. I thank the Almighty God that we all crossed the year and we are here to begin the business of the Third Session.

Mr. Speaker, with your permission, I also want to take this opportunity on my behalf and on behalf of the people of the County of Nyamira to pass my heartfelt condolences to the family of this great Kenyan, Mr. Kevin Kiptum who passed on two days ago. He is one of the greatest sons that this country has ever produced. He was 24 years old.

*(An hon Member spoke off record)*

Somebody is saying the greatest.

Mr. Speaker, Sir, at 24 years, that young man was able to break the world marathon record.

We join the people of Elgeyo Marakwet County, Kenyans at large and the people from the sporting fraternity in passing our heartfelt condolences to the widow, the two young children, *Mzee* Cheruiyot and the mother. May the Almighty God condole the family and rest the soul of Kelvin Kiptum in eternal peace.

Mr. Speaker, Sir, I support the membership of the Senate Business Committee (SBC) that has been moved by the Senate Majority Leader. I am happy that the membership has largely been retained. We look forward to transacting a number of businesses.

I hope that the SBC will prioritize matters that are hugely of concern to Kenyans such as the Report of the National Dialogue Committee. In my County of Nyamira, I have two wards, which have remained without Members of the County Assembly (MCAs) for close to eight months now.

I hope that the SBC will prioritize the issue of revisiting the composition of the Independent Electoral and Boundaries Commission (IEBC) so that the people of Nyamira County can get an opportunity to elect MCAs for the two wards which remain largely unrepresented.

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Mr. Speaker, Sir, we want to assure you that we shall firmly stand behind you. We need to protect devolution and the Senate. We need concurrence that gives the Senate an opportunity to have an input in all Bills that come to Parliament.

Often times, Bills are dealt with in the National Assembly without the involvement of the Senate. That business should be a thing of the past. We have very good jurisprudence from the Supreme Court. So, we need to elevate the stature of this House. Senators now have a lot of presence at the county level.

I hope you shall create an opportunity for us to have a retreat where we can get further training. As we embark on our enhanced presence in the counties, we need to be trained on how to effectively discharge our functions as elected leaders who oversight the work of Governors.

I thank you, Mr. Speaker, Sir.

I support.

**The Speaker** (Hon. Kingi): Proceed, Sen. (Dr.) Khalwale.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir. Like those who have spoken before me, I wish colleagues, distinguished Senators, a Happy New Year.

As they say in soccer, you do not change a winning team. You will notice that the Senate Majority Leader, in constituting this Committee, has basically returned the old team. They did very well and there is need for us to allow that continuity because it is a winning team.

Having said that, I have only two points. First, to send my condolences to the family of Kelvin Kiptum; a hero, sports icon and a living example of what youth should be. This is a very difficult moment for the family, the youth of this country and the sporting fraternity. We wish them well and hope they will overcome the pain.

The second and last point I want to make is about the importance of this House. Two things happened when we were on recess which concerned me. The first is that we seconded Senators to a Mediation Committee and they joined colleagues from the other House.

While on recess, I saw the Chairperson of the National Assembly Mediation Committee meet governors and make pronouncements informally through social media that they were reaching a solution on the sticking out issues, which we had been constituted to perform. This concerned me. Second, I saw the Council of Governors (COGs) actively talking about the division of revenue.

Mr. Speaker, Sir, I would like to remind Senators that we must never allow a situation whereby it looks like we are either incapable or failing in our core business.

If governors cared to read the Constitution carefully, they have no role in legislation. In fact, under the Constitution, the only organ that has power to make decisions and have the force of law is Parliament. For them to go around giving the impression that they will decide how much money will go to county governments and urging us to ensure that figure X is taken to the counties is to presume that we either do not know what we are doing or they supervise us. It is our core mandate and we ask them to sit on their laurels, we know what we are doing. We are not going to pass any figure because of the opinion of one governor, a group or all governors. However, we shall do it

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on the expert advice from the Commission of Revenue Allocation (CRA) as per the Constitution.

As for the first point, on mediation, we would like Members of the National Assembly---

Yes, the Constitution gives them power over Money Bills. However, that does not mean that when in a Mediation Committee, they should run solo and not play as a team with colleagues from this House.

Mr. Speaker, Sir. I forgot to congratulate you. However, the best way to do it is behind the tent because I know you.

*(Laughter)*

**The Speaker** (Hon. Kingi): Sen. (Dr.) Khalwale, if you are done, kindly yield.

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

With those remarks, I support the Motion.

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

**Sen. Maanzo:** Thank you, Mr. Speaker, Sir, for giving me an opportunity to contribute to this important Motion.

The SBC is the engine of the House. Most of the planning and efficiency of the House will highly depend on it. It is a very well-balanced list and I support it.

Mr. Speaker, Sir, having been in the National Assembly for 10 years, I confirm what Sen. Mungatana said. All the laws related to devolution must either originate here, while some which touch on finance originate from the National Assembly.

I have sat in the Mediation Committee many times and some would be successful. However, many laws which had been proposed by the Senate would fail or automatically lapse when the House adjourns after five years and dreams would be lost. Sometimes, even those Senators do not come back.

Mr. Speaker, Sir, there was a proposal to make sure that when the House adjourns *Sine Die*, there is a way of getting the laws moving on in the event that the particular Senator does not come back to Senate. There are very important laws regarding compensation for people with snake bites and such. All of them disappeared between the two Houses.

Mr. Speaker, Sir, we should process Bills that originates from the National Assembly as fast as we can. There is a way we can follow up, track and make it faster. This team is good for that. We will make sure that all the proposed laws by Members in this House are worked on very hard and become law. From here, they go all the way to be assented into law by the President. I support it and I wish all Members well in the Third Session.

Finally, I pass my condolences to the family of Kelvin Kiptum. He was a very young person who had achieved world status and brought fame to Kenya. It would be important for the Ministry of Youth Affairs, Creative Economy and Sports to consider according him a State funeral. That will be an encouragement to young people that they

can work hard even at a young age and bring fame and success to the country and themselves.

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

**Sen. Cherarkey:** Mr. Speaker, Sir, I support the Motion from the onset. As my colleagues have said, these colleagues have sat in the SBC and presided over several sessions.

Looking at Standing Order No.190 on the formation of the SBC, I urge the SBC to be at the forefront. They should know that our cardinal call is the protection, enrichment and nourishment of devolution.

I also request the SBC not to be a stumbling block especially in creativeness of Members when they want to process Bills, Motions and Statements. In any case, they say power belongs to the people. Should they get stuck, they should be free to convene a *Kamukunji* through your office and seek our wisdom – or lack of it – in some issues.

Secondly, as the bastion of athletics hub in this country, we are saddened by the passing on of one of the icons and legends of athletics; Kelvin Kiptum. We continue to condole with the family for the tragic loss. I happen to know Kelvin Kiptum. You know my track record in the fight for athletics and sportsmen and women in this country. We have had several sessions and the Paris Olympic would have been the best in his life. He had assured us that he would run under two hours, specifically, 1 hour 59 minutes.

We are saddened. I hope the family finds solace in God and be assured that the Senate and leaders of this country will continue to stand with them. I hope the Government gives him a State funeral. This is a person who has already flown our flag across the world. None of us has had the opportunity to cause our National Anthem to be sang. I know there will be many Kelvin Kiptums that will rise and continue to inspire.

In the legacy of Kelvin Kiptum, we should ensure that our sportsmen and women get value, so that they toil and sweat at practice in fields and stadia every morning to bring glory to this country. I had prepared an Adjournment Motion on celebrating his life. I hope the SBC will get down to business. I am not canvassing that they approve but I know in their wisdom they will approve the Motion so that we can have a better time to eulogise him.

Mr. Speaker, Sir, finally, I am aware that the SBC has a role to play. I heard one of the Members who sat in the defunct National Dialogue Committee (NADCO), trying to canvass that we should pass the NADCO Report because it is going to be unconstitutional. Banissa Constituency does not have a Member of Parliament (MP); he died. Some wards do not have an elected Member of County Assembly (MCA).

The courts have pronounced themselves on this. There is already a Selection Panel on it. They need to move with speed, reconstitute the Independent Electoral and Boundaries Commission (IEBC) and allow those by-elections to be held. That is how the country will move on. We cannot sit under a tree and imagine that it has the same legal and constitutional effect to try and push us. I assure the country that this is a rule of law. Let the law take its course.

I am informed that in Kisii County, the Deputy Governor has been impeached. I want to tell him that all is well.

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Thank you and I support the Motion.

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

**Sen. Osotsi:** Mr. Speaker, Sir, I support this Motion from the onset. The Senators who have been nominated to sit in this Committee are people who did a good job in the First Session. I am sure they will do a better job in this Session. The SBC is a very important Committee to this House because it is the front end to the Plenary where we sit. I encourage the SBC to prioritise matters which are key to the functioning of this Senate.

In the last Session, I was disappointed that this House took too long to process the County Governments Additional Allocation Bill. It sat on the Order Paper for so long. I thought this was one Bills that should have been given the highest level of priority, considering that it was going to unlock funds to our counties. I encourage that Bills, Motions or items that are of high priority should be given high priority so that we dispense with them.

The SBC will also help us implement Article 96 of the Constitution to protect counties. All the matters that come before us must be weighed against that premise of Article 96, that the matters which come before us are those which will enhance devolution and not take us back to those days before devolution.

I have seen some Bills on the Order Paper, whose contents either have unconstitutional aspects or defeat the very purpose of our role under Article 96. So, we depend on the SBC for that purpose.

Mr. Speaker, Sir, as someone has said, Parliament - the National Assembly and the Senate - is the only institution in this country that has the powers to make laws. We are starting to see a trend where laws are made without the involvement of this House. We make laws here either through the Bills we process or the delegated legislation that we approve in this House. We want that to go on. We do not want to see a scenario where laws are made through directives by Cabinet Secretaries (CSs) or by those in authority. The House must rise to the occasion and protect the integrity of Parliament by ensuring that all laws that are not made by this House are declared null and void.

Allow me to also convey a message of condolence to the family of Kelvin Kiptum, who was a great athlete in this country. While we were away, my good neighbour and senior brother, Sen. (Dr.) Khalwale, lost his long serving employee, Mr. Kizito Moi. On behalf of Senators and being a neighbour, I also say *pole* to Sen. (Dr.) Khalwale for losing his long serving employee.

Thank you and I support.

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

**Sen. Orwoba:** Thank you, Mr. Speaker, Sir, for this opportunity to wish my fellow colleagues a Happy New Year. I also congratulate the women Senators for standing up with Kenyan women by dressing in black today. As you know, we have been talking about femicide. In this Session, I am looking to seeing the SBC prioritise laws, Bills and matters that touch on women and femicide.

I would also like to convey my condolences to the family and friends of the late Charles Ouda. We do not celebrate the creative industry enough. One of the things we should do in this Session is to remember that we have artists who are struggling to earn a

living while entertaining us. It is time we legislated and had policies around how we send off our artists.

I would like to convey my condolences to the family and friends of Charles Ouda. As we mourn with them, I would like to invite all the Senators to the wake we have for the late Charles Ouda, which is planned for Thursday. He was in one of my musical theatre shows. Before I became a Senator, I was in the creative industry. Therefore, that is a space that I hold dearly.

On the issue of Kisii County, we all agree that devolution must work in all the 47 counties. The purpose of the county assemblies is to play oversight. Suppose Members of the County Assembly (MCAs) of Kisii County interrogate and find a reason to impeach any person, whether the governor or his deputy, it is their right and duty. We hope that the Senate Committee on Devolution and Intergovernmental Relations will intervene.

I look forward to knowing issues surrounding the deputy governor. Let no one tell the MCAs that it is not their duty or right. They must interrogate the matter and oversight the County Executive. If they find that the deputy governor has done something contrary to the Constitution and should be impeached, that is their duty.

I come from Kisii County. We would like to see the county working. We would like to have development and have the governor and his deputy work with all the elected leaders, including the MCAs, who are doing their work of oversight of the county government.

Thank you, Mr. Speaker, Sir, for this opportunity. I wish hon. Members a fruitful Session.

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

**Sen. Mumma:** Thank you, Mr. Speaker, Sir, for this opportunity to contribute to this Motion, which I support. Members of the Senate Business Committee (SBC) have done well and I encourage them to continue doing so.

Before I do so, Mr. Speaker, Sir, first, allow me to condole with the family of Kelvin Kiptum. That is a loss to the entire nation and not just the families. I hope that as a country, we will show our appreciation by according the late Kiptum a state send-off.

As the SBC convenes, I would like to suggest three things. In line with the mandate of the Senate, the SBC should prioritize Bills aiming to strengthen devolution. We have confusion in areas that have not gelled in the past 13 years of devolution. This House has the primary mandate to ensure that we work on those laws.

We need to pass laws, for instance, to strengthen the relationship between governors and their deputies. In addition, we need to have laws that strengthen intergovernmental relations, to ensure better operations between the national and county governments and across county governments. We also need to strengthen regional economic blocs and pass many other laws. This House will be assessed on how well it delivers on its functions according to Article 96 of the Constitution.

I urge the SBC to deliberately look at what we have as business and encourage us to do what will better devolution. This House and the National Assembly should reimagine the best way to pass laws without having them stopped in courts.

In the last Session, there were a few Bills, which came here. Since they had been passed in the National Assembly, we hurried to pass them as they were with unconstitutional provisions because someone was in a hurry to have them pass.

As Members of both Houses, we must reimagine a technical consultative process to ensure that, for instance, if the majority side is in a hurry to pass a law, we should consider having technical consultations before a Bill is tabled.

Suppose we plan to pass a Bill as was passed in the National Assembly, the technical people will have made an input to ensure that devolution and the spirit of the Constitution has been protected. We normally have mediation committees. We can have a consultative technical committee to ensure we pass laws faster.

Finally, the SBC should work for the entire Senate. We have three functions; representation, oversight, and legislation. We oversight as the entire House of 67 Senators. The SBC should ensure that matters of oversight by Senators are not discriminatory against nominated Senators. When they meet, I hope the issue of oversight will be looked at to acknowledge that nominated Senators are equal and engage in oversight like other Senators. The SBC should treat all Members equally.

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

**Sen. Wafula:** Asante, Bw. Spika, kwa nafasi hii. Kwanza, ningependa kuwasabahi Maseneta wenzangu. Pili, namshukuru Mungu kwa kutuwezesha kuvuka mwaka. Natumahi kwamba mwaka huu utakuwa wa ufanisi. Langu ni kuhimiza Seneti na kuomba kwamba mwaka huu uwe wa mabadiliko katika utunzi wetu wa sheria.

Wakulima humu nchini wanatarajia Seneti kupitisha Miswada na Sheria ambazo zitawawezesha kunufaika kutokana na jasho lao. Vile vile, walimu katika nchi ya Kenya wanatazamia Seneti kusimama nao na kuhakikisha kwamba mfumo wa elimu na masilahi yao pamoja na wanafunzi yanapewa kipaumbele.

Mwaka uliopita tulikuwa na mchakato ungedhani ni mashine ya kusaga unga na wengi wa Maseneta walikuwa wanapiga tingatinga. Naomba tubadilishe mfumo ili Wakenya wanufaike na sheria na chochote tunachofanya hapa Seneti.

Changamoto za manaibu wa magavana ni donda sugu katika kaunti za Trans Nzoia, Kisii na maeneo mengi humu nchini. Lazima Seneti itunge sheria kuhakikisha kwamba gavana na naibu wake ni kama chanda na pete. Iwapo mtu atachoka na naibu wake, wote wanafaa kufunga virago na kwenda nyumbani. Haiwezekani mmoja akishapata mamlaka, anamgeuka mwenziwe kwa sababu ameona kitita cha fedha.

Naomba Seneti isimame, itambulike na ionekane kwamba italinda na kuhakikisha kwamba ugatuzi unatambulika kote nchini.

Mwisho, mimi kama kijana kiongozi chipukizi, ni kuomba Seneti isimamame na vijana wa nchi ya Kenya.

*(Applause)*

Kanuni na sheria tunazotunga na nafasi za kazi zinazotolewa katika nchi ya Kenya, lazima vijana wapewe kipaumbele kwa sababu hao ndio uti wa mgongo wa Serikali na siku zijazo.

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Nawatakia mwaka mpya wenye mafanikio. Asante sana Bw. Spika.

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

**Sen. Dullo:** Thank you, Mr. Speaker, Sir. I wish to join my colleagues to welcome back Members to this House.

I stand here to oppose this list, simply because Jubilee being the third largest political party has been locked out in many committees. I think that will be a debate for another day.

*(Sen. Sifuna consulted with the Speaker)*

I wish you could listen to me. Sen. Sifuna, why are you disrupting the Speaker and I wanted him to hear a very serious point I was raising?

Mr. Speaker, Sir, I am opposing this list simply because Jubilee is not represented. We are going to bring a Motion to this House to discuss matters of Jubilee.

Secondly, now that we have been given oversight funding, I remember in 2013 we had an Implementation Committee in this House. Unfortunately, it was removed. Now that we have the oversight funding, we must be able to come up with a committee that is going to look at issues of oversight.

Mr. Speaker, Sir, for some of us who have gone to the ground, there are so many challenges to the Senators; incitement and politicizing the issues of oversight.

Additionally, you will see that some of the governors we write to are refusing give information. Therefore, we must have a body that is going to look at issues of oversight in this Senate. Consequently, we are supposed to do a report after oversight. How we are going to deal with those reports are matters this Senate needs to discuss and come up with a solution.

I thank you.

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

**Sen. Miraj:** Asante Bw. Spika kwa kunipa fursa hii ili niweze kuunga mkono kamati ambayo imeundwa kusimamia mipango ya Bunge hili.

Pili Bw. Spika, ningependa pia kutuma salamu zangu za rambirambi kwa familia ya kijana ambaye siye wa Bonde la Ufa pekee, bali aliweza kupeperusha bendera ya Taifa letu la Kenya. Kwa sababu ni kijana wa miaka 24, ningefurahi zaidi kama ningeaona kwamba bendera ya Kenya, leo hii inapeperushwa nusu mlingoti kwa heshima yake.

Seneta mwenzangu Sen. Dullo amejadilia maswala ya kubuniwa kwa kamati ya kuangalia *implementation* ya yale ambayo tunayapitisha katika ripoti zetu. Mwaka ulipopinduka, niliweza kumpigia simu Katibu wa Bunge hili Bw. Nyegenye na nikaomba kuweza kuonyeshwa njia ya mimi kuleta Mswada ili Kamati hiyo iweze kubuniwa tena. Hii ni kwa sababu niliarifiwa kwamba katika Bunge la Pili la 2013, Kamati kama hiyo ilikuwepo na mwenyekiti wake alikuwa Sen. James Orenge ambaye leo hii ni gavana.

Miongoni mwa sababu zangu za kuomba Bunge hili liweze kurejesha kamati kama hiyo ni kwa sababu ya ripoti kama ile ya Buxton Estate. Tulifanya mapendekezo yeweze kuregesha wale waliokuwa wakaazi wa eneo lile. Kwa sababu sheria imetufunga mkono, hatuwezi kufuatilia zaidi ya mapendekezo ambayo tumetoa.

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Kwa hivyo, ningependa sana utakapokuja Mswada kama ule, muweze kuniunga mkono ili tuweze kuunda kamati ya kufuatilia zile ripoti ambazo tunaziandika katika Bunge hili.

Jambo la tatu, Bw. Spika, ukiweza kuangalia Bunge hili, utaona karibu kina mama sote tumevaa nguo nyeusi. Tumevaa hizi nguo nyeusi tukishiria kusimama na yale mashirika yasiyo ya kiserikali ambayo yamekuwa yakipiga kelele kuhusiana na wale watoto wa kike ambao wameuliwa kiholela holela kwa sababu ni wanawake.

Kauli yangu mbiu ni kwa vijana na wazee, kuwambia kwamba sisi wanawake kweli tuna mapungufu yetu kama wananadamu, lakini mtoto wa kike hapigwi hata kuuwawa. Ukitaka kupiga mtoto wa kike, nunua kanga umupige na upande wa ganga.

Bw. Spika, inawezekana kweli kuna makosa ya hapa na pale lakini haimaanishi uweze kuangamiza na kumaliza maisha ya mtoto wa kike. Kwa hivyo, ningependa ndungu zangu Maseneta wa kiume, muweze kusimama na sisi. Hii ni kwa sababu ukifuga nyoka, leo atauwa mtoto wa kike na kesho atakuja pia atauwa mtoto wa kiume.

Kwa hayo mengi Bw. Spika, asante na niwatakie heri na fanaka za mwaka huu 2024. Ninawashukuru pia wale vigogo walionitangulia kwa kuweza kunishika mkono hadi kupendekeza Miswada mitatu, ambayo moja wao uko katika Kusomwa mara ya pili.

Mswada wa kumsimamia mtoto wa kike arudi shule utaondosha nchi yetu katika umasikini. Hii ni kwa sababu itampa fursa yule mtoto ambaye ametelekezwa katika masomo yake kupata fursa ya pili kuondosha uchochole katika jamii yake.

Kwa hivyo, nawaomba muweze kupitisha Mswada wa The Care and Protection of Child Parents Bill, 2023.

Asanteni sana na Mwenyezi Mungu awabariki.

**The Speaker** (Hon. Kingi): Proceed, Sen. (Dr.) Oburu.

**Sen. (Dr.) Oburu:** Thank you, Mr. Speaker, Sir. I would like to take this opportunity to wish you and your family a very prosperous new year.

I would also like to do the same to my fellow Members of the Senate. I wish them a very prosperous new year.

We are today approving the list of the Senate Business Committee as we start the Senate Session. I just want us to reflect a little on some of the things which transpired and which I personally would not like to see again.

In the last Session, we passed several Bills. Some of them were signed into law and you have said some of them are stuck in the National Assembly. There were also so many Motions passed and there were many Questions answered. I really appreciate the amount of work which was done by this Senate.

I was a Member of the East African Legislative Assembly (EALA) and we did not do as much work as we do here in the Senate. There, we had a different type of system and we did work which was completely different but it was not as much as what I have experienced here in the Senate.

Mr. Speaker, Sir, there is one issue which I would not like to see repeated. Hon. Sen. (Dr.) Khalwale was speaking about the governors trying to teach us what to do or even to ask us to support them in some issues. It is our responsibility to support the county governments, protect them and that includes propelling their issues.

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When it comes to allocation of revenue, I would have thought that Members of the Senate would be the first to support proposals particularly from the Commission on Revenue Allocation (CRA) based on the rationale which was given to us here. However, we opposed it and I do not want the debate to open again. I hope that we shall not continue with the same trend of not supporting the county governments.

Mr. Speaker, Sir, I also saw something which happened last time which I would not like to see repeated. There was a situation where a Chairman of a Committee - I do not want to say which Committee - came here in the morning, presented to us a detailed report of a committee which they had worked on for more than three months.

We stood up and contributed and supported the Chairman, and then in the afternoon, the same Chairman comes here and withdraws the same report, which was not his report. It was a report of a committee. Perhaps we shall improve and we shall not see such a situation again.

Otherwise, I support the Membership of the Committee which has been proposed here and I wish everybody very successful deliberations in this new Session.

Thank you.

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

**Sen. Kinyua:** Asante Bw. Spika kwa kunipa fursa hii. Kwanza, naungana na wenzangu kutuma risala zangu za rambirambi kwa familia ya mwanariadha Kelvin Kiptum ambaye aliaga dunia.

Naunga mkono Mswada huu wa Kamati ya Shughuli katika Bunge kwa sababu hawa Maseneta ni wale tu ambao walikuwa kwa hii Kamati wakati ule mwingine. Kwa hivyo, ni watu ambao wako na ujuzi kwa mambo ya hii kamati.

Bw. Spika, nimemsikiza Sen. Mungatana akisema ya kwamba ni vizuri tuwe na kamati ambayo itakuwa ikitekeleza mapendekezo ambayo yameletwa na kamati zingine. Naona hilo ni jambo nzuri kwa sababu mapendekezo yanayoletwa na kamati, na siyo kamati tu lakini hata na Bunge hili, yanabaki kuwa tu ni mapendekezo ambayo hayashughulikiwi. Kwa hiyo nakubaliana na yeye.

Kwa sababu wakati huu tumeanza vizuri, pengine itakuwa jambo nzuri likishughulikiwa. Itaonekana kuwa katika Seneti sio tu mapendekezo tunafanya bali vilevile tunayatekeleza yale mapendekezo.

Bw. Spika, vilevile nachukua fursa hii kuwatakia maseneta wote pamoja na watu wa Laikipia mwaka mpya wenye mafanikio. Naungana na Maseneta kukutakia pia wewe, Bw. Spika, mwaka mpya ulio na mafanikio.

Nashukuru.

**Sen. Sifuna:** Thank you, Mr. Speaker, Sir. Allow me to wish my colleagues a happy new year. It is good to see all of you, including you, Mr. Speaker, Sir. It is quite telling that this is one of a few committees where there is very little contestation. I do not see as much interest from Members to be part of this Committee as others.

I was just asking my colleagues who have served with me on that Committee in the previous Session, it could be because this is one of those Committees in this House that does not have the usual trappings, and perks of other committees. There are no trips

for the Senate Business Committee (SBC). In fact, there are no perks that I am aware of. This is one of those committees that cannot be adjourned for lack of quorum.

If you are a Member of this Committee, you must show up for meetings of this Committee. I suspect that is why the interest is not as high as the impending committee on impeachment of the deputy governor of Kisii County that I have heard about here.

Mr. Speaker, Sir, it has been the privilege of my short life in this House to serve in the SBC. I know what awaits us in terms of scheduling business for this house. We have struggled with the many requests we got from Members when it came to, for instance, Question Time with Cabinet Secretaries. I know now that the minority side also fully participates on this issue of questioning Cabinet Secretaries before this House, there is going to be an overwhelming number of requests for Questions to put to Cabinet Secretaries.

I can only hope that this House, through its leadership, can communicate to the Cabinet Secretaries that we would expect full cooperation from them for us to be able to execute the business of the House.

Mr. Speaker, Sir, I may be the only one, but every time you flip a calendar, the expectation is that you will turn a new leaf in your life. My expectation during this Session is to see the best side of my colleagues here. However, some of the comments that have already been made here have dampened my spirit and my expectation; that some of my colleagues returned here being the very same people we said goodbye to in December.

Through the sort of debate that we are going to have here, I was hoping to see a change. That, we are new people and would give opportunity to new ideas and new thoughts. That, we will listen to each other better and not use this opportunity to rile up each other.

If, for instance, there is a critical matter such as a matter that was involving both sides of the political divide as a bipartisan report, some of the comments that I have had from my colleagues leave me very wary of what we can expect in this Session.

I know the Senate Majority Leader must have been as offended as I have been by some of the comments directed at a committee that he served very ably and was able to midwife a child under very difficult political circumstances.

Mr. Speaker, Sir, also last year we had cautioned that as a House, we should not be pre-empting our own business so that people should not be anticipating debate and making comments that lend themselves to some of the attacks we have received as a House; that, matters come here when there is already a predetermined outcome.

It has broken my heart for people to speak about business that might come before this House in a manner that suggests that decisions have already been reached even before we are seized of those matters. It is quite heart-breaking that indeed some people turn the calendars in their houses, but they never turn a new leaf in their own lives and in their own conduct as elected leaders.

Mr. Speaker, Sir, I want to reiterate my commitment as a proposed Member of this Committee, that, in fact, if approved by this House, I will dedicate my time as required to be able to conduct the business of the SBC. Ordinarily, we should not speak

on some of the things because the proposed members have not got a chance to speak. We make other sacrifices to be Members of the SBC.

You have seen in other instances where Members argue that so and so is a member of four committees or has too many committees and they start with the SBC as if it is a regular Committee. Then you hear people saying, that Sifuna must now leave the Energy Committee and concentrate fully on the SBC, with all its lack of perks that I have described here.

Mr. Speaker, Sir, I believe that my colleagues who have served in that Committee in the previous session have given their best in the service of this House. I am sure that their commitment is unwavering for us to be able to deliver the mandate of this House.

Lastly, yesterday I was at a burial and the preacher who gave the preaching there said something profound to me; that life at its best is very short. I could not believe when I heard the news about Kelvin Kiptum that just when his career was taking off, just when he was becoming a global brand, just when everything looked up for him, we lost that young man in the most tragic of circumstances.

I take this opportunity on my own behalf, on behalf of my family and on behalf of the ODM party for which I am the Secretary-General, to condole with the family of Kelvin Kiptum. We pray that God rests his soul in eternal peace.

I thank you.

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

**Sen. Munyi Mundigi:** Asante Bw. Spika. Naunga mkono wale waliochaguliwa kutuongoza. Pia nawashukuru kwa ile kazi walioifanya mwaka jana. Kama walifanya *percentage* kidogo, tunajua mwaka huu wataongeza na tutafanya kazi pamoja nao.

Pili, naunga mkono Spika wetu, Maseneta wote na pia Clerk pamoja na wafanyakazi wake kwa ile kazi mlilioifanya mwaka jana. Ninahakika kuwa mwaka huu tutafanya kazi pamoja ili tuweze kubadilisha nchi yetu ya Kenya.

Tunajua kama Maseneta huwa tunazungumza juu ya *devolution*. Zile pesa tulizopatia magavana mwaka jana, wakati tulienda mashinani tuligundua kwamba ni kama kulikuwa na shida nyingi sana. Mwaka huu, ningependa tuweze kuangalia vile Kaunti nyingi zitaongezewa pesa za elimu, afya, ukulima na idara zingine.

Pili, tumeskia ya kwamba kuna naibu gavana ambaye ametimuliwa. Hii ni kama mwaka jana tuliposikia kwamba naibu gavana wa Kaunti ya Kisumu ametimuliwa. Ningependa ya kwamba, wale watu ambao wataenda kuangalia haya mambo, wayaangalie kwa njia inayofaa. Hii ni kwa sababu, tunajua ya kwamba ni gavana ndiye ambaye anashughulika na mambo ya pesa, itakuwaje naibu wake ndiye anatimuliwa.

Mwisho ni kuhusu pombe na dawa za kulevya. Watu wengi katika nchi hii wamechukua maisha yao. Vijana wetu wamepotea na kazi yao ni kukunywa pombe na kutumia madawa za kulevya. Hii ndio maana nchi yetu inaendelea kuzorota.

Ningependa kuwakumbusha kuwa, wiki jana kule Kirinyaga, vijana wetu na akina mama walifariki kwa ajili ya pombe haramu. Kwa hivyo, Seneti ikipitisha pesa mwaka huu, ningependa tuweze kutenga pesa kwa kila Kaunti kwa ajili ya kuelimisha hao watu.

Asante sana. Ninaunga mkono.

Mimi ni Seneta wa Embu Kaunti, naibu wa mwenyekiti wa Democratic Party.

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**The Speaker** (Hon. Kingi): Hon. Senators, kindly, avoid commenting on the matter touching on the impeachment of the deputy governor. This is because doing so is anticipating debate.

Sen. Oketch Gicheru, you may have the Floor.

**Sen. Oketch Gicheru:** Thank you, Mr. Speaker, Sir and happy new year to you and all the Members of the House.

Mine is a very short comment. I want my brother and leader, Sen. Sifuna not to worry about a few voices that might not have appreciated the work that this Committee did in the First Session.

Indeed, Martin Luther King said, if you are a street sweeper, just sweep the street so well that even if there is no one to acknowledge you on earth, the angels in heaven will see the nice work you have done and they will appreciate you.

I want to state categorically, the individuals who were in this particular Committee in the First Session did an amazing job. I believe that my experience in the First Session in the House was by large, because of this Committee. The work that this Committee did in the First Session, including the individuals who are still there, including Sen. Sifuna, was amazing. I think that you will do better this year. It does not mean that the last Session was bad.

I urge that primarily, the pride of our labour in this House is in making laws. I think when you leave this House or you are much older and bent double, you will remember that, indeed, you passed laws. That is the biggest legacy.

I know that last year, the Committee tried to adjust the time for Statements. This was so that we give more room to passing Bills. This year, I wish you the courage to even find some more adventurous way to ensure that we deliberate on more Bills. From what the Speaker talked about, it seems that there is a bulk of Bills that have not been addressed in the House. That is the only gap that I am seeing.

Mr. Speaker, Sir, I support the membership of this Committee. It has very serious and capable leaders in the House starting with Sen. Ali Roba, the Chairperson of the Finance and Budget Committee and my dear sister, Sen. Tabitha Mutinda, who is also the Vice-Chairperson in the Committee of Finance and Budget. I had a very amazing time working with them in those Committees. They have done a great job.

We have always seen the wisdom of Sen. Wakili Sigei when he takes that Chair as a Temporary Speaker when you are not there. Mr. Speaker, Sir, I can talk about all these different amazing individuals. We wish you well this year.

Mr. Speaker, Sir, lastly, I take my humble time to pass my deepest condolences and share in the pain of the loss of one Kelvin Kiptum. I cannot start talking about how sad I feel about this loss. This is because, some of us young people were being motivated by seeing how much commitment and hard work our athletes put in, in this country.

I remember when Eliud Kipchoge was attempting to do a sub-two, that entire day, we, the young people, camped at the Kenya International Convention Centre (KICC) to witness this great man making history. One of my biggest delights for this year was to see someone doing it in official time. We were hoping that Kelvin would bring this home to

the country. Therefore, it is a very painful experience that I cannot explain, not only in the Deoxyribonucleic acid (DNA) of the nation, but also to the family.

Mr. Speaker, Sir, in the same weight, I do not want us to forget to take this humble opportunity to also say sorry to the family of his Coach, Mr. Hakizimana. He was a Rwandese who dedicated his time and rose to the elite coaching levels in the athletic world just recently. This House cannot forget him because, indeed, he was the biggest partner to Kelvin. He also gave so much to this country.

I take this opportunity as a Senator in Kenya, to also pass our deepest condolences and share in the pain of his family in Rwanda, as well as the Rwandese Athletic Federation for that big loss. I hope that as a country, we will stand with both of them together because it is on their shoulders that this country pride in the kind of fame that they have given us.

Mr. Speaker, Sir, I look forward to this Session. I hope that we will give the country the best with the little time that we might have in this House this year.

Thank you.

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

**Sen. Abass:** Thank you, Mr. Speaker, Sir. First and foremost, I thank God for allowing us to come back here. I can see many bright faces here. We are all safe and sound.

Two, this House has a responsibility to oversee devolution. If there is no devolution, I think the Senate will not be there. As it is, and as the Chairman of the Devolution and Intergovernmental Relations Committee has said, devolution is actually under threat for mainly two issues: One, there is run-away corruption within the counties. For sure, if we just keep our eyes closed, then I think devolution will not work to achieve its objectives.

Therefore, now that the Senate has received the oversight funds, at least the first trunk has been received, I ask my colleagues that this time, we need to enhance the oversight. I suggest that we form what we call a regional approach. This is where Senators from certain regions can collaborate with the little money they have and work as a team. With that, we can deliver better results than running around individually. Otherwise, we will not be able to save devolution.

Two, devolution is actually under threat because funds are not being released on time. As we talk now, the last time governors received money to the counties was either in October or September last year. There is a lot of backlog in payments. The staff are paid from banks and as you are aware, the interest rate for banks has now increased. Therefore, the counties are facing many challenges despite the corruption going on. Of course, the delay is causing unnecessary suffering for the counties to deliver.

Mr. Speaker, Sir, secondly, the Chairperson of the Committee on Finance and Budget is here. Up to now, the additional funds have not been released. This House must take this seriously. We need to release those funds, so that counties can work and deliver.

We are now in the Third Session and are remaining with three years. We need to pull up our socks and work the extra mile in order to deliver and strengthen devolution.

There are many pending Bills that we need to follow up on, so that the people who provide goods and offer services to counties receive their money. Many businessmen are going out of business because they have not been paid their money on time. Some have not been paid for the last 10 years and have gone out of business. Therefore, in this Session, we should take this seriously so that Kenyans are paid because they work hard for their money. They are businessmen and are being accused.

Mr. Speaker, Sir, in the last two sessions, we have had a lot of pending business in this House. Almost 52 or 50 Bills have not been passed. I may not know exactly how many they are. The problem is that there are many Statements.

I suggest that the Senate Business Committee (SBC) should prioritize Bills this time.

*(Sen. Cheruiyot consulted loudly)*

Mr. Speaker, Sir, protect us from the Senate Majority Leader. He is interrupting my time---

**The Speaker** (Hon. Kingi): Senate Majority Leader, kindly consult in low tones and allow Sen. Abass to conclude.

*(Sen. Cheruiyot resumed his seat)*

**Sen. Abass:** *Mimi ni mtu ya Military*, I will finish. Mr. Speaker, Sir, as I was saying before, much of our time is consumed by Statements. You find 20 Statements being made, yet most are inter-related. I, therefore, request the SBC to take this matter seriously and limit them. This time round, we must commit our Bills.

With those few remarks, I support.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Sen. Cheptumo.

**Sen. Cheptumo:** Thank you, Mr. Speaker, Sir. I rise to support this Motion. Standing Order No. 194 is clear on the responsibilities of the SBC. It is, therefore, true that this Committee is critical in performance of the functions of this House and I thank this Membership. This is because during the Second Session, they did a very commendable job. I believe that as we proceed in this Session, they will continue to do exactly what they did in the previous sessions.

I have two issues that I urge the Committee to consider. There has been debate on whether we should have a Committee on Implementation. Mr. Speaker, Sir, you will remember when we served with you in the National Assembly, we had a Committee on Implementation to ensure that the resolutions of the House are implemented by the Government.

In this Senate, there has been a discussion on whether we should have one. I, therefore, strongly recommend to the SBC to consider amending our Standing Orders, so that we have a Committee on Implementation.

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Mr. Speaker, Sir, the Senate should not act in vain. We should ensure that whatever we pass here in terms of resolutions is acted upon by the relevant State agencies.

The other issue is on regional and economic blocs, which in my view, play a critical role in ensuring that counties cooperate together and share in their growth economically. They also enhance opportunities for employment.

From where I sit, they lack a legal framework to ensure they work well. It is important in this Session - and this goes to the Chairperson of the Committee on Devolution and Intergovernmental Relations although he has left - to ensure that these economic blocs work by establishing a legal framework that will give them the legal capacity to proceed.

This House should look at some of the critical issues that affect counties. Issues of insecurity, cattle rustling, banditry, expansion and so on affect seven counties in the country. Today, there is no peace enjoyed by the populations of Baringo, Elgeyo/Marakwet, Turkana, West Pokot, Isiolo, Marsabit and others.

Mr. Speaker, Sir, I will be moving a Motion and I hope the SBC will approve, so that the House discusses this issue extensively. This will make our people live in peace. I also wish this team well as it begins this Session.

Finally, allow me to join my colleagues in expressing my condolences to the family of Kelvin Kiptum for his unfortunate demise. We say sorry to his family and the country.

I thank you.

**The Speaker** (Hon. Kingi): Sen. Kisang.

**Sen. Kisang:** Thank you, Mr. Speaker, Sir. I rise to support the Motion on the nomination of Members to serve in the SBC. These are continuing Members because they served in the First Session and the Second Session. Basically the Senate will not need to spend resources on capacity building and training because they already have experience and have been trained.

I wanted to speak so as to convey my condolences to the family of Kelvin Kiptum on behalf of the great people of Elgeyo-Marakwet County and my family. He was from Chepsamo Village, Chepkorio Location, Elgeyo-Marakwet County. Kelvin was a young, promising man. Last year, he ran the Chicago Marathon in two hours and 35 seconds. Therefore, we thought that this year he would run under two hours. However, it is unfortunate that he passed on Sunday night through a road accident.

As the Senator, I convey our condolences to his family, relatives, the great people of Elgeyo-Marakwet County and Kenyans at large, as well as the family of his coach in Rwanda and Kenya. This young man was going to go very far. He ran his first race in 2018 in borrowed shoes. He was going to be a great man.

This has happened and we do not have a choice. Ours is to accept that it was God's will at this time. He was a young family and I urge the Government of Kenya Kwanza to give him a State burial. I also thank the Cabinet Secretary for Youth Affairs, Creative Economy and Sports for going to condole with the family.

Mr. Speaker, Sir, I know that tomorrow we will have a Motion on this issue. Therefore, I will not take much time because the SBC wants to meet and set up business for us from tomorrow onwards.

I thank you.

**The Speaker** (Sen. Kingi): Proceed, Sen. Nyamu.

**Sen. Nyamu:** Thank you, Mr. Speaker, Sir. I am very excited to be in the Third Session of the Senate. The recess that we have just had has been one of the most fulfilling for me because I got to interact with the real issues faced by my people in Nairobi City County. I had an opportunity to have Christmas with children in Mathare and widows and young mothers of Korogocho.

Mr Speaker, Sir, at the beginning of the year, my Foundation was privileged to offer full secondary school education scholarships to the needy. That presented me with the glaring inequality in the lack of free secondary education. It is very heart-breaking that even as I speak, some great students who did exemplarily well in school have not yet reported to school. It is because their parents are unable to afford the demands that come with secondary school education, including uniform, tuition fees *et cetera*. Even if all of us here chose to sponsor 20 or 50 students today, it will still be insufficient.

Mr Speaker, Sir, as a country and as a leadership, we have failed students of this country. In this Session, I look forward to this Senate coming up with lasting solutions through Bills and influence of policy, to give every child an opportunity to have an education. Most of us here, if not all, are products of education. We can shelve everything else, but let us have all the children of Kenya educated, no matter their background.

Mr Speaker, Sir, I wish to take this opportunity to join the entire country in mourning the very painful death of Master Kelvin Kiptum, who lost his life in a tragic accident. As the people of Kenya, we have lost part of our story and history because we did not get to experience what he was, as a gift to us. To the family and the entire country, I offer my deepest condolences and those of my family.

I have full confidence in the Members of SBC. They are all very skilled and able Senators. We support you and the work that you have done for us so far. I support another mandate for you.

Thank you.

**The Speaker** (Hon. Kingi): Senate Majority Leader, proceed to reply.

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Mr Speaker, Sir, for this opportunity. I thank my colleagues who have taken time to share their thoughts on this Motion to set up the SBC for the Third Session of this Senate. I thank them for the things that they have raised during the debate. There are many issues from those that are concerned. Many broadly support the team and appreciate the work that our SBC has done.

I have listened to the concerns of Members of the Jubilee Party but, unfortunately, they are not here. I am sure there are better avenues that they can use. The Standing Orders provides for ways that they can address the challenge and the situation they presently find themselves in. By and large, many of our colleagues appreciate the



important role of the SBC, especially in scheduling business and ensuring this House has business to transact.

Mr Speaker, Sir, I also join my colleagues in paying tribute to the departed friend and world record holder, Kelvin Kiptum together with his coach. They unfortunately met their demise two nights ago. As a country, we are in mourning. This young man had a life full of promise. It was a great career ahead of him. Many of us who are fans of athletics were looking forward to the duel between him and Eliud Kipchoge in the Paris Olympics. It is unfortunate that as fate would have it, Kiptum will not be there.

Of course, we need to learn lessons. We have to ask ourselves what we can do. Many of our athletes have departed in this particular way. Some of the world-beaters were lucky to survive. Remember in 2003, Rudisha at the prime of his career also had a similar incident. He ended his career with an injury from which he never recovered. This includes many other young athletes. It points out to a lack of mentorship or something that you could do to these young people who do so much for us as a country, yet we pay them so little. Many times, we remember them when they have passed on like we have seen.

Mr Speaker, Sir, you remember Samuel Wanjiru met his death in almost similar circumstances of an accident that could not be explained. It is unfortunate. Although our country is blessed with abundant talent, there is a lesson in there for us. There is a lot more that we need to do, other than just celebrate, *tweet* and take pictures with our stars when they return from victory. We need to invest in them as well. Kenyans are saying many things and we must learn to listen.

I saw the Cabinet Secretary for Youth Affairs, Creative Economy and Sports visited the home of Kiptum yesterday. We look forward to hearing what we as a country have learned over time because this is not the first athlete we have lost at the peak of their career. Many of them have found themselves in even love triangles, which have ended their lives at a very young age. Fair thee well, Kiptum! We would have wished to have you longer.

I was certain as a fan of athletics that this gentleman was going to do the sub-two in a competitive marathon. I thought that was going to happen in this year's Olympics. It is unfortunate, but such is the fate of man. Many are our plans but unfortunately, not all of them come to pass.

Lastly, I urge my colleagues that we take our work seriously as the Senate. Last week, I had the opportunity to address staff of the Directorate of the Speakers Office and certain very grim statistics were read out to us. I wish I had mentioned this when the House was a bit fuller when we began this Session. This is the first time that the Senate has been adjourned close to ten times for lack of quorum in the last two sessions.

I hope we do not have a repeat of that because there is nobody who came to this House unopposed. All of us competed with somebody who felt that they deserved a better chance to represent the very people that we represent here. Ordinary citizens woke up early, queued, voted and said that they put their trust in Sen. Oketch Gicheru to speak on my behalf in the Senate. It cannot be that the same Sen. Oketch Gicheru cannot find just

three hours on a single afternoon three times a week, to come and speak on behalf of those people. I struggle to understand where people disappeared to.

*(Loud consultations)*

Of course, Sen. Oketch Gicheru is a good example. I must tell the people of Migori County that I have seen many Migori Senators and they are as fine as they come. Sen. Oketch Gicheru, I celebrate you because of your diligence and industry in this House. You are among the very last people every afternoon to leave this House. I wish that many of our colleagues could take you for that and appreciate that this is a rare opportunity and privilege. Thousands others wish to sit in this House and speak on behalf of residents, yet on many afternoons, we find ourselves less than 10 or 15 people in the House.

Mr Speaker, Sir, it is my sincere hope that we take our job a bit more seriously. I hope we shall hold governors to account. Citizens are crying because many counties are in very embarrassing situations. We have discussed the current system of accountability, where the Auditor-General sends a report to a particular committee. A report that we never discuss individually comes and sometimes they are just lumped together and that becomes business as usual. We need to do better. Each of us must look at each other and speak to one another as colleague Senators if there are problems in our counties because of what governors are doing. We should seek help from colleague Senators on behalf of the people in terms of health, Early Childhood Development Education (ECDE) centres, leakage of revenue *et cetera*.

I propose to you colleagues. Just in the same way the national Government is going cashless on revenue collection, we need to push governors to install systems that are cashless. There are many revenue leakage processes in our counties. Money is just being collected in sacks and it is never banked, yet we preside over the same.

My dear brothers and sisters, if there is a year that the Senate of this Republic must hold governors to account if we want to keep devolution alive in this country, then it is 2024. If we do not do it, Kenyans will give up and say we are all children of the same mother. We may call ourselves Senators or Governors, but we are the same. I do not believe that is what is expected of us.

I hope that, as a House, we shall rise to the occasion and ensure that Kenyans enjoy the fruits of devolution as they had hoped in 2010 when they voted for this Constitution.

With those many remarks, Mr. Speaker, Sir, I beg to reply.

**The Speaker** (Hon. Kingi): Hon. Senators, pursuant to Standing Order No.84(1), it is my determination that this matter does not affect counties and, therefore, voting shall be by voice.

I will, therefore, proceed to put the question

*(Question put and agreed to)*

**ADJOURNMENT**

**The Speaker** (Hon. Kingi): Hon. Senators, you may now rise. We have come to the end of our business. There being no other business on the Order Paper, the Senate stands adjourned until tomorrow, Wednesday, 14<sup>th</sup> February, 2024, at 9.30 a.m.

Members of the SBC, let us proceed to Committee Room No. 4 for our meeting.

The Senate rose at 4.23 p.m.