

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 16th June, 2015

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

RETREAT OF THE SENATE WITH THE TRANSITION AUTHORITY

The Speaker (Hon. Ethuro): Hon. Senators, I have a communication to make. You may recall my communication on 28th May, 2015 in which I informed you that the Transition Authority (TA) in collaboration with the Senate had organised a two-day retreat to be held at the Serena Beach Hotel, Mombasa from 18th to 21st June, 2015; the travel dates being 18th and 21st.

Hon. Senators, as I indicated in my earlier communication, the retreat is aimed at sharing experiences on the transition to devolved Government, taking stock of what has been done and how much still remains to be done for the full transition to be realised.

Hon. Senators, some of the areas will be transfer and costing of functions, county umbrella retirement scheme and county capacity assessment of uptake of functions. An elaborate programme to afford Senators an opportunity to critically discuss issues that have impeded the realization of devolution has been prepared. Resource persons are drawn from the Senate and the Transition Authority. The expected output of the retreat is to define the next steps, determine the kind and type of support required to complete the unfinished business and an exit mechanism. I, therefore, urge all of you to find time and attend this crucial meeting to make your contribution on the state of devolution and transition.

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Hon. Senators, please, submit information on your preferred travel time to the Office of the Clerk of the Senate before close of business tomorrow, Wednesday, 17th June, 2015, for ticketing and other logistical arrangements. Additional information on this event may be obtained from the Office of the Clerk.

I thank you.

PETITIONS

UNAUTHORISED USE OF MOROGIK PARCEL LAND NGONG/1959

Sen. Mositet: Thank you, Mr. Speaker, Sir. I present a petition made to the Senate by Members of Morogik Kekonyoike Trust or Morogik Parcel land Ngong/1959.

Citizens of Kenya and Members of Keekonyokie Community Trust wish to draw the attention of the Senate to the following:-

(1) That, Olmorogi Parcel of Land P. No. 21400 Ngong/Ngong was gazetted on 5th March, 1957 via Gazette Notice No. 3818 under Section 12 of the Application Notice.

(2) That, the parcel of land was set aside by the Veterinary Department for the establishment of a Livestock Veterinary Farm and Training Centre to improve livestock farming among the inhabitants of the area.

(3) That, the land is approximately 1,510 acres.

(4) That, over the years, the land has changed purpose from the original and intended purpose;

(5) That, 50 years down the line, the land has not been productive and, thus, the natives have not benefited from the project for which the said parcel of land was intended.

(6) That, the plan and approved use of the said parcel has been changed severally and unprocedurally.

We do hereby confirm that;

(a) efforts have been made to address the matter with the Ministry of Agriculture, Livestock and Fisheries to no avail.

(b) the issues in respect to which the petition is made are not pending before any court of law or any other constitutional or legal body.

Wherefore, your humble petitioners pray that the Senate intervenes with a view to;

(1) Establishing the status of the said land and having all uncommitted land reverted back to the Keekonyokie Community.

(2) Ensuring that any land that was irregularly carved out from the initial parcel of land is reverted back to the community.

(3) Ensuring that all development on the land from the other parties other than the Veterinary Department is stopped.

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(4) Ensuring that no further allocation and adjudication of the land by the Ministry of Agriculture, Livestock and Fisheries and the Ministry of Land, Housing and Urban Development is permitted.

This is dated on 2nd June, 2015. The number of people who have petitioned are 12. Their full addresses and signatures are indicated. This is countersigned and presented to the Senate by myself, Sen. Mositet, the Senator for Kajiado County.

(Sen. Mositet laid the document on the Table)

The Speaker (Hon. Ethuro): The petition will be submitted to the Committee on Lands and Natural Resources.

DETERIORATING SITUATION FOR CANCER TREATMENT
AT THE KNH AND THE COUNTRY AT LARGE

Hon. Senators, I also have a petition to the Senate by David Ndung'u Wanjohi and Gibson K. Muruga concerning the deteriorating situation for cancer treatment at the Kenyatta National Hospital and the country at large.

Hon. Senators, pursuant to Standing Orders No.221(a) and 225(2)(b), I hereby report to the Senate that the petition has been submitted, through the Clerk, by two concerned citizens; namely, David Ndung'u Wanjohi and Gibson K. Muruga concerning the deteriorating situation for cancer treatment at the Kenyatta National Hospital and throughout the country.

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

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

In their petition, the petitioners state;

(1) That, despite cancer being the third leading cause of death in Kenya with an estimated 39,000 new cases of cancer and 27,000 cancer related deaths annually, there is only one public hospital; Kenyatta National Hospital (KNH), which is equipped and staffed to offer cancer treatment in Kenya;

(2) Even then, the radiotherapy machines and a number of specialists at the KNH are too few to handle the patients from across the country seeking treatment at the KNH. This leads to long queues for treatment stretching several years whereby most patients die before they ever receive treatment;

(3) That the cancer treatment facilities available in private hospitals and abroad are too expensive for the ordinary citizens and that it is the poor Kenyans who suffer most from this dire situation.

The petitioners, therefore, pray that the Senate investigates this matter and commences appropriate steps to remedy this situation. Among the measures proposed by the petitioners are;

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(1) Installation of a minimum of 10 radiotherapy machines in Kenya with five going to the KNH and the other five at referral hospitals across the country.

(2) Revocation of the recent appointments to the board of trustees of the National Cancer Institute and competitive recruitment of a new board of the institute to bolster the fight against cancer in the country.

Hon. Senators, pursuant to Standing Order No.226, I shall now allow comments, observations or clarifications related to the petition for not more than 30 minutes.

Sen. (Prof.) Anyang-Nyong'o: Mr. Speaker, Sir, thank you for giving me the opportunity to contribute to this petition. I will be very brief.

It is commendable that the petitioners have seen the importance of having radiotherapy machines or what we call linear accelerators in the treatment of cancer. My submission here, from my experience in the health sector, is that equipment is the second order of things. The first order of things is human resources. We need oncologists, doctors, nurses, medical physicists, cancer nurses and so on. This is because if you have equipment but no people trained to use it, you will not go very far.

My observation is that the Government has given very little attention in terms of setting aside money to train professional medical manpower in our nation. Currently, with the equipping of hospitals through the project that the Government has initiated, very little attention has been given to train human resources.

Finally, private hospitals like Nairobi, Aga Khan, MP Shah and I think now, the Texas Cancer Centre have linear accelerators. It would be good if the Government could have arrangements with the private health sector. This is because that equipment can be run for even 24 hours so that in the hours that the hospitals do not have patients, then patients from Kenyatta National Hospital (KNH) can be treated there. These are the things that we should do in the immediate.

Sen. Murungi: Thank you, Mr. Speaker, Sir. I rise to support this Petition. Fifteen per cent of all the cancer cases coming to KNH are from my county – Meru County. It is not known why Merus are so prone to cancer but I believe there must be a reason. It is not only people from the *miraa* zone. In fact, there is a large part of Meru which does not grow *miraa* but people from those areas also suffer from cancer. I would beg that when the Senate investigates this matter as the petitioners have requested, we could go a little further and look at the causes of cancer especially in Meru County so that preventive measures can be put in place. That could also reduce the traffic and demand for the facilities that are being requested for.

I also note that the kits which were provided to Level 5 hospitals through Governors across the country are for cancer screening and have nothing to do with its treatment. Just like we have boldly taken steps to get rid of HIV/AIDS, enough resources should also be put in place so that after screening, the cancer patients can also be assisted to access treatment at a reasonable cost or for free.

Sen. Obure: Thank you, Mr. Speaker, Sir. I appreciate the efforts of these two Kenyans who brought this matter to the attention of the Senate. Just last weekend, I attended the funeral of an old class mate of mine who has been practicing as a lawyer.

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Listening to the testimony of the family, you would feel touched. You would feel that something was missing and that something ought to be done urgently.

The family talked about the painful experience that they went through in taking care of my old friend during treatment. They talked about the travels they had to make from Kisii to Nairobi in search of facilities such as chemotherapy; the long hours that they had to endure in Nairobi waiting to receive services and how the family had been financially exhausted and left desperate and despondent.

Cancer is among the emerging diseases and there is need to have a mechanism to detect it in the early stages in order to save lives. They are talking about the conditions at KNH. Some of us have been there and we know the conditions need to be improved. However, those facilities do not need to be just at KNH. We need to spread them around to the former provincial hospitals or Level 5 hospitals so that these facilities are available in those areas. Certainly, I agree with Sen. Murungi that we need to identify more funding to deal with this menace of cancer.

Sen. Ndiema: Thank you, Mr. Speaker, Sir. I support this Petition because it is really disheartening to know that people who are ailing from this disease are not receiving the attention that they need, which is especially found in the national referral hospital. It is not only for cancer cases but even other ailments. In some of these hospitals, there is a waiting list and sometimes a patient is given the first appointment one year later. Remember we are told that cancer should be treated early enough. It then becomes too late to treat it by the time the first appointment comes and we are losing so many Kenyans because of that.

The referral hospitals in counties even lack many equipment and personnel. It is high time that a quality control inspectorate is established for health facilities in the country to ensure that certain standards are met.

Mr. Speaker, Sir, I am getting a lot of complaints in my county because there are no nurses in the dispensaries and health centres. For example, in Kachibora, and Endebbes, there are no adequate personnel. There are facilities which should be closed because there are no nurses. Patients are going there and being turned away because they are not being attended to. I think the most important thing is to invest in training doctors. There are so many qualified Kenyans living Form Four with very high qualifications. Why can we not open up training?

The Government should fund the training of experts including oncologists so that when others leave and get greener pastures elsewhere, we have adequate personnel for this country. We should study what is happening in countries like India. We are spending a lot of money in foreign currency sending our people to India and yet we can save that money and create employment for our youth in this country as doctors and nurses.

Sen. Omondi: Thank you, Mr. Speaker, Sir. I support the Petition because I am very passionate about the cancer menace. This is because when you look at the causes of disability, cancer is one of them. We are losing many people through cancer. We are also getting an increased number of persons with disabilities with amputated arms or limbs

because of delay in screening and early identification of the signs for prevention. As the saying goes, prevention is better than cure.

I support this Petition because it is going to reduce the cancer related signs through early accessible screening services that will lead to early identification and early prevention. It is very painful that as a country, we have handled these cases carelessly without any passion and at the end of the day, we incur a lot of expenses. Kenyans who cannot afford to pay for these services lose their lives or lead miserable lives after their body parts have been amputated. We do not have proper structures to transit a person after an incident like that has occurred because this is like an accident. There are no proper structures of transition to prepare this person to lead a positive life after being disabled.

We should have proper structures and passion because these facilities are for the benefit of all of us since nobody knows the time and the hour. With that, I want to say that as a person representing people with disabilities, I want to take it positively because this is a concern for everybody and it affects everybody. Once you are affected, you cannot reverse your state. Once you lose one part of your body, if you are not dead, then you have a permanent disability that will hinder you from being as productive as you were before you became disabled.

I support.

Sen. (Dr.) Zani: Thank you, Mr. Speaker, Sir. Cancer has become a number one killer. I support this Petition, but specifically to look at the inconsistencies in diagnosis. There are many cases of people who have assumed to have been cured, but when they go to other countries like India, they are actually discovered with advanced states of cancer. We should investigate and find out whether the problem is on the part of the human resources or the part of the machines that we are using. When cancer is detected early enough, it leads to a quick cure.

Thank you.

Sen. Nabwala: Mr. Speaker, Sir, I support the Petition. Cancer is one of those painful diseases that kill our people. Every day, we live with our families who are suffering from cancer and sometimes it is difficult for these people to access treatment because they do not have the finances. We know that the top hospitals which are well equipped are very expensive for people to afford. It is important that the national Government invests in the cancer centre at the Kenyatta National Hospital.

We do not have enough human resource to man the machines in most of our hospitals. For instance, there is medical equipment which has been leased to the counties. We should train the technicians who are going to man these machines so that when people go for treatment, they are attended to immediately. I think it is better to prevent the disease through early diagnosis than let the patient go through that difficult time and lose the patient because he or she is not given treatment on time.

I support the Petition.

Sen. Mositet: Mr. Speaker, Sir, let me also congratulate the petitioners for having seen the reason to bring this Petition to the Senate. Almost everybody must have been

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affected by cancer in one way or another. The House will agree with me that if there is a disease which is making our people very poor, it is cancer. You will find people who have been very able financially but the moment one of their family members becomes sick, he or she drains the wealth of the family and eventually leaves behind huge bills leading to harambees as communities.

Last Saturday, I attended three harambees for cancer patients in my own county. It is really painful when you look at those patients. I hope that the committee will try as much as possible to address and even go into the counties where the rate of these cases is high.

I support.

Sen. Okong'o: Mr. Speaker, Sir, as I support this Petition, my appeal would be to the county governments not to do the same things they are doing at the moment. It would be prudent that those who have not appended their signatures to the agreement to lease those medical equipment, they should also procure theirs and then we shall compare. The Senate is capable of assessing prudence in procurement.

I support.

Sen. (Prof.) Lesan: Mr. Speaker, Sir, I also rise to support the petition because of the very serious implications that it has on the population. There are two levels which we would want this Petition to address and come out with some resolutions or the way forward. We expect that this country will assist its civilians by making sure that the precursors of cancer do not come in to our environment. We know that some of the precursors affecting the population come in through the food chain. This is as a result of sub-standard fertilisers perhaps coming from some of the nuclear states that, probably, do not have systems that can control nuclear material.

There is also a whole lot of synthetic material that comes in to the country and eventually ends up into the environment such as asenlix. There are large amounts of heavy metals such as mercury that are used either in industry or the medical sector. All these are precursors to cancer. They should never be allowed to come into the environment of a country.

Mr. Speaker, Sir, self-assessment of every individual should aid in minimising of the level of cancer in this country. We are aware that breast cancer, cervical cancer and prostate cancer, for example, could be diagnosed fairly early by individuals through self-examination. This should be encouraged so that we can detect cancer cases early and attempt to do some treatment. We know that treatment is expensive. However, we are glad that this country is responding by bringing in appropriate equipment that can be used for cancer treatment.

Therefore, Mr. Speaker, Sir, I support this petition in an effort to eliminate the cancer disaster in the country.

Sen. Obure: On a point of order, Mr. Speaker, Sir. I know that you are about to give some direction on this. However, I recall that in the Tenth Parliament, the then Committee on Health showed a lot of concern. It drew up a Bill regarding the

management of cancer. The Bill was discussed and passed through all the stages. I wanted to know if we could understand why that Bill has not been operationalised.

The Speaker (Hon. Ethuro): Hon. Senators, pursuant to Standing Orders No.227(1), the Petition stands committed to the relevant Standing Committee; in this case, the Standing Committee on Health.

(The Petition was committed to the Committee on Health)

In terms of the Standing Order No.227(2), the Committee shall be required, in not more than sixty days 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.

*[The Speaker (Hon. Ethuro) consulted
with the Clerks-at-the-Table]*

Order, Senators. We have two more petitions to go.

IMPLEMENTATION OF THE ONE-THIRD GENDER RULE

We have a Petition to the Senate by Major (Rtd.) Joel Kiprono Rop concerning the one-third gender rule.

Hon. Senators, pursuant to Standing Order Nos. 221(a) and 225(2)(b), I hereby report to the Senate that the Petition has been submitted, through the Clerk, by Major (Rtd.) Joel Kiprono Rop, a citizen of Kenya and a resident of Bomet County concerning the one-third gender rule.

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 enacting, amending or repealing any legislation.

In his Petition, the petitioner states that the one-third gender rule as enshrined at Article 81(b) of the Constitution has become difficult to implement. He proposes the following as a “viable way forward” to unlock the deadlock:-

(1) That, the Senate be reconstituted by transferring to the Senate the 47 elected county women representatives presently sitting in the National Assembly and restricting nomination to the Senate to only persons with disabilities and other minorities.

(2) That, the National Assembly be reconstituted to include two women nominated from each county by the county assembly; one being young and the other elderly and restricting nominations to the National Assembly to only persons with disabilities and other minorities.

Hon. Senators, as you are aware, the issue of attainment of the one-third gender principle as enshrined at Article 81(b) of the Constitution is a matter that this House has been alive to. Indeed, only last month, a consultative meeting on the matter was held to

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bring together the Senate's Committee on Legal Affairs and Human Rights, the National Assembly's Justice and Legal Affairs Committee and the Attorney-General's Office to deliberate on the matter. This followed the publication on 30th April, 2015, of the Constitution of Kenya (Amendment) Bill, 2015, and the Two-Thirds Gender Rule Laws (Amendment) Bill, 2015.

The publication of the said Bills and the ongoing consultative process do not, however, prevent the Senate from receiving and considering petitions on the matter as provided for at Article 119(1) of the Constitution and in our own Standing Orders. That being the case and noting that the question of the said one-third gender rule is pending before the Standing Committee on Legal Affairs and Human Rights, I direct that the petition in terms of Standing Order No.227(1) be committed to the said Committee. In terms of Standing Order No. 227(2), the Committee will be required in not more than sixty days 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 Senate.

I thank you.

(Applause)

MISAPPROPRIATION OF FUNDS BY MANDERA COUNTY GOVERNMENT

Order Senators, I have the final petition. It is a petition to the Senate by Abdulsalam M. Dakane and Abdullahi Hassan concerning misappropriation of funds by the Mandera County Government.

Hon. Senators, pursuant to Standing Order Nos. 220(1)(a) and 225(2)(b), I hereby report to the Senate that a petition has been submitted through the Clerk by two residents of Mandera County namely; Abdulsalam M. Dakane and Abdullahi Hassan concerning alleged misappropriation of funds by the Mandera County Government. 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 enacting, amending or repealing any legislation.

In their petition, the petitioners state that there has been flagrant misappropriation and misapplication of funds by the Mandera County Government which has led to loss of public funds and denial of services to the people of Mandera County.

In summary, the petitioners state as follows:-

(1) That, the Mandera County Government has been allocating and spending funds towards functions that are the preserve of the national Government and are yet to be devolved to county governments. An example is an allocation of funds towards construction of the national trunk road "B9" being the Mandera-Nairobi Highway which falls within the national Government's mandate.

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(2) That, the Mandera County Government single sourced and entered into an ambulance lease agreement with the Kenya Red Cross Society whereby the County Government is paying Kshs64 million annually for hire of six ambulances.

(3) That, the reports of the Auditor-General and Controller of Budget for the Financial Years 2013/2014 and 2014/2015 respectively revealed numerous instances where the County Government irregularly incurred expenditure by failing to follow the laid down procurement and public finance management laws and procedures. Among the instances highlighted by the petitioners are as follows:-

(1) Irregular purchase and modification of ten motor vehicles through direct procurement, amounting to Kshs84 million.

(2) Irregular procurement and payment for residential and office premises without any lease agreements being signed.

(3) Drawing of house allowances by the Deputy Governor while the rent for his residence was also paid by the County Government.

(4) Irregular payments of flight expenses and fees commissions to travel agents without any competitive bidding having been carried out.

(5) Irregular procurement of goods and services worth over Kshs60 million through direct sourcing.

The detailed particulars of these breaches which led to the loss of public funds by the County Government are contained in the said reports of the Auditor-General and Controller of Budget. The County Government also wasted Kshs116 million on undertaking a feasibility study for an airport at Libia, Mandera, without any public participation. The public later rejected the said location leading to loss of the said funds, wherefore the proposed location was moved to Hargadud.

The petitioners further state that the County Assembly is aware of this misappropriation and wastage of public funds, as highlighted by the reports of the Auditor-General and Controller of Budget, but has failed to take any action to protect public funds, in exercise of its oversight role over the county executive. The petitioners, therefore, pray that the Senate undertakes a detailed audit of the matters raised in the petition and recommends appropriate action thereon.

Hon. Senators, pursuant to Standing Order 226, I shall now allow comments, observations or clarifications in relation to the petition for not more than 20 minutes.

Sen. Khaniri: Asante Sana, Bw. Spika. Kwanza kabisa natoa shukurani kwa mzalendo huyu kutoka Mandera ambaye ameweza kuangazia mambo ambayo yanafanyika kule Mandera, yasioambatana na sheria za Kenya.

Ningependa kuwahimiza Wakenya wengine wawe macho na kuchunguza kwamba pesa tunazotuma kwa serikali za kaunti zinafanya kazi ambayo zilipangangiwa, ikiwa ni majukumu ambayo yamepeanwa kwa serikali hizo za kaunti. Visa vya magavana kutumia pesa tunazopitisha kufanya shughuli ambazo ni za Serikali Kuu ni vingi sana. Si ajabu kupata Gavana wa Mandera na serikali yake wakitumia pesa nyingi kujenga uwanja wa ndege na barabara ambazo zinafaa kujengwa na Serikali kuu, ilhali shughuli ambazo ni za serikali ya kaunti zinaendelea kugandamizwa.

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Bw. Spika, Katiba inatueleza wazi wazi shughuli ambazo zinafaa kufanywa na Serikali Kuu na pia serikali za kaunti. Tunataka mambo haya yashughulikiwe na Kamati mara moja ili tuyachunguze. Ikipatikana kwamba ni kweli Gavana amefanya mambo haya, adhabu kamili inafaa kutolewa.

Asante, Bw. Spika.

Sen. (Dr.) Zani: Mr. Speaker, Sir, I would like to address Mr. Kiprono Rop's Petition. If you could allow me to just make a few comments.

First, I would like to thank this Kenyan who is really thinking about how to make sure that the two-thirds rule is adhered to within the Constitution. We are pooling efforts together from different formulas and formulations, so that we can actually find a way forward. A technical group from the Gender and Equality Commission that has been working on this has made quite a lot of progress in terms of making a determination.

The idea that the petitioner has given will be taken into consideration, because this is really a consultative process. It has been going on for the last three months and we are putting in a lot of effort, even from other hon. Members who have also come up with various propositions.

Mr. Speaker, Sir, I support this petition and assure him that we will find a way to ensure that we make this a constitutional dispensation that will be adhered to.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Again, I wish to commend Sen. (Dr.) Zani for being brief. That should be the way.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. The matters raised by the petitioner actually crosscut very many counties. The issue of ambulances is not only in Mandera but also in Kakamega, Kisii and many other counties which I do not want to enumerate.

The sad thing is that the boss of Red Cross, Mr. Abbas Gullet, literary looked for Governors to get them to sign these contracts. The Ethics and Anti-Corruption Commission should also move into these particular contracts, investigate the Governors who are concerned and the role that was played by the leadership of the Red Cross.

Mr. Speaker, Sir, I want to congratulate the Governor of Mombasa and the Governor of Vihiga, being some of the few governors who refused to sign the contracts and said that they would rather buy their own ambulances.

Finally, there is the issue of governors taking on functions that are not devolved. In this case, it is the issue of construction of the main highway from Nairobi to Mandera. This is a disaster because in many counties, including Kakamega, the Governor has put county resources into the purchase of vehicles for security. Security as a function has not been devolved. Why would governors be wasting resources meant for development and yet, in this year's Budget Kshs200 billion has been reserved for the security docket?

Mr. Speaker, Sir, I support and urge that the Committee moves with speed to stop this nonsense that is going on.

Sen. Hassan: Mr. Speaker, Sir, my gratitude to the Kenyans who are demonstrating more and more courage to invoke the mandate of this Senate, particularly in matters of oversight. I think they acknowledge the gravitas that the Senate has.

I think I have seen the temptation that Sen. Khalwale has alluded to in Machakos County and a few other counties. They are taking up functions enthusiastically which are functions of the national Government. So, as good an intention as it might be, I think it is something that we need to put a stop to. No matter the circumstances, counties must only invest in functions that are within their purview, under Part II of the Fourth Schedule.

Secondly, I do recall a governor coming and telling us how they are just simply lifesaving. I think the Constitution itself is lifesaving. Therefore, when governors undertake any mandate, they must be justified and supported by the Constitution.

I do not want to comment on the merits or demerits of this petition, but what is making me extremely enthusiastic is that more and more Kenyans are now bringing petitions to this Senate, as demonstration that this Senate, right now, is the best solution to the Kenyan people. Kenyans are developing confidence that the Senate is actually the policy organ around devolution in this country.

Sen. Ongoro: Mr. Speaker, Sir, I want to support the petitioner, Mr. Kiprono Rop, who has brought this petition, on the one-third gender rule. The country is aware that we are facing a constitutional crisis if we do not solve this issue by August.

We have made some progress and I want to take this opportunity to thank the leadership of Parliament for the support that they have given us this far. Tomorrow, as women legislators, we will meet the entire leadership of Parliament, including the two Speakers, to get a clear way forward on the various proposals that have been considered, including the proposal that has been put forward by this petitioner, of considering bringing even the 47 Women Representatives to the Senate.

Other proposals have included the clustering of constituencies and the creation of special seats for women. I believe that by the end of tomorrow, after our meeting with the leadership of Parliament – I take this opportunity to invite this petitioner to attend our meeting tomorrow from 7.00 a.m. at the Continental Hotel - We believe that from tomorrow, going forward, we will then settle on one workable strategy that will then be presented to Parliament. The support is so far so good.

I want to extend my gratitude to all institutions that are working with us, especially, the National Gender and Equality Commission and other Ministries that have been dealing with this issue; for instance, the Ministry of Devolution and National Planning. By tomorrow, we will present to the nation and Parliament one position that we will all be supporting.

I beg to support.

Sen. Billow: Mr. Speaker, Sir, I also reiterate the position raised by my colleagues about the petition, particularly the petition on Mandera County Government. I laud Kenyans for exercising their rights under the new Constitution, in particular, the right to petition the Senate so that it can determine issues that have been raised. The number of petitions that are coming in is an indicator that there are some institutions at

the grassroots, for example, the county assemblies, which may not be providing adequate solutions and therefore, the need for the public to come to this House to get these issues investigated.

Mr. Speaker, Sir, I am the Senator for Mandera and I chair the Committee on Finance, Commerce and Budget. It would be a serious indictment if Kenyans can prove that my Governor is involved in this. I want it to be done.

I have always told Mandera County residents to come forward with any petition in case they have any issues. We do not want people to talk in the streets. It is better for them to come and have things cleared. It is a good thing for them to come because as the Senate, we have assured Kenyans that we will do these things impartially and without any fear of contradiction so that we can address these challenges and clean our counties if there are any issues.

This is also a good thing. It should send a message to county governments that perhaps they need to look at the counties they are managing. We are already handling a large number of petitions and that is the concern that they should have.

Otherwise, I beg to support.

Sen. Kittony: Mr. Speaker, Sir, I need a clarification on what Sen. Ongoro said. Are we attending a meeting at the Intercontinental Hotel or at the Serena Hotel? I have received a message stating that the meeting will be held at the Serena Hotel. So, which is which? Are we creating confusion?

The Speaker (Hon. Ethuro): Order, Senators! Sen. Kittony, there is no harm in approaching Sen. Ongoro. Please, could the Chairperson of the Kenya Women Senators Association (KEWOSA) approach her member?

Proceed, Sen. Ndiema.

Sen. Ndiema: Mr. Speaker, Sir, I also join my colleagues in applauding those residents of Mandera for bringing up the issues of accountability which are affecting their county. It is a demonstration that the public have confidence in the Senate. I encourage all counties including mine, that if there is any issue, they should bring it to the Senate in the form of a petition because there is that avenue. They should avoid demonstrating because if issues can be sorted out, perhaps it may not be necessary.

Mr. Speaker, Sir, on the issue of Mr. Rop, I do not know whether it is the appropriate time. When the Committee will be considering this issue, members representing special interests should be invited to come to the Senate or the National Assembly, there should be a degree of democracy. I suggest that perhaps for the National Assembly, the Women Representatives are already there and if they have to increase the number, they should consider the runners up; those who were number two instead of going out to fish anyhow.

Sen. Okong'o: Mr. Speaker, Sir, I also support the petitioners from Mandera. As my colleagues have said, I appeal to other citizens who feel aggrieved in the management of their resources to come to this House, which, as provided by law, deals with such issues. Sometimes when we raise some of these matters when we are doing our oversight, it is mistaken that we are playing *fitina fitina kidogo* in the counties. I appeal to the

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people of Nyamira to prepare appropriate petitions if they feel that there are issues which are not being addressed.

I beg to support.

Sen. Ntutu: Mr. Speaker, Sir, I also take this opportunity to support the petitioners from Mandera. My only worry and disappointment is how these petitions are being handled, for example, the Petition from Narok. There were some funds; about Kshs54 million was identified by the Auditor-General to have been misappropriated but no action was taken. The Committee also sat on that information whereas the people of Narok are also frustrated. I urge the Committee concerned to be impartial and open because there were some question marks when issues were brought before that Committee.

Sen. Billow: Mr. Speaker, Sir, the honourable Senator for Narok made some serious allegations. If there is Kshs54 million that the Auditor-General has identified and we sat on it, with all due respect, the Senator knows this Committee. He can table any specific issue because we have the audit report and we raised the issues. The HANSARD is available to that effect. Whether there is any misappropriation of revenue and the auditors are categorical that they have not found any, if there is any information that he has, he is at liberty to give it to us and even appear before our Committee and say “this is the information” so that we can then take action. I do not think that we have anything to hide as a Committee. It would not be fair to say that we sat on that kind of information.

The Speaker (Hon. Ethuro): Order, Senators! Order, Sen. Ntutu! My understanding of Sen. Ntutu’s statement was that he was being cautionary. Let us take it that way. Let us not make it an issue. The offer that the Chairperson has given is good enough. Sen. Ntutu, if you have any matter, these are your colleagues. You can talk to them.

Proceed, Sen. Mutula Kilonzo Jnr.

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, we welcome the Petitions. The Committee on Finance, Commerce and Budget, led by the distinguished Senator for Mandera, has formed a sub Committee on Petitions. We tell all Kenyans that the petitions will be considered expeditiously and we will give everybody an opportunity to be heard.

On the gender issue, I welcome the proceedings that I hear are going to come up tomorrow. I hope that they are legislative so that we can achieve the two-thirds gender rule in Articles 23 and 81 (b). I would propose that they consider that for every person in counties; if the governor is a man, the deputy should be a lady. If it is the Speaker, vice versa. We must get to a situation where if the President is a man, the Deputy President would be a woman. That is the way to achieve gender parity in this Republic.

Sen. Sijeny: Mr. Speaker, Sir, first, I commend the petitioners for acknowledging that the Senate is here and trusting that their issues will be well articulated. I wish to alert the Members of the National Assembly and the Senate that Kenyans who passed the Constitution are aware of the gains that they had given the women. They are monitoring and giving their suggestions on the way forward. They are assisting us. Therefore, it is very important that we work with them so that by the end of the day, we own it.

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I have already tabled a Bill on Affirmative Action. It is at the early stages. It shall appear before the Committee of Legal Affairs and Human Rights for prepublication scrutiny. We hope that by the end of the day, we shall have exhausted all avenues and made out contributions to ensure that we support the initiative.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, let me also enjoin the people of Mandera County in their petition to this House. Fundamentally, the avalanche of petitions coming to the Senate on matters of accountability reflects three things; one, wananchi are vigilant and are leaving nothing to chance to hold their leaders to account. Second and more important is that it appears that the institutions of governance that enforce accountability are also failing.

That is why wananchi are now deciding to come to the Senate. The Auditor-General's office, the office of Ethics and Anti-Corruption Commission (EACC), the county assemblies who are the primary oversight body and this House itself as an oversight; if these organs were functioning properly, probably ordinary citizens would not find it necessary to come to the Senate to seek answers to accountability.

Mr. Speaker, Sir, last but more important is that it is very important that this Senate steps up its oversight responsibility to counties. There is no single county where the citizenry have no issues on matters of accountability. Everywhere, there is hue and cry of governors and their county governments misapplying, misappropriating and sometimes outrightly stealing public funds. We want to urge institutions of governance to give Kenyans the fruits of the new Constitution by making sure those sanctuaries of corruption are destroyed and those who are found to have dipped their hands into public coffers are punished severely so that it becomes a deterrent.

I hope that the petitions that are pending on accountability issues will be fast-tracked to give wananchi the answers that they are seeking from this House. This House commands considerable respect from the public.

Sen. G.G Kariuki: Mr. Speaker, Sir, I think what I was going to say has been said by the Senate Minority leader. We as a Senate - these petitions tell that we are not serious. We are not doing our work as it is supposed to be done. We must make sure that this money is spent properly. If I can read wisely, the indication from the public is that we are now being challenged through the Speaker, that the Members of this House have almost abdicated their responsibilities because the Senate does not say anything about any governor here.

We know there are problems but we tend to keep on playing safe. You cannot have your cake and eat it. You either represent the county governments, become their controller or not. Something must be done immediately. Therefore, I would like to support the people who have already petitioned this House. Our people understand their role in the democratic institutions, while we are nursing the problems.

Mr. Speaker, Sir, there are problems in every county government today. However, none of us is capable of explaining what these problems are. We are waiting for the Members of the County Assemblies (MCAs) to take decisions yet they have no power

because they collude with the leadership to take what they can. I urge the Senate, through you, to try and pull up our socks and defend the interests of the people of Kenya.

I beg to support.

The Speaker (Hon. Ethuro): Sen. G.G Kariuki, I am a bit constrained to respond to you on that one. The Chair of the County Public Accounts and Investments Committee (CPAIC) has on two occasions sought my ruling that they have done a lot of work on the Auditor-General's report but the governors have gone to court preventing the Committee from proceeding with that assignment. So, it is not the Senate. The Senate has been very alert and very desirous.

Before then, the other one was where the timelines of the submissions of the audited accounts were being exceeded and the Chair of CPAIC wanted direction and what to do under those circumstances. The reports are not coming for all the reasons; you know that the office of the Auditor-General has not been given sufficient resources. I think that should be put into consideration in your submission.

If you look at the petition from Mandera County, I am actually very impressed. As the rest of you have said, I think Kenyans seems to know the obligations of State institutions, governors, which functions have been devolved and the ones that are still a national function. That is the basis on which they are raising these petitions. I want to encourage Kenyans that this is the path to pursue.

Hon. Members, pursuant to Standing Order No. 227(1), the petition should be committed to the relevant Standing Committee; that is, the Committee on Finance, Commerce and Budget. According to the Standing Order No. 227(2), the Committee has not more than 60 days to submit the report to the petitioner and lay the same on the Table of the Senate.

Sen. (Dr.) Zani: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Order, hon. Senators! Even if it is on the gender agenda, rules must be followed. You do not just shout from where you are. We have given you facilities to communicate.

What is, Sen. (Dr.) Zani?

Sen. (Dr.) Zani: Mr. Speaker, Sir, sometimes the buttons are not as effective as the voice. Is it in order to request that you also make a ruling on the two thirds-gender rule and which Committee it is going to be directed to?

The Speaker (Hon. Ethuro): In fact, now I will be too harsh on you. You are completely out of order because you need to listen.

I said; that being the case, and noting the case of the said one third gender rule is pending before the Committee on Legal Affairs and Human Rights, I direct that the petition in terms of the Standing Orders No. 227(1) be committed to the said Committee. I also went further and said that in terms of the Standing Orders No.227(2), the Committee will be required, in not more than 60 days, from the time of reading the prayer---

(Loud consultation)

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Order, Senators. I even bent backwards because she approached me. I did not direct because the matter was already alive and the Chairperson of the Kenya Women Senators Association (KEWOSA) has even confirmed. That is why it was going directly to the Committee. However, because you wanted to make interventions, I allowed. We have taken very good care of you.

Next Order!

PAPERS LAID

THE SESSIONAL PAPER NO.9 OF 2013 ON
NATIONAL COHESION AND INTEGRATION

Sen. Hargura: Thank you, Mr. Speaker, Sir. I beg to lay the following Paper on the Table of the Senate today, Tuesday, 16th June 2015:-

The Sessional Paper No.9 of 2013 on National Cohesion and Integration.

(Sen. Hargura laid the documents on the Table)

NOTICE OF MOTION

APPROVAL OF REPORT ON TOBACCO CONTROL
REGULATIONS, 2014

Sen. Sang: Mr. Speaker, Sir, I beg to give the following Notice of Motion:
THAT, this House approves the report of the Sessional Committee on Delegated Legislation on the Tobacco Control Regulations 2014, laid on the Table of the House on Thursday, 28th May 2015.

(The Speaker (Hon. Ethuro) left the Chair)

(The Temporary Speaker (Sen. Mositet) took the Chair)

STATEMENTS

STATUS OF BOUNDARY SURVEY BETWEEN
MERU AND ISIOLO COUNTIES

Sen. Murungi: Thank you, Mr. Temporary Speaker, Sir. I would like to request for a Statement from the Chairperson of the Standing Committee on Security and Foreign Relations on a very serious matter. As you know, we have had running battles in the border between Meru and Isiolo counties. To our credit, as the leaders of the two counties; the leaders of Isiolo and Meru counties, led by the Senators and our Governors, we met the then Cabinet Secretary for the Ministry of Interior and Coordination of National Government, Hon. Ole Lenku, and agreed that the boundary between our counties should be marked. I am happy that our colleagues, the two Senators, were there. We agreed that the governors for Meru and Isiolo counties as well as the Office of the President would appoint surveyors. The exercise would be coordinated by the Office of the President and their work would be to just mark the boundary. We are not disputing the boundary; we just want it to be marked.

Mr. Temporary Speaker, Sir, this has not happened. Over six months have passed and my request is as follows:

(1) We want to know what the current status is - of the agreement reached between the National Government, represented by the former Cabinet Secretary for the Ministry of Interior and Coordination of National Government, Hon. Ole Lenku, the leaders of Isiolo and Meru counties, represented by their respective Senators, Governors and the Members of Parliament regarding the marking of the boundary between Isiolo and Meru counties by surveyors appointed by the Governors of the two counties under supervision of the Office of the President.

(2) Why has the national Government refused to implement this agreement, thereby causing permanent insecurity and loss of lives and property along the common border?

(3) What practical steps is the national Government taking to eradicate cattle rustling in that border area between Isiolo and Meru counties to ensure permanent peace and security along the border and good neighborhood between the two communities?

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Mositet): Is the Chairperson around or any Member of the Committee on Security and Foreign Relations?

Please, proceed, Sen.G.G. Kariuki.

Sen.G.G. Kariuki: Thank you, Mr. Temporary Speaker, Sir. This is a matter concerning boundaries; and looking at this Statement, it is clear that there have been a lot of consultations among the leaders and the agreement has never been reached. On behalf of the Committee, I request that you allow the Chairperson of the Committee on Security and Foreign Relations to answer this question next week on Thursday. I will be most grateful.

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Sen. Murungi: Thank you, Mr. Temporary Speaker, Sir. Thursday next week is appropriate.

The Temporary Speaker (Sen. Mositet): The answer should be ready by Thursday next week.

Please, proceed, Sen. Obure.

STATUS OF PREPAREDNESS OF IEBC
FOR THE NEXT GENERAL ELECTION

Sen. Obure: Thank you, Mr. Temporary Speaker, Sir. Pursuant to the provisions of the Standing Orders 45(2)(b), I rise to seek a Statement from the Chairperson of the Standing Committee on Legal Affairs and Human Rights regarding the Independent Electoral and Boundaries Commission (IEBC). In the Statement, the Chairperson should address the following:

- (1) State what programme of action the IEBC has put in place in preparation for the next general election.
- (2) Provide the number of people who are registered as voters so far in each of the 47 counties and how these numbers compare with the IEBC projected targets.
- (3) Explain why election materials including ballot papers have been sourced abroad when there is adequate capacity and competence locally to meet such requirements.
- (4) Highlight the achievements of the IEBC over the period from August 2010 to date, the challenges the Commission is facing in the discharge of its mandate and interventions to address them.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Mositet): The Chairperson of the Committee on Legal Affairs and Human Rights, please respond to that.

Sen. Sang: Thank you, Mr. Temporary Speaker, Sir. I request that the Committee be given three weeks to respond because of the weight of the issues raised by Sen. Obure.

The Temporary Speaker (Sen. Mositet): Is three weeks okay with you, Sen. Obure?

Sen. Obure: Mr. Temporary Speaker, Sir, three weeks is long but acceptable under the circumstances which he has pointed.

Sen. (Prof.) Anyang'- Nyong'o: Thank you, Mr. Temporary Speaker, Sir. This is a very important issue especially given the fact that there has been profound concern about the IEBC. The IEBC should not be looked at in terms of the commissioners. To me, the commissioners are a very small problem. The real problem, is the public servants in the IEBC; the people who run the machines and know how it functions.

The Temporary Speaker (Sen. Mositet): Order, Sen. (Prof.) Anyang'- Nyong'o. Is that a request or is there something else that you want to understand?

Sen. (Prof.) Anyang'- Nyong'o: I am trying to understand my colleague's problem because he needs time to get this information. He will need that time because I

am very sure that the information being looked for will be sabotaged by those fellows. You need to do a lot of work to get to the truth of why these things are happening.

For example, there is no God given lesson or reason whatsoever why ballot papers should be sourced from abroad, yet when they come here, you see that they are the same ballot papers that are used by our printers here. Let me emphasize the fact that my colleague here should do his homework properly and go beyond those faces in the IEBC whom we want out if there is going to be a good IEBC.

The Temporary Speaker (Sen. Mositet): I rule that the Chairperson had already said that three weeks are enough and the Senator who had requested for the Statement had even indicated that three weeks are more than what he was expecting.

The Senate Minority Leader (Sen. Wetangula): On a point of order Mr. Temporary Speaker, Sir. On a related matter, the Chair ruled that the Vice Chairperson of the Committee on Legal Affairs and Human Rights had handled a Statement almost similar to this on the purported intention of the Executive to set up registration centres in USA and then turn them into polling stations for the diaspora. The Chair ruled that that Statement was to come on the first sitting of the Senate after recess.

I expected that Sen. Sang would bring additional information because I am worried. As we speak, the Ambassador of Kenya in USA, Robinson Githae, is roaming from State to State purporting to establish the number of Kenyans living in those states and cities and even purporting that he is going to set up an agency to issue identity cards to Kenyans living in USA in preparation for what he calls diaspora voting. Since when did it become the work of the Ambassador to do this kind of work which is run by an independent agency called IEBC?

The Temporary Speaker (Sen. Mositet): Senator for Bungoma, it is as if you are interrogating a Statement which has not even been given to the House.

The Senate Minority Leader (Sen. Wetangula): Mr. Temporary Speaker, Sir, it is in furtherance of another Statement which he gave.

The Temporary Speaker (Sen. Mositet): Did you say you are expecting it to be given out today?

The Senate Minority Leader (Sen. Wetangula): Mr. Temporary Speaker, Sir, I do not see it on the Order Paper.

Sen. Sang: Mr. Temporary Speaker, Sir, I appreciate that I delivered a Statement in this House and the Speaker ruled that a further Statement would be brought. In my understanding, that was to be Thursday – the day after tomorrow.

DISBURSEMENT OF THE SOCIAL PROTECTION CASH TRANSFER SCHEME FOR THE ELDERLY

Sen. Musila: Thank you, Mr. Temporary Speaker, Sir. I am standing on two issues. First, as we were going on recess, there was the issue of cash transfers to the elderly and disabled which I had raised. I remember even Sen. Mutula Kilonzo Jnr. had

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raised it and the Chair ruled that the Chairperson would invite the Cabinet Secretary (CS) responsible to come to this House and address us on those issues.

May I remind him to give us an indication of when we should expect the acting Cabinet Secretary (CS) to come and discuss with us the cash transfer programme. As it is now, the Government has even allocated more money in this Budget and yet the little money that is there now does not reach the people. That is one issue and the Chairperson is standing right in front of you.

KILLINGS IN KITUI COUNTY

Secondly, I am seeking a Statement from the Chairperson of the Committee on National Security and Foreign Relations. During the last two weeks, there have been wanton killings of the citizens of Kitui County by people coming from – we believe – the former North Eastern Province, crossing Tana River County and coming to disturb peace in Kitui County. Cumulatively, 25 people have been killed in an area called Muthaa. During the last two weeks when we were on recess, five people were killed in Kasiluni in Ngomeni, two in Kaningo, one in Ukasi and one in Malalan.

The whole border from Kitui South to Mwingi North has seen wanton killings by herdsmen who invade the county. We want the Cabinet Secretary (CS) to tell us, despite the meetings we have had including one with him, no action has been taken to date. We want the Government to come out clear and tell us:

(1) When are these people going to be removed from Kitui County?

(2) When is the Government going to arm my people, specifically, the police reservists with arms so that they can defend themselves in the event that these marauding herdsmen visit our county?

The Temporary Speaker (Sen. Mositet): Sen. Wetangula, are you a Member of that Committee?

The Senate Minority Leader (Sen. Wetangula): Mr. Temporary Speaker, Sir, I am, but I do not speak for the Chairperson. Sen. Adan is the one who normally speaks for him.

Sen. Khaniri: On a point of order, Mr. Temporary Speaker, Sir. The issue that has been raised by Sen. Musila concerning the security of the people of Kitui County is a very serious matter and it is rightfully before this House. My leader here, Sen. Wetangula, is a Member of that Committee. Is he in order to say that he does not speak for the Chairperson when the matter has been directed to the Committee and all he needs to do as a Member is to give an undertaking that this particular message will be communicated to the Committee?

(Laughter)

The Temporary Speaker (Sen. Mositet): I can understand the point from which the Senator for Bungoma is speaking. However, he is a Member of that Committee and

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he can dully communicate to the Chairperson or even other Members of that Committee. I order you to do that.

(Laughter)

The Senate Minority Leader (Sen. Wetangula): Mr. Temporary Speaker, Sir, that order is incapable of obedience. The clerks should inform the Chairperson of the Committee.

The Temporary Speaker (Sen. Mositet): Who gave you the Floor?

The Senate Minority Leader (Sen. Wetangula): Mr. Temporary Speaker, Sir, once given the microphone, I thought you had given me the Floor.

The Temporary Speaker (Sen. Mositet): I know you interact very well with them and so, that order stays.

Sen. Madzayo, what is your take on the first one about the cash transfers?

Sen. Madzayo: Thank you, Mr. Temporary Speaker, Sir. I think the role of the Chairperson is over in that aspect and it is the work of the Clerk to take it up now and inform the Cabinet Secretary (CS) responsible to appear before the House.

The Temporary Speaker (Sen. Mositet): Are you saying you are having a problem communicating with the Cabinet Secretary (CS) concerned?

Sen. Madzayo: Mr. Temporary Speaker, I have just consulted with the clerks when I was in front of you a few minutes ago. I do not think it is procedural for the Chairperson of the Committee to write to the Cabinet Secretary (CS). However, I will take it up with the Clerk and see to it that it is done within the shortest time possible.

Sen. Musila: On a point of order, Mr. Temporary Speaker, Sir. I have a lot of respect for the retired Judge, Sen. Madzayo, however, the Chair dealt with this Statement for a very long time until it reached a point where he hit the wall. I think it is only fair that he takes the matter from where he left it. If he is to consult the Clerk, so be it. But as far as this House is concerned, the responsibility lies squarely on the Chairperson of the Committee on Labour and Social Welfare.

The Senate Minority Leader (Sen. Wetangula): On a point or order, Mr. Temporary Speaker, Sir. I sympathize with the Chairman, the retired Judge, but obviously being an opposition Senator, probably he does not get the requisite urgent response from the Government. I want to urge the Chair that the point raised by Sen. Musila on the transfer of social safety net funds to the disabled and elderly people is such a critical matter to all our counties including your own county.

What is happening today is that the money goes to the counties and it is handled by the so called County Commissioners. They are the ones who sit down and draw fraudulent lists of friends, fictitious characters, ghosts and then they go and receive the money. We want our people to receive the money because this is taxpayers' money and not a gift. I want to urge the Chair to set a date and order that the Cabinet Secretary responsible appears before a Committee of the Whole House to table the list of transfers so far, the recipients per county and sub-county so that we can be able to interrogate

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those lists and be able to go back and see whether the people we represent who are impoverished and suffering are receiving this little remittances from the Government or not.

The longer we wait - we are going to a new financial year - the more we give those who fiddle with this money room to do even more harm.

Sen. Mutula Kilonzo Jnr.: Mr. Temporary Speaker, Sir, in fact, to help the Chairman, the direction was very clear; when Sen. Musila requested for the list, it was advanced to him and after the list was advanced to him, it was discovered in the interrogation of that list that there are non-existent or dead persons on that list who are purportedly receiving funds. The direction, therefore, was that the lists be provided in advance so that we can interrogate it. I say so with some element of authority because a certain gentleman in Kilome was given a card three years ago, when they went to withdraw money, they discovered there was no money. This meant that somebody had siphoned the money. It is important that that list arrives before the Cabinet Secretary.

Sen. Obure: Mr. Temporary Speaker, Sir, what Sen. Musila is raising here is a very fundamental matter. This is an issue which is really of great concern to many of us representing counties. This is a very important and attractive programme intended to provide relief to very deserving citizens. Every time we go out to the counties, we encounter these old people in very poor shape and you find that they are not benefitting from these programmes. You begin to wonder who then would be benefitting from this programme if the kind of people that I see are not.

I want to support this proposal that the Chairperson of this Committee invites the Cabinet Secretary for a session with the entire Senate so that we can interrogate him and find out exactly who benefits. As far as I am concerned, I think there is serious fraud going on in the application of these funds.

Thank you.

Sen. (Prof.) Lonyangapuo: Mr. Temporary Speaker, Sir, I know in the last session, the Chairperson furnished a list of counties that are benefitting, but we expected in the Budget that was read last week that anybody that qualifies as an elder to have been captured. So, maybe he needs to be appraised in light of what was approved last week so that we can be able to tell. We have enough problems as Sen. Obure has said. You cannot hold a peaceful meeting in the county because immediately you settle down, an old man stands and asks for their money. Could we get an update of how much was set aside this year?

The Temporary Speaker (Sen. Mositet): Chairperson, what I am getting from the clerks is that you should clarify whether you have tried to convene a meeting with the CS. If you have done that but then you feel that you are having some difficulties, then the Speaker's office should assist immediately.

Sen. Madzayo: Mr. Temporary Speaker, Sir, I appreciate the concerns of Senators. I will take personal initiative in this matter to ensure that a commitment letter is done to the CS and all those responsible officers so that they can be in a position to appear before a Committee of the Whole. I will do that within the next two weeks.

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The Temporary Speaker (Sen. Mositet): I think two weeks is very fair.

Sen. Musila: Mr. Temporary Speaker, Sir, on behalf of the Senators in this House, I want to thank the Chair and state that two weeks would be sufficient but I want to plead that sufficient information be brought. As Sen. Mutula Kilonzo Jnr. suggested, it should be brought at least a week before so that we can interrogate it so that when the Cabinet Secretary comes, we will be in a position to deal with the matter conclusively.

The Temporary Speaker (Sen. Mositet): Chairperson, it is so ordered. On the first request on security, I think two weeks will also be sufficient. The Chairperson should avail the answer.

Next Order!

Sen. Okong'o, I can see that you have a point of order while Sen. Khaniri has a request to talk. What is your point of order, Sen. Khaniri?

Sen. Khaniri: Mr. Temporary Speaker, Sir, we are on Statements. As a tradition, you had started with requests for statements yet there are statements listed in the appendix of the Order Paper which are supposed to be delivered. I, for example, am expecting a response to a statement from the Committee on Land and Natural Resources on the issue of Mau Forest that I requested four weeks ago.

The Temporary Speaker (Sen. Mositet): I understand the seriousness of getting answers to the statements. However, equally, there is also some business which the House needs to transact. Could we reschedule that to tomorrow? Is it okay with you, Sen. Khaniri?

Sen. Khaniri: Mr. Temporary Speaker, Sir, most of the Chairmen rarely come to respond to statements. Since they are listed on the appendix of the Order Paper, why should we keep asking for statements? You devoted a lot of time on requests for new statements yet there are very many statements pending. If there is a Chairman who is ready with their response, let them respond. I can see there are about five statements but I am sure most of the Chairmen may not be here. Let it be on record that you called for replies to statements but they were not there to present them.

The Temporary Speaker (Sen. Mositet): Sen. Khaniri, I am not worried about them not being present. However, my worry is time. I know that you are one of those who had requested for a response to statements but because of time, we should move to the next Order. We could receive replies to statements tomorrow.

Next Order!

BILL*Second Reading*THE COUNTY ALLOCATION OF REVENUE BILL
(SENATE BILL NO. 5 OF 2015)

Sen. Billow: Mr. Temporary Speaker, Sir, I beg to move that the County Allocation of Revenue Bill (Senate Bill No.5 of 2015) be now read a second time.

This is a very important Bill in this House. It is one of the Bills that have specifically been identified in the Constitution as originating from this House. It also touches on the core mandate of this House on allocation of resources to county governments.

Mr. Temporary Speaker, Sir, the Bill provides for the allocation of revenue which is raised nationally and also conditional allocations among county governments for the Fiscal Year 2015/2016. The Bill also has provisions on transfer of county allocations from the Consolidated Fund to the County Revenue Funds.

Mr. Temporary Speaker, Sir, this Bill also provides for publishing of quarterly reports on the transfers made to the counties by county treasuries to county assemblies. At the same time, the Bill also has provisions for mechanisms of dispute resolution on issues regarding revenue allocation between counties.

Mr. Temporary Speaker, Sir, Clause 3 of the Bill is about the objects and purpose of the Act has three main issues. One of them is the allocation of the equitable share of revenue raised nationally. This is the main fundamental responsibility of this House. Article 96 of the Constitution gives the Senate the mandate to represent the interests of and to protect counties. The single most important issue is the representation of the interests of counties which has to do with the allocation of revenue to the counties. Therefore, this Bill provides for allocation of an equitable share of revenue raised nationally in accordance with resolutions approved by Parliament under Article 217 of the Constitution.

Mr. Temporary Speaker, Sir, conditional allocations are also provided for pursuant to Article 187 of the Constitution. I want to go specifically into that detail. On Clause 4, each county government's equitable share of revenue raised nationally on the basis of revenue sharing formula by Parliament in accordance with Article 217 of the Constitution is set out in the First Schedule in this Bill. I will talk about that formula.

Mr. Speaker, Sir, the Constitution provides that for the first three years, a formula for sharing revenue be developed. A formula was developed before the Senate came into being. That formula will end at around November this year. Therefore, this is the last financial year that the formula is applicable. That formula should be changed next year and a new revenue sharing formula determined.

Early this year, our Committee submitted a proposed formula which was rejected by the House. The Committee – I want to inform the Senators – is working together with

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the Commission on Revenue Allocation (CRA), the Kenya Institute for Public Policy Research and Analysis (KIPPRA) and other institutions to develop a more dynamic and robust formula that, hopefully by the end of this year, should be before this House.

Mr. Temporary Speaker, Sir, Members of my Committee visited countries like India to look at the kind of formula it uses. India, in fact, has a very good formula which is more advanced, more complicated and more equitable. That is where we want to go in future. We are also looking at the situation in other countries and we will provide a new formula for the next financial year. However, for this financial year, the formula looks at a number of parameters; among them is population which has 45 per cent, area which has 8 per cent, poverty index has 20 per cent and an equal share of 25 per cent with a 2 per cent for physical. That is the formula that we have used in the past two years and it will also be applicable to this financial year.

Mr. Temporary Speaker, Sir, the Constitution, in Article 203, also provides for specific criteria that must be taken into account in determining how revenue should be allocated. This is also clearly set out in the Bill. The Bill goes into details of how the criteria have been addressed. That is on page 71 of the Bill. For example, how have developmental needs of county governments been taken care of? In looking at developmental needs of counties, the formula incorporates parameters; the ones that I have just mentioned, which measure the expenditure needs of the counties. Therefore, the Bill looks at economic disparities among other issues. So, the parameters are intended to address the issues provided for in Article 203 of the Constitution.

Mr. Temporary Speaker, Sir, Clause 5 of the Bill looks at the conditional allocations. Last year, we only had conditional allocations on Level 5 hospitals. This year, we have several items where conditional revenue will be used in each of the county governments. This is provided for in the Second Schedule and includes Level 5 hospitals and allocation for free maternal health care. We also have a conditional allocation to compensate county health facilities for forgone user fees; revenues that they do not charge but they will be compensated for.

We also have conditional allocations for Road Maintenance Fuel Levy Fund and 15 per cent of it is allocated in this Bill to the counties for the maintenance of county roads. It also has conditional allocations towards respective county emergency funds. My Committee, in its report that will be submitted before we go to the Committee of the Whole, intends to make amendments. Among the amendments that we are likely to make is on that conditional allocation which, as you are aware, in the mediation the amount was not approved. Therefore, there will be no conditional allocation for emergency funds.

Then there is conditional allocations financed by proceeds of loans or grants from development partners to each county government. These comprise conditional allocations financing loan from the World Bank to supplement financing of county health facilities. We also have some grant from the Government of Denmark to supplement financing, again, for health facilities and other loans and grants from other development partners. These are all set out in the Third Schedule.

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Mr. Temporary Speaker, Sir, the county governments conditional allocations in respect of leasing equipment are included in the Budget Estimates of the national Government. That figure of Kshs4.5 billion in the Bill is the amount payable on the lease by the national Government. The individual amounts of Kshs95 million to each county represent the cost and this is what is shown in the Schedule.

Again, there are actually two items within the conditional grants which will be in the national Government Estimates and not in the county governments' estimates. One is the amount for the lease of medical equipment and the second one is compensating county health user facilities. Even that one is provided for in the national Budget Estimates for approval, after which, counties will be reimbursed. Even the ones for maternity are reimbursements after counties spend. But the details of how each of these conditional allocations are addressed are provided in the Bill.

The other point that I want to address before I go to the Schedule is that Clause 6 of the Bill also looks at the transfers which are made fraudulently. As usual, this is the provision that we have had in all the county allocation Bills in each of the first two years. If there is determination that an amount of money has been sent in error, that can actually be recovered immediately or set off against any future transfers.

In Clause 7, the Bill also deals with the monthly transfers to the county governments. You are aware that we have made the transfers to the county governments on monthly instead of quarterly basis. So, the Treasury will publish – and indeed they have been doing so – on monthly basis all the transfers to the respective counties. This is provided for in Clause 7.

In Clause 8, each county treasury shall reflect those transfers by the national Government in their books of accounts. In fact, the treasuries are required to submit quarterly reports to the assemblies, to show how much money has actually been transferred to their respective counties, so that they can oversee those funds.

In Clause 9, the Bill looks at the issue of wasteful expenditure. Where there is a dispute, the Bill provides that the alternative dispute resolution mechanisms in the Intergovernmental Relations Act should be applied. If anybody does not go through the Intergovernmental Relations Act and goes to court, that will be wasteful expenditure and there are penalties for that in Clause 9 of the Bill.

Clause 10 is a very interesting one. It provides that if there is any serious or persistent non-compliance with provisions of this Act, it will constitute an offence. Of course, you have seen all the petitions that are coming in and the reports by the Auditor-General and Controller of Budget on the way funds are being misused. So, if there is a serious or persistent misuse, there are grounds in the Constitution for stoppage of funds. But in this Bill, we are reminding the county governments that this represents an offence and there are penalties for it also in the Public Finance Management Act.

Moving on to the First Schedule, it sets out the allocation to each county government. The first column is the comparative for the last financial year; 2015/2015, in which Kshs226 billion was shared out among the 47 counties. This financial year the table shows clearly that the total equitable share of revenue to be shared out among the 47

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counties is Kshs259,774, 500,000. Now, that is shared out on the same formula, and you can see the figures provided in the Schedule. This gives an indication to the Senators how much each of the counties that they represent is going to get, out of that Kshs259 billion.

So, figures are computed correctly in the First Schedule and we do not intend to bring any amendments on that, but it gives the Members an opportunity to look at the comparative. Just for comparison purpose, for example, Baringo County last year had a sharable revenue of Kshs3,874,000,000. This year they are going to get Kshs4,440,000,000. On that basis, if I look at Kitui County, because my friend the Senator is here, last year, they got Kshs6,340,000,000 and this year the figure will go up to Kshs7,267,000,000.

This is why we, as the Senate, have been insisting on more funds being allocated to counties. The Senators can be vilified and punished by the Members of the “Lower House” but the fact remains that this country can only be developed if there is equitable share of resources. If resources are given to every section and region of this country, all Kenyans can feel proud that they belong to this nation and that the taxes that they pay do, in fact, go to those corners of this country.

Mr. Temporary Speaker, Sir, I want to advise our colleagues in the “Lower House” that what is going to the county governments as equitable share is Kshs259 billion out of the total revenue of Kshs2.1 trillion. Since they come from counties, they need to ask themselves what their share is of the balance of Kshs1.8 trillion that remains with the national Government. The Members of the National Assembly from Kitui County need to ask themselves how much Kitui gets. I can tell you for free that none of those Members of the National Assembly can actually tell you how much money they will get in their national Estimates, because resources are not being given out equitably in the national Government.

What we are doing here in the county governments is the most equitable way of allocating resources. In the national Government, there is absolutely no equity. One county can get Kshs5 billion, Kshs10 billion or even Kshs100 billion while another county has never seen Kshs100 million. That is the inequity and skewed resource allocation which has destroyed this country for many years. Despite the fact that we have a new political dispensation, resources are still being allocated on the basis of political patronage and whom you know.

Unfortunately, our colleagues in the “Lower House” have become part and parcel of the Executive. They are now perpetuating that inequality to the extreme, where we are being told that resources are now being allocated through influence peddling, contacts and all manner of things. This is unfortunate. That is why we need to stand up for our counties, regions and the people of Kenya. The people of Kenya can only be proud that they are part of this country if the money they pay in taxes can be seen at the grassroots; that is in their towns and villages.

There is no way you can feel part of this country when you are just a taxpayer, but you are not seeing services on the ground. It is a pity that some parts of this country have never seen one kilometre of paved road. I represent Mandera County in this House which

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has never seen one kilometre of paved road. The first paved road that we will see is from the few shillings that this honourable House has voted for Mandera County. The same applies to Wajir and many other counties.

They are seeing Magnetic Resonance Imaging (MRI) machines and dialysis machines in hospitals for the first time. It is sad that people can sit here and decline to give money to counties. They say we should leave it in Nairobi. We have left money in Nairobi for all those years and that is why we have nothing to show in our counties.

Mr. Temporary Speaker, Sir, the little money that we have been able to allocate through mediation to counties is Kshs259 billion. That is what will be shared among our counties.

The Second Schedule on the next page is on conditional allocation. Last year, the total was only Kshs1.8 billion. This year, the total is Kshs20,998,000,000. Of course, this includes Column G, conditional allocation for a County Emergency Fund which did not succeed during mediation. Amendments will be brought in to remove that. So, the total conditional allocation will come to Ksh16 billion. The amendments will come at the Committee Stage.

There are four conditional allocations for each of the counties. These amounts are reflected in the Bill. On the conditional allocation for Level 5 hospitals; you can see there are 11 hospitals and the amounts are shown here. The basis for determining those figures is also provided for in the Bill. Members can refer specifically to the Bill to find out exactly how the conditional allocations for the respective Level 5 hospitals were arrived at.

Mr. Temporary Speaker, Sir, the second column is C. It is on free maternal health care. This is provided for on page 69 of the Bill. As I mentioned, this is a transfer to the county governments on reimbursement basis. This grant will be distributed among the county governments on the basis of percentage contribution of the total number of maternal deliveries during the Financial Year 2013/2014. The total amount is Kshs4.298 billion. Each county will get an amount of allocation from this.

Column D is on the conditional allocation for compensation for user fees which are foregone. This is a total amount of Kshs900 million. This is provided for. How that amount was arrived at is shown on page 71 of the Bill. It is for compensating the county governments for revenues which are foregone by not charging user fees in their county health facilities.

We also have the conditional allocation for leasing of medical equipment to the tune of Ksh4.5 billion. For each county, that figure works out to Kshs95.7 million. It is equal because the same kind of equipment will be distributed to all the 47 counties.

Mr. Temporary Speaker, Sir, our Committee and the Committee on Health have a date with the Cabinet Secretaries for the National Treasury and the Ministry of Health to explain the nature of these financial transactions. We want to see the documents and examine the contracts. We have invited them next week to appear before the Committee to explain this because of the issues that have been raised by the Council of Governors on the same.

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We also have the conditional allocation on the Roads Maintenance Levy (RML). This is to the tune of Kshs3.3 billion. The basis for that is provided on page 70. This is to enhance the county governments to repair and maintain county roads. This amount is 15 per cent. They have transferred 15 per cent of the Roads Maintenance Fuel Levy Fund (RMFL) to county governments. This House must rise to the occasion. I appreciate that the Speaker earlier on, in his communication, announced that next week we will meet with the Transition Authority (TA) in Mombasa. One of the things is to look at the status of transfer of functions.

An hon. Senator: When?

Sen. Billow: This week.

Mr. Temporary Speaker, Sir, we want to know why the county roads are still with the national Government. If those county roads are transferred the way we did when we did the transfers of all those functions, the entire RMLF should go to the county governments and not 15 per cent. Instead of them getting Kshs30 billion, they are getting Kshs3.3 billion. This is a matter that this House needs to stand up and be counted so that the counties can get their rights.

Those are the specifics. Details are also available in the Bill. It describes each of those conditional allocations.

Mr. Temporary Speaker, Sir, the last one is the Third Schedule. It looks at the conditional allocations to county governments from loans and grants from development partners. What is happening is that some of the development partners are going round the counties inspecting facilities. If they like your health facility, they want to fund it. We have ongoing projects which were started before the county governments came to specific institutions and programmes. There is a lot of detail in the Bill on all those programmes. In fact, there are even more programmes and institutions in the Bill.

Last year on the Third Schedule, we had Kshs13 billion from donors in grants and loans while this year the total is Kshs10 billion. Out of this Kshs10 billion, the World Bank loan to supplement financing of county health facilities is Kshs508 million. The specific counties which are benefiting are listed here. These are Baringo, Elgeyo-Marakwet and so on and so forth.

Mr. Temporary Speaker, Sir, these are conditional allocations. It will be transferred directly to the county revenue fund which means that they have to budget for them. They will get that money if they meet the agreed conditions. Danish International Development Agency (DANIDA) is providing Kshs844,710,000 to literally all the counties to support health facilities.

Mr. Temporary Speaker, Sir, there are others and the total is Kshs9.3 billion. Of course, the single largest amount is allocated to Nairobi County. I can see that the Senator for Nairobi County is in today. His county is the biggest beneficiary of these loans. Out of Kshs9.3 billion, it will Kshs6.2 billion. These are conditional allocations that will not be transferred to the county government directly. The national Government will provide for it in their estimates and they will spend it on behalf of the county governments. The details of how they will spend this amount are captured in agreements.

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The county governments will participate in terms of the project reporting and so many other things. The fact that there is counterpart funding by the National Treasury, the actual project will be budgeted for and managed by the national Government. However, there will be full involvement of the county government in its management through the Project Steering Committees and the Project Implementation Unit. Those are the loans and the total is Kshs10,000,671,000. Those are the main parts of the Bill.

Mr. Temporary Speaker, Sir, we have a memorandum that must be provided for in accordance with the Constitution. This is the memorandum which explains a lot of issues. I will not go into the details. However, a large part of it is to explain what those conditional allocations are and how provisions of Article 203 are taken care of. It also explains the role of the CRA because it is required to recommend. In this Bill, they are required to explain why the figures they proposed as government and the figures proposed by CRA are different. There has to be an explanation as a required by law. A memorandum has to be provided. That explanation is provided on page 72 on explanation No.11. The difference is between National Treasury's proposal on revenue allocation among county governments and the one of CRA. The main difference is that CRA has recommended Kshs282 billion as equitable share, but National Treasury came up with Kshs258 billion.

Mr. Temporary Speaker, Sir, the main differences was the county executive and assemblies salaries, gratuities and allowances. The establishment of county emergency funds that I explained earlier was not successful in the mediation. The explanation is provided in detail on point by point on all the other issues. The annexes then explain all those things which are in the Second Schedule; that is, the loans and the grants.

For example, Annex 1 is the conditional allocation for free maternal healthcare. It explains who the Accounting Officer is. In this case, it is the Principal Secretary in the Ministry of Health. It also explains the responsibility of the national Government and the conditions for the maternity healthcare which are listed for accessing those funds. Then it talks about the Accounting Officer or the county government who is responsible. It explains the responsibility of the county government and the purpose of that money.

Mr. Temporary Speaker, Sir, this year, this Bill is very elaborate on that information specifically touching on the conditional allocations. It also sets out all the details and the parameters used for determining, for example, for maternity deliveries. The figures are provided. Therefore, I will not go into details because all of them are provided. There is additional information for the loans and grants which are not even within the conditional allocation. They are listed here because county governments play a role in them and they affect the county governments.

They are provided for your information. For example, 2,000 projects from central Kenya are provided for. These will include rehabilitation of sub-district hospitals, the Kenya-Italy Debt for Development Programme (KIDDP), the rural road rehabilitation and so on.

I want to urge Members to support this Bill because the timeline is very short. We want the county assemblies to approve their budgets by the end of this month. If we can

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pass this Bill so that we conclude the whole process by next week, then county governments will have actual information that they can use in their budget. They must get the actual amount of money that is provided for in this Bill in their budgets.

My last closing remark is the question of accountability. I want to urge our colleagues and friends in the county governments to be accountable for this money. I do not want to overemphasise, but to get this little money is like getting water from rocks because there are people who want to sabotage devolution.

That money must be used accountably. Counties must devolve their priorities for development and they must stick to the provisions of the fiscal responsibilities principles in the Public Finance Management Act which sets out how much minimum money should go to development. I think that is critical.

Sen. Sang: On a point of order, Mr. Temporary Speaker, Sir. Did you hear the Senator for Mandera County saying that there are forces and people who want to sabotage devolution? Could he substantiate and give the names and details of these characters who want to sabotage devolution?

Sen. Billow: Mr. Temporary Speaker, Sir, if he wants me to substantiate the obvious I will. A few days ago, he knows that this House had to go into mediation to get money for our hospitals which are without drugs, equipment and medicine. Those Members of Parliament (MPs) in the “Lower House” are an example of a group of people that is opposed or sabotaging devolution.

The hon. Senator knows some of the other members of the society in this country who do not hold devolution dearly. Devolution includes those institutions that have been mandated in the Constitution to protect devolution. One of them is this House. Our Senator should appreciate that the national Government, including the Executive do not hold this House in esteem and it is a fact. How would they allow the National Assembly to remove money provided for oversight of the Kshs259 billion? The National Treasury has the mandate to overrule a recommendation by the Budget and Appropriation Committee. These are all examples. If the hon. Senator wants me to go further, I can.

[The Temporary Speaker (Sen. Mositet) left the Chair]

[The Temporary Speaker (Sen. Ongoro) took the Chair]

Madam Temporary Speaker, I want to say that the Auditor-General is an example, the fact that he has not been sufficiently resourced to have auditors in every county and audit this money which we are sending, is an example of people not being committed to devolution. If we really want devolution, we should provide money to the Auditor-General so that he can have an office and workers in every county, so that we can have real time audit. What is happening today is that we are in June and the audit reports for the Financial Year ending 30th June, 2014, for the 47 county governments are yet to be published.

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I know the law requires that by December, audit reports should be published. The reason why he has not published those audit reports is because he lacks capacity. This is because the institutions of the Executive and the National Assembly have not allocated adequate funding. This is part of the sabotage. That is why we are getting these petitions; because of denying those institutions money; because the Auditor-General does not have the capacity to be everywhere every time.

Lastly, I want to say that although the people of Makueni County have opted for dissolution by filing a Petition for dissolution, we have been kind to them. We have included them in here. Ideally, a governor who insists that his county be dissolved does not deserve to get money. Why should he? If he wants his county to go home, he does not want to serve. However, we have been kind enough because there is a hearing going on. We have also provided money for that county.

Madam Temporary Speaker, with those few remarks, I want to ask our distinguished Senator for Makueni County to second this Bill.

Sen. Mutula Kilonzo Jnr.: Madam Temporary Speaker, I rise to second this Bill. This is possibly one of the only Bills that make the Senate very popular. If this was Christmas my Chair will be Santa Claus because we are now dishing out the money that they have been anxiously waiting for. Otherwise, nobody wants to hear of the Senate when we are discussing matters of accountability.

We are allocating revenue to counties against a backdrop of a lot of things which I want to highlight, so that as we ably support this Bill, we must tell the public that the bulk of the money has been left at the national Government. As I support, I want Kenyans to know how we are prioritizing these resources so that when they look into the eyes of the Members of the National Assembly, they ought to ask them, as Sen. Billow posed, do these people reside on trees or utopia?

They allocated the laptop Project Kshs17 billion, National Irrigation Kshs11.3 billion, National Youth Service allocation has been increased from the original Kshs6.3 billion allocated under Budget Policy Statements (BPS) to Kshs25 billion, parastatals which do not have any programmes that we have seen in the budget have this year received Kshs518 billion. Contingency Fund under the National Treasury was allocated Kshs5 billion. Contingency under the Ministry of Devolution was allocated another Kshs1 billion. The most popular and the flavour of the day, the Constituency Development Fund (CDF) was allocated Kshs35 billion. Leasing of medical equipment was allocated Kshs4.5 billion. The kitty for health under the national Government, was allocated Kshs59 billion. These are staggering figures.

Madam Temporary Speaker, as I support this Bill, it is unfortunate because we are actually just giving a rose with all the thorns. We must be honest that as we allocate Kshs259 or Kshs283 billion to counties, we must tell our people that they have been shortchanged by none other than their brothers and sisters in the National Assembly who do not think that they ought to get that allocation.

In fact, the monies that have been reduced in the schedules that are attached to this Bill include very important aspects. For example, village polytechnics will be

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affected by this reduction. The allocations to them are a drop in the ocean. We sometimes have to ask ourselves whether in the allocation of revenue, as we debate this very important aspect of division and county allocation of revenue, whether we have put priorities right in terms of counties.

We want to send a message to the counties that although we are sending them a drop in the ocean, all is not lost. From pronouncements made yesterday, I can see that we are on our way to Canaan. Sooner than later, the money will start flowing the way that it should. Counties have no excuse for spending the little pittance that we are sending them because we have now passed the regulations under the Public Finance Management (PFM) Act. They now have a formula of how they should send the monies to counties.

On the issue of ceilings on budgets, most of the issues have been solved. County assemblies have been told what to do. In fact, the Committee on Finance, Commerce and Budget has provided a formula in their request on whether they want extra funding. There should be no quarrels like the one witnessed in my county, Makueni County, where people are arguing whether the apples are red or the bananas are yellow.

Thirdly, Madam Temporary Speaker, we must tell counties that under Article 209, they have a mandate to raise revenue. So, as we are sending them this allocation under the County Allocation of Revenue Bill, they have an obligation to raise revenue. We are aware of infamous counties like Nairobi, Mombasa and others who are doing something called Appropriation-In-Aid (AIA). They receive and spend. As a result, a lot of money is being pilfered and misused, but there are no services at the grassroots.

I hope Governor Kidero is listening because Nairobi County has received the lion's share of revenue on roads. On page 105, National Urban Transport Improvement Project, Nairobi County, is the only one that has received an allocation of Kshs5.2 billion. If he is not listening, then somebody should tell him. I am glad that Sen. Sonko is here. In addition, Nairobi County has been allocated another Kshs1 billion for missing link roads and motorist transport. As Nairobi County is being favoured, we want to tell them that Kenyans living in Nairobi are tired of potholes, traffic jams and driving in a city that looks like a village. We are going to look out for these things.

Against the backdrop of what we are allocating, we want to tell the national Government that we are watching carefully. They have increased domestic borrowing as well as foreign borrowing. All these debts are impacting on the money that we are allocating to counties. They are spending money that they do not have. They have signed contracts in excess of the money they have been allocated. We are watching them carefully.

Madam Temporary Speaker, in the schedule on page 107 of this Bill, there are specific allocations given to Rural Roads Rehabilitation 2000 Programme. Five counties have been allocated these funds under conditional allocation. Embu County has been allocated Kshs100 million, Tharaka-Nithi County, Kshs300 million; Meru County, Kshs 200 million, Machakos County, Kshs180 million and Makueni County, Kshs220 million. We would like to see this money properly utilized. We do not want to hear, like we did this financial year, through the President and other sources that an allocation that has

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been given to Ministries for Development was not utilized for one reason or the other. If e-procurement is the way to go, and if that is the way Kenyans will get roads, we want to urge the national Government to implement it immediately.

Similarly, there are several counties that have been favoured for the allocations of sub-district hospitals, with an allocation of Kshs104 million. These are Mombasa, Kajiado, and Kisumu counties. We urge the Senators of these respective counties to follow up this money and ensure that it is properly utilized. Similarly, allocations for Roads 2000 Programme in Western Kenya; Kakamega, Bungoma, Vihiga, Busia and Siaya counties have been allocated Kshs614 million. There is no reason the people should drive on cattle tracks in pretence that they have roads in those respective counties that I have mentioned.

Allocation of national revenue to county governments with respect to hospitals is also here. We must find a method for the Senate to get these reports. This is because every year, including last year, we had such nice looking figures like flowers, but we do not have a method of checking or auditing what we call conditional grants to counties.

Madam Temporary Speaker, I urge the Chairperson of my Committee, to find a method that we can get reports. If Nairobi County has received Kshs6.2 billion for roads, for example, we should have a method as the Senate to find out how and where that money has been spent, where it has been allocated. If possible, the Senator for Nairobi County ought to be in a position to seek for these reports, whether on the Floor of this House or national Government and those specifics should be provided.

It is well and good to pass a Bill with such nice looking figures. However, at the end of the day, we ought to go to those respective places in Nairobi; whether it is in Kasarani or Kamkunji, to tell them that road is going to be tarmacked and then check how it is done. We have made proposals in the Public Audit Procurement Bill, where we said that contractors should be barred from procuring contracts where they have done shoddy jobs. The Senate and Senators of these respective counties can then take action against these people because we are tired of waiting, being undertakers and morticians. We want to deal with these people as we go along.

It is unfortunate that in this case, the County Revenue Allocation Bill, 2015, had contemplated that we would get money for county emergency funds. You saw what happened in Nairobi when it rained heavily. Our houses were flooded and people suffered. They are now unblocking drainages. What is so difficult about giving this money even if it is by conditional grant to the county government, so that the Senator seated here, can follow up? The people living in Kibera, Mathare, Kangemi or Kawangware can get those services directly from the people whom they have elected in the name of a county government? People should not go on their knees, like they would most likely have to do by going to the national Government to say, please, we are giving you our loyalty, now give us money. That should not be allowed.

Madam Temporary Speaker, let me highlight the offences under the PFM Act in Section 10 of the County Revenue Allocation Bill. We have heard endless stories which have now become bedtime stories, almost lullabies in counties about pilferage of funds.

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Not a single prosecution of an officer who has violated the PFM Act where they are supposed to be charged personally has been done. As we continue to allocate funds to counties, we must reinforce Section 10 of the County Allocation Revenue Bill. That is the reason we must continue telling our brothers and sisters in the National Assembly that they are cutting the branch which they are sitting on. At one time, they will pay for the mistakes that they are making in terms of the oversight role of this House.

In conclusion, I would like to state that we have come so far. Half way down the line, Kenyans are benefitting from devolution. We have allocated money to counties. We do not want to see what we saw in Bungoma where the Senate Minority Leader was on print and electronic media talking about a “sick hospital.” Eleven people had died in hospital beds because doctors there had not been paid. It is a tragedy because somebody in that county should be charged for murder. It cannot be business as usual when doctors take an oath and leave the people they are supposed to take care of to die.

Action ought to be taken because it cannot be normal that you can leave duty and leave the person you are supposed to treat to die because you have not been paid a salary. That is abdication of duty or criminal negligence. I am suggesting that these doctors who left people to die should take responsibility. Just like the people who have pilfered public funds, they should go to Kamiti and spend some time with criminals for them to know that public funds are not to be treated casually as they have been.

Madam Temporary Speaker, I hope when we do County Allocation of Revenue Bill 2015, we will not be lamenting about the same thing and pilferage of funds, but we will be talking about successes of devolution. We urge governors to use the Floor of this House to communicate about the successes of devolution so that we stop painting a picture of doom.

I beg to support.

(Question proposed)

Sen. Mositet: Asante sana, Bi Spika wa Muda, kwa kuniruhusu nichangie huu Mswada. Ni furaha kwetu sisi Maseneta kwa sababu tunajua kwamba jukumu kubwa tulilopewa na wananchi walipotupigia kura ni kuhakikisha tumepigania pesa zaidi ziende kule mashinani kama vile Katiba inasema.

Kama vile Mwenyekiti wetu, Sen. Billow, alivyosema, kweli safari ya kutafuta hizi pesa ilikuwa ngumu sana. Ni kama ile ya Musa ambapo ilimbidi apasue jiwe ndipo maji yakatoka. Ni kero sana kwetu na kwa wananchi hasa tukishajua pesa ambazo ni ngumu kupata zitatumika kwa njia mbaya.

Kaunti yangu ya Kajiado imepewa pesa zaidi ikilinganishwa na mwaka uliopita. Mwaka huu wa 2015/2016 watakuwa na Kshs4.4 bilioni. Itakuwa furaha yangu napia wananchi wa kaunti hiyo kuona zile pesa zimetumika vizuri ili kupunguza shida zinazowakumba. Ikiwezekena, viongozi wa daraja zote tushirikiane kabisa kupunguza hizi shida. Haifai watu kuanza kufikiria vile hizo pesa zitaendakwa mifukoni ya watu wengine.

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Bi Spika Wa Muda, ninapongeza Kamati hii kwa kufanya kazi nzuri kabisa. Imejitokeza waziwazi kwamba sio lazima Seneti iwe pamoja na *Intergovernmental Budget and Economic Council* (IBEC). Wacha timu ya IBEC wafanye mikutano yao, washauriane na waseme ni pesa ngapi zitaenda kwa kaunti. Dakika ya mwisho, walio na nguvu na uwezo wa kusema ni kiasi gani kitafika huko ni Seneti.

Wenzetu tunaowapenda na ambao pia walipigiwa kura kama sisi, waliona tulichofanya na wakasikia uchungu. Hata hivyo, hizi pesa zinaenda mashinani. Katiba inawapa nguvu na uwezo wa kuangalia jinsi zile pesa zinatumika kule mashinani. Kwa hivyo, tushirikiane tuone kwamba hizi pesa zinatumika kumaliza shida za wananchi. Tuone kwamba hospitali zina madawa na barabara zimetengenezwa.

Bi Spika wa Muda, safari ilikuwa ndefu lakini sasa tunaona tumefika kikomo chake. Hata kama tunahisi kwamba pesa hazitoshi, aghalabu ni vizuri kuna pesa zinazoenda katika kaunti zetu. Hii ndio furaha yetu. Ni jukumu la MCAs kutusaidia kufuatilia ili kuhakikisha kwamba matakwa ya wananchi yanatimizwa. Pesa ambazo wananchi walisema wangependa zitengeneze barabara, hospitali na shule za chekechea, waone kwamba zimetumika kwa shughuli hizo bila kupelekwa kwingine. Wachunguze iwapo wanapata thamani ya pesa zilizotengewa miradi kadha wa kadha. Isije ikawa mradi unasemekana ni wa Kshs5milioni, ili hali ni mradi ambao ungefanywa na kiasi cha Kshs1 milioni moja. Tunajua wana uwezo wa kufanya hivyo na pahali ambapo wanahisi hawana uwezo, basi waombe usaidizi wa Seneti.

Ingawa tumepokonywa pesa ambazo tulifikiria tungetumia kukagua miradi na kuhakikisha ufisadi hautafanya katika kaunti zetu, tutaendelea kuhakikisha pesa hizi zimetumika vizuri. Ninaomba Maseneta wenzangu, tusichoke kuomba kama jinsi mapadre wanavyofanya. Mimi ni Mkristo na ninajua wachungaji wengi huomba kabisa. Wakipata walichoomba wao hufikishia waumini wao. Nasi tuendeleo na hilo jukumu letu.

Bi Spika wa Muda, kuna Wizara ambazo zinahusika kwa utoaji wa misaada ya kusaidia katika miradi ya maji, afya na kadhalika. Ningeomba Wizara hizo kuwahusisha Maseneta ili wajue kwamba kuna wahifadhi ambao wangependa kuanzisha miradi fulani katika kaunti zao. Tukifanya hivyo, miradi yetu itafanywa kwa njia ya utaratibu.

Bi Spika wa Muda, baadhi ya kaunti zetu zina changamoto nyingi zinazoambatana na ufugaji. Kwa mfano, kuna magonjwa ya mifugo, hasa wakati huu wa masika ambao kumekuwa na mvua nyingi. Ni vizuri magavana na serikali zao watafute namna na kuhakikisha kwamba mifugo, hasa ng'ombe zinachanjwa vizuri na kutafutiwa madawa yanayofaa. Hatutaki kuona wanyama wetu wakifa kwa sababu ya magonjwa mbalimbali.

Ninawasihi magavana kutoka kaskazini mwa Bonde la Ufa, wahakikishe kwamba wametenga pesa katika bajeti zao kusaidia kilimo.

Tunajua kwamba mkaguzi mkuu wa pesa za Serikali hana uwezo wa kufanya ukaguzi katika kaunti zote. Hata hivyo, ninamsihi ajaribu kufuatilia pesa ambazo zitapelekwa mashinani na kuhakikisha zimetumika vizuri. Inafaa wajotelee kama wazalendo na wafanye kazi yao kama inavyohitajika. Hatutaki kuwaona wakiwa na vikapu vya kubemba pesa hizo ili wasionyeshe maovu katika kaunti zetu. Inafaa wajue

kwamba hizi pesa ni za wananchi. Uchunguzi wake utaonyesha kama pesa hizi zimetumika vizuri au kuna ufisadi fulani. Hata magavana wakipiga kelele, mwishowe ni yeye atakayekagua na kutueleza vile pesa hizo zimetumika.

Bi Spika wa Muda, ufisadi ndio ugonjwa mkubwa kabisa katika Taifa la Kenya. Tuna Katiba nzuri ambayo inaweza kutupeleka mbele na ambayo ni tegemeo la Kenya miaka za usoni. Lakini itakuwa tofauti kabisa ikiwa tutapigana na ufisadi na kuumaliza. Ningependa kuwaeleza viongozi wote, hasa ndugu zetu ambao wako katika Bunge la Kitaifa kwamba inafaa wajitahadhari ndivyo tuweze kuangamiza ufisadi. Inafaa ofisi kama ile ya mkakuguzi mkuu wa pesa za Serikali ipewe ufadhili wa kutosha. Itakuwa jambo la aibu kusema kwamba tunapigana na ufisadi ilhali ile ofisi ambayo ingetusaidia haipewi pesa za kutosha. Hivyo ni kusema kwamba wale wanaonyima hiyo ofisi ufadhili, wanataka ufisadi uendelee mbele. Lakini ikiwa tunawafadhili vilivyo na hawafanyi kazi yao, basi inafaa waondolewe mara moja kutoka ofisi hizo.

Inafaa sisi sote kama Maseneta kuhakikisha pesa hizi zimetumika vizuri. Ingwa tumenyimwa pesa za kufanya kazi hiyo, ni lazima tuendelee na kazi yetu. Tumekuwa tukifanya hivyo katika kipindi cha miaka miwili iliyopita na tutaendelea.

Bi Spika wa Muda, kwa hayo machache, niinaunga mkono.

Sen. Musila: Thank you, Madam Temporary Speaker, for this opportunity. I support this Bill on the County Allocation of Revenue. When the Chairperson of the relevant Committee, Sen. Billow, was moving this Bill he gave an example of Kitui County and said it has been allocated Kshs7.2 billion. I want to confirm that since this world was created this amount of money or even any amount near that figure has never been seen in Kitui County. Therefore, I applaud devolution because it is only through devolution that we can see resources devolved by the national Government.

Madam Temporary Speaker, you know as I know that in the past, the Government for the last 50 years of our Independence has been marginalizing certain counties. This is the only opportunity that we have that our counties can get funds to develop. Even when you look at the allocations at Schedule III, you can see the conditional allocations, the big figures are going to those counties that have been favoured in the past. Even this favouratism is still continuing using the 85 per cent funds that remained in the national Government.

If, for example, you look at the funds that have been allocated to the National Youth Service (NYS) which will be conducting projects in counties, they have been given over Kshs200 billion. This money is meant to develop counties. However, it will be disbursed from Nairobi. The counties to benefit from these funds will be chosen from Nairobi. We, as the Senate, this is the attempt we made to say that part of this money be sent to the counties so that those projects that are supposed to be implemented in the counties are implemented by the county governments. However, this proposal was rejected.

Therefore, already I am hearing that certain counties have been earmarked using these funds so that the NYS can justify having spend the money in counties and yet it is

the same marginalization that has gone on in the last 50 years that is being transferred to the NYS.

[The Temporary Speaker (Sen. Ongoro) left the Chair]

[The Temporary Speaker (Sen. Mositet) took the Chair]

Mr. Temporary Speaker, Sir, the county governments have been allocated money. However, we all agree that it is not sufficient. We have fought tooth and nail to increase the money to the little we have managed, but what I want to underline is the accountability. Even if it is little money that is going to the counties, we must emphasize accountability. I want to ask colleague Senators: Have you ever at a public rally tried to tell the people of your county how much money they have been allocated? If the Governor is present, the immediate reaction would be to object to your statement saying how much money has gone to the county.

This is because whenever funds go to counties, governors do not want the public to know how much money has been sent over there. Therefore, I urge my colleague Senators to make it a practice from now on to publish, for public consumption, all the monies that have been allocated to counties so that even members of the public can involve themselves in oversight.

We have been allocating money and keeping quiet. When it said that a county government has received much money, the first person to object is the governor. He will question why that money is being talked about. Then, he will go ahead to claim that the money has been used in doing certain things. We also want governors to publicly publish their expenditure. They should be accountable and show how much and where they have spent the money.

Madam Temporary Speaker, some governors have even resisted being summoned by---

The Temporary Speaker (Sen. Mositet): Order, Senator! I am not Madam Temporary Speaker.

Sen. Musila: I apologise for that, Mr. Temporary Speaker, Sir. I will be looking at you so that I do not make the same mistake.

Mr. Temporary Speaker, Sir, I have emphasised the issue of accountability. I have asked my fellow Senators to publish all the figures as we give out money. I promise that I will publish all the money that we have given to Kitui County Government since its inception to date. Members of the public along with the Members of County Assembly (MCAs) will assist me in ensuring that the money is properly accounted for.

Mr. Temporary Speaker, Sir, currently, we are undergoing problems of health facilities. I spent part of our recess in touring health facilities in Kitui County. I confirm, to the credit of the Kitui County Government, that I found drugs in all health facilities that I visited. Recently, we were told that health services will be returned to the national Government because certain things are missing in county governments.

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Mr. Temporary Speaker, Sir, during the last 52 years, how many strikes of doctors, nurses and medical technicians have we had because the national Government was not giving them this or that? Why do we make such a big hue and cry about one or two counties where things do not appear to be right? Health facilities are much better now than they were during the time when the national Government administered health.

Even roads are much better despite the fact that only 15 per cent is being given. You were an engineer of works and you know very well that roads are now much better in the devolved governments. We have Class “B” roads in Kitui County. For example, we have the Kibwezi-Kitui Road. We also have Class “C” roads. For example, Kabati-Bondoni Road and others which are now under the national Government. However, dare drive through those roads, you will never make it because they are not maintained. On the contrary, drive on roads maintained by the county government and you will see a huge difference.

Therefore, people who claim that devolution is not working are day-dreamers. They should know that when this Senate is in existence, no health services will be returned to the national Government. This is because Schedule Four clearly gives county governments the mandate to deal with health facilities. In any case, this Senate devolved that function.

Mr. Temporary Speaker, Sir, unfortunately, the Chairman did not talk about the Equalisation Fund. This is a Fund which was created by the Constitution to take care of the marginalised areas; Kitui County included. To date, no money has been released to the counties that were allocated. It is still held by the Treasury two years after devolution.

Mr. Temporary Speaker, Sir, I urge the Committee on Finance, Commerce and Budget to insist to the Treasury that the Equalisation Fund be released to counties that qualify so that work can be done. On the other hand, I said that we are not happy with the manner in which allocations were done to some chosen counties. Some counties which are marginalised were omitted. It is high time there is revision of the formula so that all counties that deserve are given funds.

Mr. Temporary Speaker, Sir, I talked about oversight by us which appears to be derailed. That is why I urge members of the public – through the information that we will give them on the monies that have been allocated to their counties – to insist on funds to be accounted for by county governments.

I have seen a trend with MCAs whereby even as late as now; two years since devolution started, they are still going on retreats for bonding. There should not be room for bonding. Bonding was to be done during the first few weeks. What remains is serious oversight. We must look with suspicion at any retreats which are labeled “Bonding between Governors and MCAs.” The season for bonding is over. We should be doing oversight.

MCAs should oversight counties so that all of us; MCAs, *wananchi* and Senators oversight funds because that is a lot of money. It will make a lot of difference. In my county, for example, if Kshs7.2 billion is properly utilised, many things will be done. As

we continue to fight for more resources to be devolved to the counties, with this amount properly utilised and oversighted, I am sure we will make headway.

Finally, Mr. Temporary Speaker, Sir, we discussed here about the Auditor-General. He, as of now, has not done a good job. We understand that he lacks funds and the personnel. However, how can you disburse many billions of shillings to counties, but you do not provide for oversight for that money?

(Sen. Orengo entered the Chamber)

Mr. Temporary Speaker, Sir, do you approve of Members who enter the Chamber and disturb the peace of the House?

(Sen. Orengo spoke off record)

The Temporary Speaker (Sen. Mositet): Order, Sen. Orengo! You are completely out of order.

(Laughter)

Sen. Musila: Mr. Temporary Speaker, Sir, I deserve to be compensated the minutes that I have lost as a result of disturbance by the Senator for Siaya County.

Mr. Temporary Speaker, Sir, I was decrying the inability of the Auditor-General to perform auditing of county accounts. As we all know, as of now, he has not reached many counties. We urge him to open offices in all county headquarters and ensure that all county accounts are audited so that this Senate can have a basis of knowing which governor is working, misusing or not misusing funds. Where misappropriation of funds is found, we want people to go to court.

Mr. Temporary Speaker, Sir, the other day, we saw very junior officers from county governments being taken to court. We want the “big fish” to go to court and answer questions. That is where corruption and misappropriation of funds has taken place.

Mr. Temporary Speaker, Sir, I beg to support.

Sen. Elachi: Thank you, Mr. Temporary Speaker, Sir. I also rise to support the County Allocation of Revenue Bill, 2015. We have seen this Senate go through mediation for this Bill to come.

Mr. Temporary Speaker, Sir, it is important for the county governments to understand that while the Senate allocates funds to them and the national Government remains with a huge sum, we expect them to provide quality services to people. Many years to come people should be able to appreciate why this Senate was the foundation of devolved governments.

Looking at the allocations, Nairobi County takes the lion’s share. But we know that if Nairobi County could collect revenue in a transparent and accountable manner, we

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would not even need to allocate them money. This is an issue that the Senate should start addressing. This will ensure that we allocate more money to other counties that we know are facing problems. Turkana County has been allocated a whopping Kshs10 billion. I hope that this money will not be used to just buy vehicles for the village elders. When we go to Turkana we should see a transformation of a county that is a receiving quite a huge sum of money.

Wajir County has been allocated Kshs7 billion. Let the Senate be bold enough because we allocate a lot of money, but whenever we go to the ground we feel very disappointed. This is because despite the money allocated, we do not see people coming out of poverty and marginalization. You will find a road of 24 kilometres being worked on by three contractors. This does not make sense. We have to be very bold because this is taxpayers' money. The money allocated should enable some counties to move to a level where people in those counties should never say again that they are marginalized.

I would like to address the Ministry of Devolution and Planning regarding the National Youth Service (NYS) and the money allocated to it. The activities of the NYS should be felt all over the country. If this happens nobody will complain. You will see young people being engaged all over the country. I also want to urge the governors to give the youth jobs. There is so much they can do to bring change.

Today in Nairobi, we are rushing to rehabilitate roads in preparation for the visit by President Obama. It is unfortunate that President Obama has to come for us to repair roads. They are even referring to it as "beautification for Obama." We are forgetting that everybody pays tax and, therefore, we must get services.

Sen. Orenge: On a point of order, Mr. Temporary Speaker, Sir. Is it appropriate for the Senator to refer to preparations for the visit by Obama when we know that when even our own President is going to Kakamega, the people of Kakamega are told to clean the streets and do everything possible to make the town clean? What is wrong with us trying to make our city better in preparation for the visit by President Obama?

Sen. (Dr.) Khalwale: On a point of order, Mr. Temporary Speaker, Sir. Is the Jubilee Senator in order to condemn beautification of Nairobi due to the forthcoming visit by Obama, when the entire Jubilee unanimously moved billions of shillings for beautification of Nyeri during the beatification of the nun there? Is she in order, given that when they moved those billions for that exercise they never sought for Parliamentary approval?

Sen. Elachi: Mr. Temporary Speaker, Sir, I am a Catholic. I am sorry to tell the Senator that we Catholics do not use public funds for beatification. Everything was done through the Catholic church and he needs to go and look at the records.

Regarding the preparations for President Obama's visit, I was just giving an example. It is unfortunate that we have to wait until there is a planned visit for us to do something, yet we know that Kenyans need services always. I am happy that Obama is coming. However, shall we be waiting for a guest to come before we rehabilitate our roads?

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Sen. Muthama: On a point of order, Mr. Temporary Speaker, Sir. Is the distinguished Senator in order to cite a road that is being repaired in preparation for the guest who is coming and forget that when President Uhuru is going to a small village, that is the time that the roads are repaired? If President Uhuru goes to a village that is one-and-a-half kilometres away from the main road, that is the only section that is graded and watered. Is she in order to forget that?

Sen. Elachi: Mr. Temporary Speaker, Sir, maybe it is the English language. Let me rephrase it. It will be unfortunate if our people can only get services when we have leaders or politicians visiting. Under the new Constitution, everyone has a right to a good road. Good roads should crosscut every county. It is not only the politicians who should have tarmacked roads to their homes.

Sen. (Dr.) Khalwale: On a point of order, Mr. Temporary Speaker, Sir. It is clear under our rules of debate that a Senator must be responsible for the factuality of whatever they state during debate. She has told us, and I am very happy to hear, that the beautification and clean-up of Nyeri was done and the Catholic Church actually paid for it. Could she support that statement with facts to demonstrate that it was not the Government of Kenya, or the county government, but the Catholic Church which did that good work? Otherwise, she will be misleading the House. Could she table the evidence to show?

Sen. Elachi: Mr. Temporary Speaker, Sir, before I table any evidence, he also needs to show us where the government spent its money because he is the one who brought the issue. That is why I defended my Catholic Church. He is the one who claimed that the Catholic Church used government funds. So, he should substantiate that. I will go to Bishop Njue, and bring the documents of the Catholic Church.

The Temporary Speaker (Sen. Mositet): Hon. Senators, Sen. Elachi is right that Sen. (Dr.) Khalwale started by saying that the Government used funds to do the beautification. So, it is upon him to substantiate.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, indeed, it is my responsibility, but again, may I remind the Senator that a Senator is not expected to substantiate that which is already in the HANSARD. It is in the HANSARD of this House that I rose and demanded for a Statement about the same for Obama, that the debate of Nyeri also arose. We were assured that if funds will be available then roads in Kogelo and Kisumu will be done in the same way that they were done in Nyeri. My understanding is that since that Statement came from the Government, they were confirming that, probably, the same efforts used in Nyeri will be used in Kogelo and Kisumu. I have substantiated.

The Temporary Speaker (Sen. Mositet): Hon. Senators, let us not dwell so much on that matter because her point was quite clear. She was trying to reinforce on how efficient the governors should be. They should not wait, for instance, for Sen. (Dr.) Khalwale to go to Kajiado so that the Governor for Kajiado can construct the roads.

Sen. Elachi: Mr. Temporary Speaker, Sir, if the Catholic Church hears this coming out of the Senate, they will not be happy because I know that every Catholic

faithful all over the country contributed to this. Sometimes it is good to do it, but remember that these are institutions which can feel disappointed.

When you look at the county allocation for 2015, we have demonstrated that we have money from donors which will go directly to the counties, but after the governors have agreed on the conditions. I know that most of the funds will go to the health sector. I hope that the Kshs1 billion that this House was denied for monitoring will be spent in the health sector. I thank them because I know it will do a better job in terms of monitoring and evaluation. Sometimes we have to sacrifice for some of these things. It is an issue that we have to carry forward as a Senate to ensure that when we come to 2016, we relook at all these issues. For example, how we moved on with the County allocation Bill. We have a formula that we rejected in the House; that needs to be relooked at so that we raise some of these funds.

Mr. Temporary Speaker, Sir, it is important for us, as Senate, whether we have funds or not, to start looking at the funds that go to the county governments. It is also important for us to ensure that while we look at the priorities of the counties, we take note of what is strategic for a county to move on. How shall we ensure that some of these counties can agree to sit together? Three or four counties can sit together so that they look at bigger projects that can benefit the people of those counties.

Today, I know that most of the resources will go to pay salaries. I can see that we have given some resources to Kisumu which has many challenges in terms of the staff who were seconded to them. It is something that the Senate has to look at. When we meet the Transition Authority (TA) we need to ask about this issue. We have a crisis of staff that were seconded to the county governments. This is something that the Senate has to look into and ensure that no Kenyan will suffer in terms of securing their job. Governors cannot be employing every time knowing very well that whoever is in a county is also one of their own. This is something that we must deal with because it is raising a lot of anxiety among the people. We have to deal with it.

Mr. Temporary Speaker, Sir, sometimes it is good to look at the issue of roads. We have a big challenge both at the national and county governments. It is good to come up with a committee both at the national and the county levels and look at how to ensure that the roads are good. Some of the roads have been destroyed by the water because of the rain. You find that there are gullies on the roads. They no longer look like roads; murrum needs to be put on them to make them passable. We are waiting to see the roads that the national Government said they would be built. I hope they will start so that we can see all these roads being done in a manner that every county will be a beneficiary.

When you look at the issue of irrigation; I remember that is why we were trying to remove some of the funds when we were mediating, we felt that there is money for irrigation yet for the last two years, we have not seen the benefit of that money. A sum of Kshs12 billion remains unutilized because they just spent Kshs3.05 billion.

These are some of the things that the Chairperson of the Mediation Committee who was from the National Assembly did in a very rude way. That is why there are conflicts because he never told the National Assembly what was proposed by the team.

All he did is that he became emotional and dealt with the report emotionally. This is something that is hurting because had he communicated it in the right way, then today even some Members would understand that something was not done in the right way.

It is something that the whole mediation team has promised to relook at come 2016. If they will not have spent that money, it will be unfortunate. We will tell them then that it is a bad joke. It is a joke to keep Kshs12 billion and spend only Kshs3 billion, yet they are doing nothing. They say: "Ooh, there is a new Ministry." We know there was a Ministry that was managing those resources before. If that Ministry could not, how sure are we that this new one will manage the same resources?

These are some of the things that the National Treasury needs to clarify. That is why the costing of every account is critical. It is something that we all run away from. The county governments have run away from the costing which would have helped us to understand where we have a deficit, the sectors where we have challenges and where we could draw this money and put in this sector. That is why even--

Sen. (Dr.) Khalwale: On a point of information, Mr. Temporary Speaker, Sir, I would like to thank Sen. Elachi for accepting to be informed. I want to inform her that there is no change by virtue of creating the new Ministry of Water and "something." The only thing that was added in that place was the Cabinet Secretary. Otherwise, the Principal Secretary, the deputy and everybody else were there in that particular department. So, there is no justification whatsoever. Therefore, I agree with you that we will hold them to account in 2016 because it is a joke.

Sen. Elachi: Mr. Temporary Speaker, Sir, since we now have a new Cabinet Secretary, I would want to see what will happen. I do not want to judge him now because he has just been appointed to the Ministry. Let us wait and see, maybe he will work differently. Perhaps, the other one was overloaded because environment and water are two huge sectors that cannot be dealt with together.

I beg to support.

Sen. (Dr.) Zani: Mr. Temporary Speaker, Sir, I stand to support the County Allocation of Revenue Bill, 2015. This is a very important Bill that we have to pass as the Senate that gives allocations for the counties. Most counties are looking forward to this allocation in terms of progress so that they can move on with the work that they are doing within the various counties.

Mr. Temporary Speaker, Sir, the equitable share of revenue raised that is being shared is Kshs259 billion together with conditional funds that amount to almost Kshs21 billion. As has been said by other speakers before me, we are talking about the portion that is given to the counties, but there is also a large portion of it, 85 per cent that has been given to the national Government.

It is also important to pinpoint some of the areas where a lot of money has been put in and to question the kind of structures that have been put into place early enough so that we can ensure that the collaboration and the hard work that counties are undertaking is also replicated within the national Government. If you are looking at a school feeding

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programme of Kshs1 billion, that is a lot of money. We need to quantify the schools in which this feeding programme has taken off, so that we have that data.

The employment of 5,000 teachers was allocated a whopping Kshs2.3 billion and CDF was allocated Kshs35.2 billion. There is a fund that has been mentioned as ‘orphans’ and it is not clear what that fund is for. It was allocated Kshs9 billion. Ongoing road construction has been allocated Kshs55.8 billion. We need to have these two parallel systems of development at county and the national level moving in such a way that is consistent because, at the end of the day, we are moving to build Kenya.

I want to look at the provisions of Article 5(3), which talks about the transferring of these specific funds that are going to be transferred from the County Revenue Fund. This is going to be assessed after meeting with the Cabinet Secretary. There will be reports and budget estimates that have to be made which are very critical and important. Article 7 of the Constitution, states that the National Treasury shall cause to be published a monthly report on the actual transfers.

This is where we have a big problem because most of these transfers should be streamlined through Integrated Financial Management Information System (IFMIS). However, for one reason or another, we are getting double coded messages. On one side, we are getting a message that IFMIS is running in the counties, but still there is a lot of money that is not being accounted for. We need to look at IFMIS programmes and find out what is happening, so that, at the end of the day, counties can be transparent about the amounts of money that are going in, the disbursements that are going out and what is happening.

I remember the Auditor-General’s report of millions and sometimes billions of shillings that have not been accounted for. Looking through the schedule, there is an encouragement because some of the 47 counties have more increment than others. For example, some counties do not have such a big increment, like Lamu have an allocation ratio of only 0.8 per cent. Other counties, for example, Vihiga, have an increment of allocation ratio of 1.49 per cent. That suggests a very slight increase. It is encouraging that all have increased, but some counties seem to have had a much larger increase. For example, a county like Nakuru at 1.12 allocation ratio, is experiencing Kshs1billion more than what they got in 2014/2015 Financial Year. That notwithstanding, at least each county has something substantial in its docket which can be used in various ways.

The Second Schedule is the conditional additional allocations to county governments from the national Government. These are funds that have been given comparatively looking at 2014/2015 Financial Year. Even in these estimates, they have an increase. When you look at the total condition allocation that has been given to the national Government and for Level 5 hospital for 2014/ 2015 Financial Year; we have specific counties which also exhibit increments. At that point, that money was specifically actually used for Level 5 hospitals. Each of those counties that had those Level 5 hospitals, including Embu, Garrisa and Kakamega have had an increase. Some have a bigger increase than others.

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The conditional additional allocations also spread across some very key areas. However, in some of the areas, there is no clear tabulation in terms of what provisions were made and what sort of indicators were used for the amounts that have been allocated. For example, there are a lot of variations on the conditional allocation for free maternal healthcare as well. The conditional allocation for compensation for user fees also varies from one county to another. We have the conditional allocation for leasing medical equipment and that is a constant fee.

Looking through, all counties have had increments, but, again, there are quite a lot of variations. For example, for a county like Garrisa, we have almost an increase from Kshs111 million to Kshs360 million for the two years. For Kiambu County, there is an increase from Kshs87 million to Kshs330 million. For Kisii, Machakos, Meru and counties are experiencing to a large extent very large increases.

Mr. Temporary Speaker, Sir, looking at the conditional allocation for free maternity, some counties are more advantaged. We do not know whether this depends on life birth rates for that particular county and, therefore, a larger allocation or this might be a historical allocation. It needs to be looked at. Kiambu County have Kshs224 million allocated to them, while Tana River County only has an allocation of Ksh19 million. Taita Taveta has an allocation of Kshs42 million. Kwale County, my county, has an allocation of Kshs104 million. Mombasa County which is also my county has an allocation of Kshs136 million. That sought of variation moving forward, needs to be supported from the budget office and from the Ministry, so that we know where those figures are coming from in terms of justifying them.

Looking at the conditional additional allocation to county governments from loans and grants, we see different patterns because different donors will be interested or not interested in particular counties depending on the interests they have. Again, we find that Meru and Nairobi County have a total allocation of above Kshs1 billion, almost hitting Kshs1.5 billion. The World Bank is financing county health facilities in specific counties and not in other counties. The Danish International Development Agency (DANIDA) has an equal spread. At the end of the day, there is quite a bit of variation. For Mombasa County, the allocation is Kshs131 million cutting across board, whereas, for other counties it is Kshs91 billion. So, again, this is a question of interaction between a particular county, Non-Governmental Organization (NGOs) or the particular projects that are going in those specific counties.

Mr. Temporary Speaker, Sir, looking at the conditional allocation for free maternal health care in the annexes, there are frameworks for the conditional additional allocation that have to be made to the Government and they are very clear. It is very imperative that these are processed properly so that the money gets to where it should. For example; preparing and operationalizing programme implementation guidelines so that right from the beginning, it is clear how these programmes are to be run. Submitting quarterly financial and technical reports also becomes clear, health facilities benefiting should be licensed at all the various the levels together with other provisions together with other provisions. For example, the funding must include budget estimates, the

allocation must be used for maintenance of county roads that is for the conditional allocation for road maintenance. The conditions are very clear. If adhered to, they can make it possible for the conditional funds to be used appropriately in the various sections.

Mr. Temporary Speaker, Sir, one of the things that was experienced in the preparation of the County Allocation of Revenue Bill in terms of the figures that were given at the various county level, also included the issue of ceilings that the CRA introduced, so that counties will control, manage and have a level of expenditure both capped at the county assembly level and at the county executive for those specific counties. This was going to be followed up by the Controller of Budget.

We realize that over time not all counties are going to have standard programmes. Many counties have differences, for example, some have very good drafters while other do not and, therefore, some have to use more money to train. Some counties have to think about equipping their offices, the issue of public participation and how to use the money, so that it can go up to the ward level effectively.

That sort of variation created a situation where counties begin to think about how they are going to interpret what they are going to receive and have it become useful for them within their particular counties. We went through that process very well with members of the various county assemblies represented by their clerks and speakers. Agreements have been made and they should be incorporated into the calculations, so that at the end of the day, not everything will have been allocated to them, but at least a proportion of 40 per cent of the recurrent budget is going to be reflected as additional money that is going to the counties specifically. All these proposals have been given, so that at the end of the day, operations and maintenance at the county level can be well run and projected.

Mr. Temporary Speaker, Sir, as I come towards the end of this, I want to say that it is very saddening that every time we go through this process of allocation, and as the other Senators who have spoken before me have said, we are very happy to give money to the counties. I remember that today, as I was sharing a lift with the Members of Parliament, they said what is very important is to keep harping on oversight on the little money that is there. For example, in the case of Mombasa County, a lot of the money has gone into recurrent expenses. Development expenditure seems to be overstretched.

Therefore, a meaningful socio-economic development that we hope to be happening at the county level has not been seen. However, even with the little that has gone in there, it is possible to vet and use that money properly. As long as you are a public officer, nobody should feel as though their personal integrity has been hurt because they have been asked to account, because that is what is expected.

It is also important to note, as Sen. Elachi said, that in many other counties, initiatives can actually be made now to ensure that they find ways and means of raising the revenue, so that the money can be used appropriately. I know that for the case of Mombasa County, we have been having the case of the port, because when it comes to looking at the port and deciding that this is revenue at the county level, national interests

also come in. This complicates issues and it needs to be looked into, so that where a resource is tried within a particular county, it can be used effectively for that county.

I am happy that we have finally consolidated the formula that was given by the CRA; we need to bring everything together in a meaningful way and look at the variances between what was proposed within the counties and also make provisions within the Committee on Finance, Commerce and Budget, to improve what was given to those specific counties.

Mr. Temporary Speaker, Sir, as I finish, the future for this country is very bright, but it will depend on what we do with the money that is allocated, Kshs259 billion and Kshs21 billion as conditional allocation to counties is not little money.

I was looking at a brief report on a visit that was done to Mandera and Garissa counties and documentation of the changes that have taken place. For the first time, there are women who are able to give birth in a hospital because that hospital has been brought closer to them. There is a Kenyan out there who is just looking forward to having these funds used. Let the funds never be used in vain. Let this money be put where it should. I urge the Senate, even as we continue with our fight for oversight, that we do not relent because if we leave this process purely to county assemblies, it will be very difficult.

I have always said on this Floor that I admire Kenyans because they are part of that process that came up with a Constitution that was very rigid. In their wisdom, they created a Senate that would oversight the counties. We cannot abandon that responsibility. We will have to find ways and means and keep pushing at it. I remember that some of the Members that I was talking to in the afternoon, said that at any public *baraza* or meeting, we should not shy away from standing on the platforms to ask how the amount of the money allocated has been used and encourage public participation.

Sen. Ongoro: Thank you, Mr. Temporary Speaker, Sir. I rise to add my voice in support of this Bill. I would like to remind us all and the Governors who are going to be the main custodians of these funds that they need to relook at the Constitution, specifically the provisions that were given on devolved units. It should be a matter of priority for every governor to, probably, print in bold Article 174 of the Constitution and have it pasted in his office, if not for anything, but to help him remind himself about the objects and principles of devolved governments. As he executes and runs the affairs of his respective county, he will constantly remind himself of the responsibility that has been bestowed upon him, not only by his people, but by Kenyans.

It is, indeed, very sad that in this House, we have considered certain issues of priority emanating from some counties, but leave a lot to be desired in terms of priority expenditure. Devolution was meant to decentralize power and resources to the people, improve the welfare of the people at that grassroots and take governance closer to the people. It was not meant to be a fortified institution benefiting a few people and creating dynasties. Because of that, I speak on behalf of many Kenyans who support devolution.

In spite of all the good tidings that are coming from devolution and the development that is being experienced, especially in areas that have not experienced this before, we must be wary that during this political dispensation, we are dealing with

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devolution, institutions of county governments and governors for the first time. We must be very watchful and careful. That is why, yesterday as we were interrogating the monies that were transferred to counties, I was very concerned that a transfer was made from a system like the IFMIS that is meant to help this Government to ensure that all the funds that we are devolving to the counties are well spent.

Mr. Temporary Speaker, Sir, Senators have interrogated the enhanced budgetary allocation to various counties, especially there was a mention on Nairobi County. I am interested in that because all of us from time to time, for one reason or the other, find ourselves either as residents or transiting through Nairobi. As a person with a lot of interests in Nairobi County, I want to bring to the attention of Kenyans that it should not be lost to us that Nairobi is a host county. The population of Nairobi during the day surges to about 5.4 million and reduces to about 3 million at night. Therefore, looking at the population alone, it means that all the public utilities in Nairobi are overstretched and outstretched.

Nairobi County is the window that every visitor either gets attracted to Kenya or is repulsed. So, the burden and the responsibility on the shoulders of those responsible to develop and ensure that service delivery in this county runs smoothly is quite enormous. I appreciate that there has been an enhanced funding here totaling to about Kshs6.2 billion that will go towards infrastructure. However, if you consider that against the fact that Nairobi County is actually the county that gives this country more than 60 per cent Gross Domestic product (GDP), then you will still find that it is an under funding.

Mr. Temporary Speaker, Sir, as I was going through this Schedule, I was attracted to page 82 again just to emphasize my point. For example, when you are considering allocation ratio on maternity deliveries, look at Nairobi County at Kshs7.04 billion, considering that it is almost triple most other counties.

As we interrogate this, sometimes we need to consider certain counties that are bearing the greatest burden of hosting and enhancing development. Having said that, with this enhanced budgetary allocation, I would expect all counties, Nairobi included, that we are not going to experience, for example, what we have experienced this year in terms of flooding, blocked drainages and every other thing that comes with increased population in Nairobi.

Considering again that we are now talking of just about Kshs259 billion compared to the more than Kshs2.2 trillion amount that the Budget was dealing with, it is a drop in the ocean. However, if you want to know why even as we want to open the Constitution to fight for and support increased funding to counties, we should look at what this small percentage of money is able to do at the grassroots against the Kshs2.2 trillion that remains with the national Government.

Anybody resisting an increased funding to counties has not interrogated this Budget properly. This is because the deliverables that we are getting from devolution in spite of the teething problems that we are experiencing against the backdrop of what is remaining with the national Government, it cannot be overstated that devolution is appealing, it is a success story and that this is the way to go.

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In conclusion, because I feel other Senators need to have the opportunity to also support this – I take this opportunity on my behalf and that of the Senate, to apologise for having dragged the name of such an honourable institution like the Catholic Church which is the bedrock of Christianity, development and welfare support not just in this nation, but worldwide. It was not in bad faith. In case there was anything that was not properly considered in mentioning the Church I apologise again. Let the Catholic Church know that we, as Kenyans and as Christians, appreciate the role that they have played in enhancing Christianity and the welfare of Kenyans.

Mr. Temporary Speaker, Sir, let me also state that this is the third year that we are now considering this. Systems have now been strengthened. Come next year, governors and county governments should know that this House is going to have better systems to interrogate their expenditure. We are going to be stricter. We have already seen certain trends that are emerging from counties.

We have realized that while other counties are performing, we might actually want to come up with a Bill that will compel an indication of performance and usage that will be made public from time to time through the Senate.

I beg to support.

Sen. Ndiema: Mr. Temporary Speaker, Sir, I support this Bill that seeks to apportion revenue available to the 47 county governments. The amount of money that is available to the counties is still a far cry from what the counties require. A figure of Kshs259 billion out of a budget of Kshs2 trillion is still small considering that this money that is going to the counties is money that is going to the grassroots or directly to the people of Kenya who we represent in this House. When we talk about the Constitution, it gives sovereignty to the people and that authority is exercised through the elected leaders.

If all Kenyans were to be asked how much money should go to the counties, certainly it would not be the figure we are talking about. Nevertheless, the Senate has tried all it could as the defender of counties to safeguard and ensure that they get what they deserve. We may not have succeeded in getting what we needed, but certainly the counties are going to get more than what they got last year. This is not to say that we are complacent. I believe that come next year we should be able to raise this figure by all means even if it means having some constitutional amendments to ensure that counties get their share.

Mr. Temporary Speaker, Sir, the formula for distribution of funds to the counties is a formula that we inherited when we came to this House. Next year, we should be able to come up with our own formula that will ensure more equitable distribution of resources. In the first year, the formula may have been appropriate. However, since the funds have kept increasing, the gap between the county that receives the highest amount of funds and the lowest is widening. We should consider other parameters to ensure that the gap is lessened.

When we look at the estimates of expenditure as expounded by the Cabinet Secretary, it is evident that there are more funds being taken away from functions which

are deemed to be devolved. I should be excused to cite agriculture because it is the mainstay of the economy of the people of Trans Nzoia.

Mr. Temporary Speaker, Sir, this year we struggled to get funds to purchase grains. We spend quite some money to provide fertiliser and purchase grains. However, the funds were not adequate. In the Budget Estimates which were read, you will be surprised that the amount has even been slashed further. That, therefore, means that there is an indication that counties will eventually have to take up this responsibility. Agriculture is devolved yet resources have not followed the functions.

Mr. Temporary Speaker, Sir, we have seen the inadequacy in the health sector. We have made some attempts to ensure that referral or Level 5 hospitals are assisted. In the same vein, certain counties have certain responsibilities to the nation. Trans Nzoia County has a responsibility to feed this nation. That function has not been considered. It should be considered over and above what is equitable share.

If we were to spend money allocated to Trans Nzoia County to purchase maize and fertiliser, even the Kshs5 billion allocated to it would not be enough. It would all go. Therefore, in next year's budget or allocation of revenue should consider a formula that takes care of each county's contribution to the Gross Domestic Product (GDP) and other functions.

Mr. Temporary Speaker, Sir, I am glad that in my county, at least some increase has been realised from last year's figure of about Kshs3 billion. Now, we are at Kshs5.4 billion. That is a modest increase, but nevertheless, we appreciate. We urge those who manage the funds in the counties to ensure that there is prudence and accountability in the manner in which the money is spent. Unfortunately, we are inhibited, through denial of funds, from exercising our oversight authority. We may not do it the way we were expected to do.

This is worsened by the fact that the Auditor-General has also not been facilitated enough to oversight these funds. However, I call upon those who execute or use these funds to exercise prudence for the betterment of the people. I also urge county assemblies to take their responsibility of oversighting seriously. If they have any problem, they should not hesitate at all to petition the Senate. We have seen today some *wananchi* themselves petitioning the Senate over issues of accountability.

Mr. Temporary Speaker, Sir, looking at the amount of loans and grants, what we are seeing increasingly is that the Government is resorting to borrowing more and more. It is the same taxpayer, residing in a county, who pays. It is very important that loans or even grants obtained from wherever they are obtained from also are subjected to equitable allocation. This is because when you look at the loans and grants, you will see that some counties get more than others. My county is only getting Kshs11 million while others get more.

This is not fair because these are also national resources. At the end of the day, it is the nation which pays the loans. It is, therefore, important that grants and loans also be submitted to this House, the Senate, because this is a House where we ensure that counties are treated in an equitable manner.

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Mr. Temporary Speaker, Sir, I am glad that some allocation has been made as Conditional Fund to cater for maternal health care and so on to compensate counties for fees foregone in terms of maternal health care. However, I urge that these funds be released in time. Previously, there has been delay. Therefore, the purpose for which they were allocated is defeated.

Mr. Temporary Speaker, Sir, the 15 per cent Fuel Levy fee for counties is very little.

The Temporary Speaker (Sen. Mositet): Order! Sen. Ndiema, when the Senate resumes tomorrow, you will still have five minutes.

ADJOURNMENT

The Temporary Speaker (Sen. Mositet): Hon. Senators, it is now 6.30 p.m., time for interruption of the business. Therefore, the Senate stands adjourned until tomorrow, Wednesday, 17th June, 2015, at 2.30 p.m.

The Senate rose at 6.30 p.m.